

CHAPTER 85-04-05 PUBLIC ACCESS AND USE

Section

85-04-05-01	Vehicular Access
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85-04-05-01. Vehicular access.

The use of vehicles on trust lands is prohibited, except:

1. Within thirty-three feet [10.06 meters] of section lines;
2. As allowed by the terms of a lease, permit, or easement issued by the board;
3. When used for travel on a public road easement issued by the board;
4. When used by government personnel in the performance of official duties; or
5. When hunting under a special permit issued by the director of the North Dakota game and fish department to shoot from a stationary vehicle and with written permission from the lessee and commissioner.

History: Effective January 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 20.1-02-05(10)

85-04-05-02. Public access.

1. Nonvehicular public access to leased and unleased trust lands is allowed, if in the best interests of the trusts, unless:
 - a. Specifically prohibited by the commissioner; or
 - b. The lessee posts the land with signage issued by the department, which:
 - (1) Requires notification to the lessee before entry by the public; or
 - (2) Closes the trust lands to all public access.
2. Lessee may not lease, sell, or otherwise be compensated for access to, on, across, or over leased trust lands.

History: Effective January 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 15-02-05

85-04-05-03. Prohibited activities.

The following activities and items are prohibited on trust lands:

1. Target shooting, explosives, and exploding targets;
2. Camping, picnicking, or campfires;
3. Unattended hunting blinds, tree stands, and screw in steps;

4. Baiting to attract, lure, feed, or habituate wildlife for any purpose. Bait includes grains, screenings, minerals, salt, fruits, vegetables, hay, or any other natural or manufactured feeds. Bait does not include the use of lures, scents, or liquid attractants for hunting;
5. Disturbing or removing artifacts or any cultural, historical, archeological, or paleontological resources found on trust lands without written permission from the board;
6. Disposing of refuse, including garbage, bottles, cans, trees, branches, or other waste materials;
7. Dog training;
8. Metal detecting;
9. Guiding and outfitting;
10. Collecting plant parts for sale or other commercial purposes;
11. Trapping, unless authorized in writing by the commissioner;
12. Tree cutting and firewood gathering, unless authorized in writing by the commissioner; and
13. Beehives, unless specifically authorized in a surface land lease.

History: Effective January 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02, 15-02-05, 15-04-18, 15-04-20, 20.1-03-42, 55-02-07, 55-10-09

85-04-05-04. Organized event.

Upon written request, the commissioner may allow by written agreement or permit, an organized event involving public access or activity on trust lands if the event:

1. Is an appropriate use of trust lands;
2. Does not damage trust lands;
3. Does not negatively impact the value or financial return of the trust lands in violation of the board's fiduciary duty to the applicable trusts as determined by the commissioner;
4. Protects the state of North Dakota from liability and other claims for damage; and
5. Has been approved by the current surface land lessee, if leased.

History: Effective January 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15-01-02