

CHAPTER 30-02-03

OPERATION OF PRIVATE GAME BIRD SHOOTING PRESERVES

Section

30-02-03-01	Lease Required
30-02-03-02	Location of Preserve
30-02-03-03	Application and Fees
30-02-03-04	Prerequisites [Repealed]
30-02-03-04.1	Maximum Area of Shooting Preserve
30-02-03-05	Number of Game Birds Released
30-02-03-06	Rearing Game Birds [Repealed]
30-02-03-07	Operation of Shooting Preserve [Repealed]
30-02-03-08	Quality of Birds
30-02-03-09	Birds to Remain Unharvested [Repealed]
30-02-03-10	Season Length [Repealed]
30-02-03-11	Hunting Wild Upland Game Birds
30-02-03-12	Cost of Game Bird Tags [Repealed]
30-02-03-13	Report Required
30-02-03-14	Sale of Surplus Game Birds
30-02-03-15	Revocation of Permit [Repealed]
30-02-03-16	Violations Are Noncriminal
30-02-03-17	Recordkeeping Requirements

30-02-03-01. Lease required.

If the applicant is not the owner of the land, a copy of any lease of lands contained in the shooting preserve area must be filed with the application.

History: Amended effective December 1, 1982.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-02

30-02-03-02. Location of preserve.

No shooting preserve operating permit shall be issued for any area less than one mile [1.61 kilometers] from the exterior boundaries of a planned or approved state or federal wildlife area, public hunting ground or refuge which is managed in whole or in part for game birds indigenous to the area.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-02

30-02-03-03. Application and fees.

The application must be made at least sixty days before the desired effective date of the permit, and may be made by the applicant, the applicant's agent, or the applicant's attorney in such a form as the director may prescribe. If leased land is used in the shooting preserve, the application must be accompanied by a surety bond of two thousand dollars. The permit expires on June thirtieth following the date of issuance. Renewal may be granted annually upon payment of the proper fee and renewal of any surety bond that may have expired or shall expire before the end of the next permit term.

History: Amended effective September 1, 1987; April 1, 2006.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-03-12, 20.1-12-02

30-02-03-04. Prerequisites.

Repealed effective December 1, 1982.

30-02-03-04.1. Maximum area of shooting preserve.

Except for permitted shooting preserves operating prior to January 1, 2009, no individual, corporation, or business association may operate or own any interest in one or more shooting preserves with a comprised total of more than six hundred forty acres.

History: Effective April 1, 2009.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-08

30-02-03-05. Number of game birds released.

A minimum of one hundred birds of each species permitted to be hunted on the shooting preserve shall be released during the shooting preserve season. Fewer birds may be released upon written permission of the director.

History: Amended effective December 1, 1982; April 1, 2006; April 1, 2009.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-04

30-02-03-06. Rearing game birds.

Repealed effective April 1, 2006.

30-02-03-07. Operation of shooting preserve.

Repealed effective December 1, 1982.

30-02-03-08. Quality of birds.

All game birds shall be of high quality stock, fully feathered, and not less than twelve weeks of age at time of stocking. They shall not be beaked more than a quarter-inch [6.35 millimeters], and not less than two weeks prior to release.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-08

30-02-03-09. Birds to remain unharvested.

Repealed effective September 1, 1987.

30-02-03-10. Season length.

Repealed effective December 1, 1982.

30-02-03-11. Hunting wild upland game birds.

If a species of wild upland game bird other than those allowed by the shooting preserve operator's permit is taken by any hunter out of season, or by a hunter not in possession of a proper small game stamp when in season as proclaimed by the governor's proclamation, a violation of the game laws will have occurred. It is the duty of the shooting preserve operator to report to the director or the director's representative any violation of a game law occurring on the shooting preserve. Wild waterfowl may only be taken in a manner conforming to federal regulations.

History: Amended effective September 1, 1987; April 1, 2006.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-08

30-02-03-12. Cost of game bird tags.

Repealed effective April 1, 2006.

30-02-03-13. Report required.

The shooting preserve operator shall submit a report of the operator's operations thirty days after each shooting preserve season. The report shall be made on forms furnished by the game and fish director.

History: Amended effective December 1, 1982; April 1, 2006.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-07

30-02-03-14. Sale of surplus game birds.

Game birds which are surplus to the needs of the shooting preserve may be sold by the operator under the operator's game propagator's permit. Carcasses of birds to be disposed of must be tagged with a tag as required in North Dakota Century Code section 20.1-09-05. The tag shall be separate and distinct from the tag used for birds taken on the shooting preserve. Tags for bird carcasses may be obtained from the director at a cost of ten cents each. Live birds may be sold only to another licensed shooting preserve operator or to a person holding a permit to propagate game birds. Accurate records of such sales must be kept.

History: Amended effective April 1, 2006.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-08

30-02-03-15. Revocation of permit.

Repealed effective December 1, 1982.

30-02-03-16. Violations are noncriminal.

Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)

30-02-03-17. Recordkeeping requirements.

The shooting preserve operator shall maintain records of bird releases to include date, number, and species; clients; the number of birds harvested both wild and released per client; number of wild birds kept per client; the total number of wild birds harvested; and the combined total of all birds harvested. At no time may the total number of birds harvested, excluding birds taken pursuant to a lawful season, exceed the number of birds that have been released in the current season. The total of wild birds kept by clients may not at any time exceed twenty-five percent of the total wild birds harvested. Other than those wild birds allowed to be retained by a client, the shooting preserve operator shall deliver to the department all wild birds harvested. The operator may comply with this requirement by freezing the birds at the operator's own premises and notifying the district game warden for the operator's area that the birds are available for pickup. Those birds stored shall be labeled by date killed and name of client

harvesting the bird. All birds, including wild birds, harvested and kept by clients must be tagged as required by this chapter.

History: Effective April 1, 2006.

General Authority: NDCC 20.1-12-08

Law Implemented: NDCC 20.1-12-06