

CHAPTER 30-03-06 AQUATIC NUISANCE SPECIES

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30-03-06-01. Equipment.

Upon entering or leaving any water body or while in transit, all watercraft, watercraft motors, watercraft trailers, docks, boatlifts, and recreational and commercial equipment used in fishing, hunting, and watercrafting or construction must be free of prohibited or regulated aquatic nuisance species, as defined in the state's aquatic nuisance species list. Any person in violation is guilty of a class B misdemeanor under North Dakota Century Code section 20.1-17-09.

All equipment is subject to inspection by a North Dakota game and fish department employee. Any inspected equipment that is not free of prohibited or regulated aquatic nuisance species may not enter any waters of the state until approved by the department. Any person in violation is guilty of a class B misdemeanor under North Dakota Century Code section 20.1-17-09.

All commercial barges and ferries or construction-related equipment traveling into the state or for which the vessel's last exit was from a class 1 infested water body must be certified free of aquatic nuisance species by the department before entering into a water of the state. Any person in violation is guilty of a class B misdemeanor under North Dakota Century Code section 20.1-17-09.

All docks, lifts, and related equipment must be dried and left out of the water for at least twenty-one days before they may be placed in another water.

History: Effective April 1, 2008; amended effective October 1, 2020; April 1, 2023; April 1, 2024.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-04

30-03-06-02. Aquatic vegetation definition.

Aquatic vegetation includes all obligate submergent species of aquatic plants.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-03. Aquatic vegetation prohibited.

No aquatic vegetation, or parts thereof, shall be in or on watercraft, watercraft motors, watercraft trailers, and recreational, commercial, or construction equipment when out of water. Watercraft and recreational, commercial, or construction equipment on lifts suspended above the water from which they originated are excluded. Time out of the water needed to clean aquatic vegetation from the watercraft, watercraft motors, watercraft trailers, and recreational, commercial, or construction equipment at the immediate water access area (e.g., boat ramp) is allowed. All built-in structures to boats, including livewells and bait compartments and containers used to transport legal live bait, must be free of aquatic vegetation.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-04. Aquatic vegetation transport.

No person may transport any aquatic vegetation to or from any waters of the state without approval from the director. No person may transport any aquatic vegetation into the state.

History: Effective April 1, 2008.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-05. Water prohibited.

1. Refer to the North Dakota game and fish department website for a listing of state waters infested with class I prohibited aquatic nuisance species. Fish transported and held in or on ice are allowed.
2. All water must be drained from all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, livewells, and baitwells, when out of water or upon entering the state. Water used for instate transportation of legal live bait and legal live baitfish in bait buckets no larger than five gallons in volume is allowed to and from waters of the state not designated as infested with class I prohibited aquatic nuisance species. Refer to the current fishing proclamation for legal live bait and legal live baitfish definitions. Potable water and sewage water are excluded from this restriction.
3. Water may not be transported away from waters of the state designated as infested with class I prohibited aquatic nuisance species or imported from another state unless permitted by the department of water resources or otherwise authorized.
4. All drain plugs that may hold back water must be removed, and water draining devices must be open, on all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, during any out-of-water transport of same.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2016; April 1, 2016; April 1, 2023; April 1, 2024.

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

30-03-06-06. Inspections.

Repealed effective October 1, 2010.

30-03-06-07. Penalty.

Any person violating a provision of this chapter for which a penalty is not specifically provided, except subsection 3 of North Dakota Administrative Code section 30-03-06-05, is guilty of a noncriminal offense and shall pay a one hundred dollar fee. Any person violating subsection 3 of North Dakota Administrative Code section 30-03-06-05 is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2016; April 1, 2024.

General Authority: NDCC 20.1-02-05(22)

Law Implemented: NDCC 20.1-02-05(22)