

**NORTH DAKOTA GAME AND FISH DEPARTMENT
BAIT VENDOR LICENSE INFORMATION AND REGULATION SUMMARY**

BAIT VENDOR LICENSE DESCRIPTIONS

RETAIL BAIT VENDOR RULES SUMMARY

WHOLESALE BAIT VENDOR RULES SUMMARY

1. **Retail Bait Vendors License** (\$15) is an annual license to sell legal live aquatic bait (excluding white sucker) at retail only at one specified selling location. A licensee may not import live aquatic bait into the state without first obtaining a permit from the director (issued monthly; free of charge).
2. **Retail Bait Vendors License with white sucker** (\$75) is an annual license to sell legal live aquatic bait, to include white sucker, at retail only at one specified selling location. A licensee may not import live aquatic bait into the state without first obtaining a permit from the director (issued monthly; free of charge).
3. **Resident Wholesale Bait Vendors License** (\$50) is an annual license to sell and/or trap legal live aquatic bait at wholesale. A licensee may trap North Dakota waters with Department approval. This license includes ten tags to mark bait-trapping equipment. A tag must be affixed to each trap used by the licensee. Upon request (by application), the department shall issue additional tags to a licensee at a cost of five dollars per tag. A licensee may not import or export live aquatic bait without first obtaining a permit from the director (issued monthly; free of charge).
4. **Non-Resident Class A Wholesale Bait Vendors License** (\$500) is an annual license to sell and/or trap legal live aquatic bait at wholesale. The license includes ten tags to mark bait-trapping equipment. A tag must be affixed to each trap used by the licensee. Upon request (by application), the department shall issue additional tags to a licensee at a cost of five dollars per tag. The annual Class A license also allows the licensee to trap in North Dakota waters upon Department approval. The Class A license allows the import and export of approved aquatic bait, with a permit from the director (issued monthly; free of charge). **A non-resident may hold a Class A license if the Non-Resident's state of residence provides the same privilege for residents of North Dakota.**
5. **Non-Resident Class B Wholesale Bait Vendors License** (\$250) is an annual license to sell legal live aquatic bait at wholesale. The Class B license allows a nonresident to transport aquatic bait with appropriate import or export permits (issued monthly; free of charge). A non-resident holding an annual Class B license to sell minnows or other live aquatic bait at wholesale may not trap bait.

RETAIL BAIT VENDOR RULES SUMMARY

(Listed below is a summary of the retail bait vendor regulations)

Licensing:

A license is required for the possession of more than the limits of legal live aquatic bait as described in the current fishing guide (which can be found on the North Dakota Game and Fish Department's website).

Retail Bait Vendor (retailers) licenses are issued for a calendar year to one person only. The holder of a retail bait vendor license may sell live aquatic bait at retail only, at one specified selling location per license.

All licenses must be publicly displayed on the business premise.

Business names must be displayed on both sides of any vehicle used to transport live bait.

Any licensed bait vendor who violates state or federal game or fish laws may result in license denial, suspension or revocation.

Legal Live Aquatic Bait:

Legal live aquatic bait are leeches, native frogs, salamander and crayfish species, and the following live baitfish species: fathead minnows, white suckers, creek chubs, rainbow smelt and brook sticklebacks. All other species of live aquatic bait are illegal. Licensed bait vendors may take (must be killed immediately) and possess up to 50 gallons of rainbow smelt annually.

Take:

Retailers may take legal live aquatic bait with a seine not exceeding twenty-five feet in length and six feet in depth or with a trap (licensee must be present), not larger than thirty inches in length, twelve inches in diameter, with a throat opening not to exceed three inches in diameter or width. Mesh size shall not exceed one-half inch square measure. The owner's name, city, and telephone number or the customer equipment registration number issued by the department must be attached to the fish trap.

Licensees shall not be permitted to take legal live aquatic bait from waters managed as recreational fisheries without a permit issued and in the manner approved by the Director; waters designated by the department as infested with prohibited or regulated aquatic nuisance species; the United States Fish and Wildlife Service's Wildlife Development Areas, Waterfowl Production Areas or refuges; or the Department's Wildlife Management Areas, and any waters that have been licensed as a private fish hatchery in the past three years. Exception: rainbow smelt may be taken from the Missouri River System.

Possession:

A licensee may possess only legal live aquatic bait. Other species caught must be returned to the water immediately.

Persons commercializing in or transporting live aquatic bait shall always use equipment capable of maintaining live bait in a health and lively condition (except for rainbow smelt which must be dead when transported). Each species of legal live aquatic bait must be kept separate from other species of legal live aquatic bait holding and in transport equipment. The premises and equipment used to capture, transport, or hold, and shipments of all persons commercializing in legal live aquatic bait shall be open to an inspection at any time.

It is illegal to import live aquatic bait into the state, except for white suckers, creek chubs and leeches. A permit is required to import and export live aquatic bait (to include by means of common carrier). It is illegal to transport live aquatic bait through the state unless approved by the Director. Permit applications must be received and approved by the director a minimum of forty-eight hours prior to any planned interstate movement of live aquatic bait. There is no fee for an import/export or transport permit.

Stocking of any live fish, live fish eggs, live amphibians, or other live aquatic organism into any waters of North Dakota shall be illegal except with an appropriate stocking permit issued by the Department.

Aquatic Nuisance Species (ANS)

Retailers must keep all aquatic vegetation and aquatic nuisance species out of bait tanks at their point of sale.

All licensees' equipment used for transporting legal live aquatic bait must be free of aquatic nuisance species. Water used to transport legal live aquatic bait into the state must be from a potable or groundwater (well) source and shall not contain any aquatic vegetation.

Records:

Retailers shall keep current receipts of purchase at the retail licensee's point of sale for the calendar year in which they are licensed. Purchase receipts must be open to inspection by the Department.

WHOLESALE BAIT VENDOR RULES SUMMARY

(Listed below is a summary of the wholesale bait vendor regulations)

Licensing:

A license is required for the possession of more than the limits of legal live aquatic bait as described in the current fishing guide (which can be found on the ND Game and Fish Department's website).

A Wholesale Bait Vendor (Wholesaler) may sell legal live aquatic bait to licensed bait vendors only and may not sell bait directly to private anglers. Licenses are issued for a calendar year to one person only, and an individual may be issued only one wholesale license per calendar year.

All licenses must be publicly displayed on the business premise.

Business names must be displayed on both sides of any vehicle used to transport live bait.

An individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not receive a wholesale license.

Any licensed bait vendor who violates state or federal game or fish laws may result in license denial, suspension or revocation.

A licensed Wholesaler may annually employ the assistance of up to six other persons to capture or sell and transport legal live aquatic bait. A person licensed as a Wholesaler in any state may not act as an assistant under a North Dakota Wholesaler license. Assistants can only be listed on one valid licensed wholesale bait vendor per calendar year.

Authorized assistants' names will appear on the Wholesaler's license. All assistants must have a copy of the license, listing them as an authorized assistant, in their possession. It is the license holder's responsibility to assure all assistants possess a copy of the license.

The licensee is responsible for the actions of employees, including all agents or assistants acting under their license. An individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not act as an agent or assistant.

Legal Live Aquatic Bait:

Legal live aquatic bait are leeches, native frog, salamander and crayfish species, and the following live baitfish species: fathead minnows, white suckers, creek chubs, rainbow smelt and brook sticklebacks. All other species of live aquatic bait are illegal. Licensed bait vendors may take (must be killed immediately) and possess up to 50 gallons of rainbow smelt annually.

Take:

Fish traps used by a licensed Wholesaler shall be restricted to those less than seven feet in any dimension. Mesh size shall not exceed one-half inch square measure and the throat opening shall be less than three inches in diameter or width. Seines used by a licensed Wholesaler shall be restricted to those less than two hundred fifty feet in length and fourteen feet in depth. Mesh size shall not exceed one-half inch square measure. Only seines and dip nets may be used for the taking of rainbow smelt.

A valid tag issued by the Department must be attached to each trap or seine. For traps, the tag must be attached to the top of each trap. Only one current valid tag shall be attached to the trap. Wholesalers that are authorized to trap are entitled to ten tags to mark bait-trapping equipment with their annual license. Additional trap tags may be granted to Wholesalers upon request at \$5 per tag for the use of additional trapping nets or seines (exceeding the initial ten tags) to harvest legal live aquatic bait from approved described areas.

A legal description, to the quarter section, of each wholesale bait pond must be listed on the Wholesaler's application and all ponds must be approved by the director before a license is issued. The maximum number of approved legal descriptions for ponds from which a wholesale bait vendor may trap annually is fifty ponds.

Licensees shall not be permitted to take legal live aquatic bait from waters managed as recreational fisheries without a permit issued and in the manner approved by the Director; waters designated by the department as infested with prohibited or regulated aquatic nuisance species; the United States Fish and Wildlife Service's Wildlife Development Areas, Waterfowl Production Areas or refuges; or the Department's Wildlife Management Areas, and any waters that have been licensed as a private fish hatchery in the past three years. Exception: rainbow smelt may be taken from the Missouri River System.

Possession:

A licensee may possess only legal live aquatic bait. Other species caught must be returned to the water immediately.

Persons commercializing in or transporting live bait shall always use equipment capable of maintaining live bait in a healthy and lively condition (except for rainbow smelt which must be dead when transported). Each species of legal live aquatic bait must be kept separate from other species of legal live aquatic bait holding and in transport equipment. The premises and equipment used to capture, transport, or hold, and shipments of all persons commercializing in legal live aquatic bait shall be open to an inspection at any time.

It is illegal to import live aquatic bait into the state, except for white suckers, creek chubs and leeches. A permit is required to import and export live aquatic bait (to include by means of common carrier). It is illegal to transport live aquatic bait through the state unless approved by the Director. Permit applications must be received and approved by the director a minimum of forty-eight hours prior to any planned interstate movement of live aquatic bait. There is no fee for an import/export or transport permit.

Stocking of any live fish, live fish eggs, live amphibians, or other live aquatic organism into any waters of North Dakota shall be illegal except with an appropriate stocking permit issued by the Department.

Aquatic Nuisance Species (ANS):

All licensees' equipment used for transporting legal live aquatic bait into or within the state must be free of aquatic nuisance species. Water used to transport legal live aquatic bait into the state must be from a potable or groundwater (well) source and shall not contain any aquatic vegetation.

Records:

Wholesalers must keep accurate and up to date records on forms furnished by the Department of all legal live aquatic bait seined, trapped or purchased for resale in North Dakota. Each licensee shall keep current, within a month, records at the Wholesaler licensee's permanent business address. Records must be open to inspection by the Department. Records must be submitted to the Department no later than ninety days following expiration of the license. Records must be retained by the licensee until submitted to the Department.