

NEW ANS RULES

This time next year, if pending rule changes are approved, anyone towing a boat with vegetation dangling from the trailer, basically anywhere outside a boat ramp parking lot, will risk a citation and fine.

It won't matter if the plants are native cattails or exotic, harmful curly leaf pondweed. It won't matter if the boat is a pontoon, duck boat (including natural blind material), fishing boat or personal watercraft. Once a boat is pulled from the water, the owner would have to make sure all vegetation, even small fragments, is removed from the boat, motor and trailer.

For the past several years, the North Dakota Game and Fish Department has strongly recommended this practice as a way to reduce the likelihood that exotic plants would hitch a ride from one water to the next. However, new aquatic nuisance species discoveries, both in North Dakota and other nearby states, have elevated the risk to North Dakota fisheries.

Eurasian water milfoil in Dead Colt Creek reservoir in Ransom County, spiny water fleas in Minnesota's Rainy River, VHS virus in Wisconsin, and other discoveries have prompted Game and Fish administrators to draft new laws that would go into effect on January 1, 2008. If that happens, a good majority of North Dakota boaters will likely have to change their habits to accommodate two of these laws.

In addition to removing all plant matter from boats and trailers, all water must be drained from boats, recreational equipment and construction equipment when they are removed from a lake or river. This means that anglers will have to drain their livewells once their boat is removed from the water. Trailering a boat home with fish in the livewell will no longer be legal – unless the livewell contains no water.

Game and Fish leaders understand that the proposed law changes will mean some inconveniences for boaters, anglers, hunters and others who use our waters. That's one side of this Both Sides essay. The other side is the risk to our lakes and rivers, considering that once an aquatic nuisance species is established it's virtually impossible to eliminate it. In addition, an infested state water becomes a local source that may require further restrictions to prevent potential in-state transfer.

Fisheries managers have carefully weighed the risks versus the inconveniences. They strongly believe the current outlook is serious enough to ask state boaters and anglers to accept some inconvenience in exchange for better long-term health of the state's fisheries.

Establishing laws will not eliminate the threat of ANS movement, but it will help reduce risks. Providing information on the new rules now gives people time to adapt before the laws are actually on the books.

While laws pertaining to movement of vegetation and water will perhaps get the most attention over the next year, a number of other changes are in the works.

Following is a summary of some of the regulations under consideration for administrative rule or proclamation changes.

Aquatic Nuisance Species

(proposed new administrative rules)

- No person will possess an ANS without a director's permit.
- All watercraft, recreational and construction equipment must be free of ANS.
- No aquatic vegetation can be present on watercraft, recreational and construction equipment when out of water. This would include natural vegetation used for blinds on duck boats, vegetation tangled in decoys, weeds attached to fishing lures, etc.
- All water must be drained from watercraft, recreational and construction equipment when out of water. Draining must take place at the access site when leaving a lake.
- All watercraft, recreational and construction equipment must be inspected for ANS and aquatic vegetation when removed from the state's waters or upon entering the state. This means that anyone bringing a watercraft into North Dakota from another state or Canadian province must have the craft inspected.

Bait Industry

(recommended administrative rule changes)

- No live baitfish can be imported into North Dakota, but other aquatic bait (leeches) is allowed with a bait vendor's license, as long as no vegetation is in the water, and the water is potable (treated for drinking) or well water.
- Retail and wholesale vendors can trap bait only in legal North Dakota water bodies. The following will not be legal waters for trapping bait: all rivers and streams; fishing waters or waterfowl areas owned or leased by the Game and Fish Department or U.S. Fish and Wildlife Service.
- Retail vendors are required to have vegetation-free bait tanks.
- Only North Dakota water from legal water bodies, well water or potable water can be used for transporting live bait in distribution tanks.

Private Fish Hatchery

(recommended administrative rule changes)

- Legal fish species can still be moved across state lines, but will be controlled by the permitting process.
- Private fish hatcheries cannot include (or be connected to) rivers and streams; fishing waters or waterfowl areas owned or leased by the Game and Fish Department or U.S. Fish and Wildlife Service; or ANS infested waters.

Licensed Anglers

(fishing proclamation changes for 2008-10)

- Licensed anglers can keep bait in one container holding six gallons of water or less, as long as the container does not contain any vegetation. Baitfish can be held in livewells while in a boat on the water, but since livewells must be dry during overland transportation, baitfish must be transported in a separate container of no larger than six gallons.
- Anglers cannot trap bait in ANS infested waters. For instance, this would include the Missouri River and Lake Sakakawea because they have curly leaf pondweed; and the Sheyenne River because it has Eurasian water milfoil. (Currently, anglers can trap their own bait with a small minnow trap or dip net. Anglers, however, cannot keep species that are not legal bait, nor can they possess more than 12 dozen baitfish.)

North Dakota does not yet have some of the worst ANS, like zebra mussels, silver carp and VHS. The VHS virus, which can be unknowingly transported in water, is particularly dangerous. Unlike plants and animals that change an aquatic environment over time, VHS directly kills many species of game fish in the short term. If it gets in a North Dakota lake, the quality of the fishery would decline almost immediately.

The Game and Fish Department tries to avoid unnecessary regulations. However, when state resources are at stake, regulations are sometimes needed. That, unfortunately, has become the case with aquatic nuisance species.

What do you think? To pass along your comments, send us an e-mail at ndgf@nd.gov; call us at 701-328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.



For several years, the Game and Fish Department has used signs like this at fishing water access areas to let boaters know of the importance of removing vegetation and draining livewells.