

ND Game and Fish Department  
Administrative Rules Change  
Chapter 30-03-01.1

**30-03-01.1-02. Bait definitions.**

Refer to the current fishing proclamation for legal live aquatic bait definitions. ~~Rainbow smelt are only considered legal live aquatic bait when trapped or seined within the state.~~

**History:** Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018, April 1, 2024.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

**30-03-01.1-12. Equipment for taking legal live aquatic bait.**

~~A person possessing only a retail license may take legal live aquatic bait with a seine not exceeding twenty-five feet [7.6 meters] in length and six feet [1.8 meters] in depth, or with traps not larger than thirty inches [76 centimeters] in length, and twelve inches [30.5 centimeters] in diameter, with a throat opening not to exceed one and three-quarter inches [4.445 centimeters] in diameter. The mesh size of both seine and traps shall not exceed three-eighths inch [9.5 millimeters] square measure.~~

~~A person possessing the appropriate wholesale license may take legal live aquatic bait with fish traps less than seven feet [2.1 meters] in any dimension. Mesh size shall not exceed one-half inch [12.7 millimeters] square measure and the throat opening shall be less than three inches [76.2 millimeters] in diameter or width. A valid tag issued by the department must be attached to each trap. Seines used by a licensed wholesaler shall be restricted to those less than two hundred fifty feet [76 meters] in length and fourteen feet [4.25 meters] in depth. Mesh size shall not exceed one-half inch [12.7 millimeters] square measure. A tag issued by the department must be affixed to each seine used by the licensee. Only seines and dip nets may be used for the taking of rainbow smelt.~~

A person possessing only a retail license may take legal live aquatic bait with a seine not exceeding twenty-five feet in length and six feet in depth. Mesh size shall not exceed one-half inch square measure.

A licensed retailer may use traps not larger than thirty inches in length and twelve inches in diameter. Mesh size of traps shall not exceed one-half inch square measure and the throat opening of traps shall not exceed three inches in diameter or width. 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.

A person possessing the appropriate wholesale license may take legal live aquatic bait with a seine not exceeding two hundred fifty feet in length and fourteen feet in depth. Mesh size shall not exceed one-half inch square measure. A tag issued by the department must be affixed to each seine used by the licensee.

A licensed wholesaler may use traps not larger than seven feet in any dimension. Mesh size shall not exceed one-half inch square measure and the throat opening of traps shall not exceed three inches in diameter or width. A valid tag issued by the department must be attached to the top of each trap. Only one current valid tag shall be attached to the trap.

Hand-held dip nets are legal equipment for retail and wholesale bait vendors. There are no size restrictions for dip nets.

Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

**History:** Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018, [April 1, 2024](#).

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-04

ND Game and Fish Department  
Administrative Rules Change  
Chapter 30-03-05

**30-03-05-01. Fishing contest defined.**

~~A fishing contest is any event where prizes or cash are given for catching fish from waters open to public use. These events include high-value tag contests, fishing tournaments, fishing leagues, biggest fish contests, and contests giving prizes for the largest number or weight of fish. Also included are fishing leagues and tournaments that involve multiple fishing events and have a cumulative fee equal to or exceeding fifteen dollars. Individual entry fees, if assessed, represent the number of contest participants. Entry fees must be collected and listed separately from other activities, such as raffles. Fishing contests do not include the following:~~

- ~~1. Any fishing event charging an entry or participation fee less than fifteen dollars, and with fewer than fifty participants, and with fewer than fifteen boats.~~
- ~~2. Individual big fish promotions sponsored by resident, local businesses not charging any entry or participation fee.~~
- ~~3. Organized youth fishing events when participants are under the age of sixteen and no fishing entry fee is charged.~~ Repealed effective April 1, 2024.

~~**History:** Effective March 1, 1984; amended effective May 1, 1994; April 1, 2009; October 1, 2020.~~

~~**General Authority:** NDCC 20.1-02-05(20)~~

~~**Law Implemented:** NDCC 20.1-02-05(20)~~

**30-03-05-02. Organizations eligible.**

~~Only nonprofit veterans, charitable, education, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those organizations are defined in North Dakota Century Code chapter 53-06.1 will be issued permits to hold fishing contests. Exemptions to this requirement may be granted by the game and fish director, if, in the opinion of the director, the contest is not detrimental to the fishery resource or to the public, or both.~~ Repealed effective April 1, 2024.

~~**History:** Effective March 1, 1984; amended effective May 1, 1994.~~

~~**General Authority:** NDCC 20.1-02-05(20)~~

~~**Law Implemented:** NDCC 20.1-02-05(20)~~

**30-03-05-03. Use of proceeds.**

~~A minimum of seventy-five percent of any entry or participation fee paid by the contestants for fishing activities must be returned to the contestants as cash or merchandise (must be cash equivalent and cannot include donated merchandise when an entry fee is required). Payback procedures must be stated in the tournament rules and regulations. A minimum of ten percent of the~~

~~gross proceeds from entry or participation fees is required to be paid as a conservation fee. Contests with no entry fee, but still subject to regulations as defined in subsection 2 of section 30-03-05-01, are required to submit a ten thousand dollar conservation fee unless there is no cash payout associated with the contest, i.e., all prizes are donated merchandise. The conservation fees must be expended on fishery conservation projects or for providing public access to fishing areas and the intended project must be identified on the permit application form. Moneys for fishery conservation or public access projects must be allocated within ninety days after the completion of the tournament. The fishery conservation projects and public access projects must be approved by the game and fish director.~~

~~The tournament applicant may retain a maximum of fifteen percent of the gross proceeds from entry or participation fees for expenses incurred in putting on the contest. Repealed effective April 1, 2024.~~

~~**History:** Effective March 1, 1984; amended effective May 1, 1994; January 1, 2000; October 1, 2020.~~

~~**General Authority:** NDCC 20.1-02-05(20)~~

~~**Law Implemented:** NDCC 20.1-02-05(20)~~

### **30-03-05-04. Application.**

~~Any organization desiring to hold a fishing contest must submit an application for a permit to the game and fish director at least thirty days prior to the start of the contest. Information on the A fishing contest application must include the name of the organization sponsoring the contest, organization non-profit or for-profit status designation, name of a person or persons responsible for organizing and conducting the fishing contest, location of the waters where the contest is to be held, the dates of the contest, the number of participants and watercraft (e.g. boats) expected for the contest, the amount of the entry fee, ~~identification of the intended fishery conservation or public access project~~, the recipient of the conservation fee (if applicable), and a copy of the tournament regulations, ~~and the name of a person or persons responsible for organizing and conducting the fishing contest.~~~~

~~**History:** Effective March 1, 1984; amended effective May 1, 1994; April 1, 2009, April 1, 2024.~~

~~**General Authority:** NDCC 20.1-02-05(20)~~

~~**Law Implemented:** NDCC 20.1-02-05(20)~~

### **30-03-05-05. Fishing contest rules and regulations.**

1. In a watercraft (e.g. boats) tournament, the committee or sponsors shall provide ~~boat~~ launching and loading assistance to tournament participants and must provide all participants with contacts and telephone numbers in case of an emergency.
2. The North Dakota game and fish department may add further tournament regulation restrictions if deemed necessary.
3. Fishing contests for all game and nongame fish, with the exception of paddlefish, ~~pallid and shovelnose~~ sturgeon (pallid, shovelnose, and lake), and zander, ~~and grass carp (white amur)~~ are allowable.

4. Fish fillets, donated from fishing tournament participants to the contest sponsor, can be used for no more than one non-profit community event identified by the sponsor.

**History:** Effective March 1, 1984; amended effective May 1, 1994; January 1, 2000; April 1, 2009; October 1, 2010, April 1, 2024.

**General Authority:** NDCC 20.1-02-05(20)

**Law Implemented:** NDCC 20.1-02-05(20)

### **30-03-05-06. Reasons for denying permits.**

~~Permits may not be issued or may be revoked if the game and fish director believes the fishing contest does not or will not comply with game and fish rules or regulations, or could be harmful to the fishing resource, or that public use facilities such as boat ramps, parking areas, campgrounds, and related facilities are inadequate to support the contest, or the committee or sponsors have failed to submit timely reports.~~ Repealed effective April 1, 2024.

~~**History:** Effective March 1, 1984; amended effective May 1, 1994; April 1, 2009.~~

~~**General Authority:** NDCC 20.1-02-05(20)~~

~~**Law Implemented:** NDCC 20.1-02-05(20)~~

### **30-03-05-07. Post-contest report required.**

~~Within thirty days after completion of the fishing contest, the permittee shall submit a report to the game and fish director. The report must include the number of contest participants, the quantity (number and total weight) and species of fish taken in the contest, the gross and net proceeds for the tournament, the percentage of the entry fees paid back to the participants as prizes, and suggested conservation projects for departmental approval. Failure to submit this report is justification for denial of future fishing contest permits. Moneys for fishing conservation or public access projects must be allocated within ninety days after the completion of the tournament.~~ Repealed effective April 1, 2024.

~~**History:** Effective March 1, 1984; amended effective May 1, 1994.~~

~~**General Authority:** NDCC 20.1-02-05(20)~~

~~**Law Implemented:** NDCC 20.1-02-05(20)~~

ND Game and Fish Department  
Administrative Rules Change  
Chapter 30-03-06

**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 **equipment** shall 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 the authority of 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 the authority of North Dakota Century Code section 20.1-17-09.

Except for license outfitters, wholesale bait vendors, and private fish hatchery operators, all commercial or construction equipment traveling into the state or whose 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 the authority of 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

**30-03-06-05. 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

#### **30-03-06-07. 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](#). ~~class b misdemeanor under the authority of North Dakota Century Code section 20.1-17-09.~~

**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)

ND Game and Fish Department  
Administrative Rules Change  
Chapter 30-04-02

**30-04-02-11. Camping.**

Camping for longer than ten consecutive days on any wildlife management area is prohibited. Trailers, campers, motor homes, or tents may not be left on any wildlife management area unless used for daily lodging. Camping is prohibited on those wildlife or fish management areas where posted at public road entry points. Mowing of vegetation for campsites is prohibited on wildlife management areas. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

**History:** Amended effective April 1, 1986; April 1, 2006, April 1, 2024.

**General Authority:** NDCC 20.1-11-05

**Law Implemented:** NDCC 20.1-11-05

ND Game and Fish Department  
Administrative Rules Change  
Chapter 30-05-01

**30-05-01-02. Boat safety equipment.**

The following equipment is required as indicated, and must be usable and in serviceable condition.

1. **Personal flotation devices - Penalty.**
  - a. All motorboats less than sixteen feet [4.8 meters] in length and all nonpowered boats must have one United States coast guard approved device labeled as type I, II, or III, or seventy or more Newtons aboard for each person. All motorboats sixteen feet [4.8 meters] or greater in length must have one United States coast guard approved device labeled as type I, II, or III, or seventy or more Newtons aboard for each person, and, in addition, one United States coast guard approved throwable type IV device. Any person who violates this subdivision is guilty of a noncriminal offense and shall pay a twenty-five dollar fee for each United States coast guard approved device not aboard as required for each person with a maximum fee of two hundred fifty dollars for a shortage of ten or more.
  - b. All persons manipulating any water skis, surfboard, or similar device must wear a United States coast guard approved device labeled as type I, II, or III, or seventy or more Newtons. The only exception is that of a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under North Dakota Century Code section 20.1-13-11.
2. **Fire extinguishers.** Motorboats of less than twenty-six feet [7.8 meters] in length need no fire extinguishing equipment, unless the boat has a double bottom not sealed to the hull or not completely filled with flotation material; or unless it has closed stowage compartments in which combustible or flammable materials are stored; or unless it has closed compartments under thwarts and seats wherein portable fuel tanks may be stored; or unless it has closed living spaces; or unless it has permanently installed fuel tanks. If in any of these categories, it must have either a fixed fire extinguishing system in the machinery spaces, or at least one United States coast guard approved 5-B or 10-B type portable extinguisher. Motorboats twenty-six [7.8 meters] to forty feet [12 meters] in length must have either two United States coast guard approved 5-B or 10-B type portable extinguishers or one United States coast guard approved 20-B type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces and one United States coast guard approved 5-B or 10-B type portable extinguisher. Motorboats forty feet [12 meters] or over in length must have either three United States coast guard 5-B or 10-B type portable extinguishers, or one United States coast guard approved 20-B and one 5-B or one 10-B type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces along with two 5-B or two 10-B or one 20-B United States coast guard approved portable extinguishers. Extinguishers may not be more than twelve years old according to the date of manufacture stamped on the bottle.
3. **Backfire flame arrester.** One United States coast guard approved device is required on each carburetor of all gasoline powered engines, except outboard motors.

4. **Bells and whistles.** Boats ~~sixteen feet [4.8 meters]~~ to less than twenty-six feet [7.8 meters] in length require one hand, mouth, or power operated whistle audible at least one-half mile [.8 kilometer]. Boats twenty-six feet [7.8 meters] to less than forty feet [12 meters] in length require a hand or power operated whistle audible at least one mile [1.6 kilometers], and a bell which produces a clear, bell-like tone when struck. Boats over forty feet [12 meters] in length require a power operated whistle audible at least one mile [1.6 kilometers] and a bell which produces a clear, bell-like tone when struck.
5. **Ventilation.** All motorboats with enclosed engine or fuel compartments, and using gasoline as a fuel, must have at least two ventilator ducts, fitted with cowls, or the equivalent, leading to each such compartment, to properly and efficiently ventilate the compartment.
6. **Lighting.** When operating between sunset and sunrise, all motorboats under twenty-six feet [6.8 meters] in length shall exhibit a twenty-point [225 degree] combination red and green bowlight visible for one mile [1.6 kilometers], ten points [112.5 degrees] to the left of the centerline of the boat being red, the ten points [112.5 degrees] to the right of the centerline being green, and a thirty-two-point [360 degree] white stern light, visible for two miles [3.2 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel.

When operating between sunset and sunrise, all motorboats twenty-six feet [6.8 meters] in length or over shall exhibit a twenty-point [225 degree] white bowlight visible for two miles [3.2 kilometers], a ten-point [112.5 degree] red side light, visible for one mile [1.6 kilometers], on the left side of the vessel, a ten-point [112.5 degree] green side light, visible for one mile [1.6 kilometers] on the right side (the side lights shall be visible through an arc beginning parallel to the centerline of the vessel and extending ten points [112.5 degrees] toward the stern), and a thirty-two-point [360 degree] white stern light visible for two miles [3.6 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel.

When operating between sunset and sunrise motorboats may not exhibit any other light that impairs the visibility of the bowlight or stern light.

All non~~powered~~motorized boats operating anchored or underway between sunset and sunrise shall have readily accessible a white light source, visible for 360 degrees, which shall be temporarily ~~exhibited~~displayed in sufficient time to prevent a collision.

All vessels at anchor between sunset and sunrise must display a white light visible to a boat approaching from any direction.

7. Except as provided in subdivision a of subsection 1, any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

**History:** Amended effective December 1, 1982; April 1, 1986; May 1, 1995; April 1, 2006; October 1, 2020; April 1, 2023, April 1, 2024.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-05

### **30-05-01-05. Accident reports.**

If a collision, accident, or other casualty involving a vessel results in death or injury to a person or damage to property in excess of two thousand dollars, or a person disappears from such vessel under circumstances that indicate death or injury, the operator thereof shall complete and submit a complete boating accident report, ~~CG-3865~~ [U.S. Coast Guard](#) form, or revision thereof, ~~in duplicate~~ to the game and fish department, within forty-eight hours in cases involving death or injury, within ~~five~~ [ten](#) days in all other cases. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee. The ~~CG-3865~~ [U.S. Coast Guard](#) form may be obtained from a game warden, [downloaded from the department website](#), or by contacting the department at the location provided in subsection 3 of section 30-01-01-01.

**History:** Amended effective December 1, 1982; April 1, 1986; January 1, 1992; April 1, 2006, [April 1, 2024](#).

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-08