

ND Game and Fish Department
Administrative Rules Change
Chapter 30-04-03

Section 30-04-03-17. Hunting guide and hunting outfitter examination.

Any written examination required will be administered from at least one regional department office or electronically on the assigned time and date. Once an applicant has passed the written examination, the applicant must become licensed by the end of the following calendar year. To pass the written test, a score of eighty percent must be achieved. A person who fails to obtain the license by the end of the following calendar year or fails to maintain a hunting guide or hunting outfitter license for two calendar years or more after obtaining a license, in addition to the annual eligibility requirements, must retake the written examination before being issued another hunting guide or hunting outfitter license. A hunting guide or hunting outfitter, whose license has been revoked, in addition to the annual eligibility requirements, must successfully retake the written examination before being issued a new license under this section.

History: Effective April 1, 2006; April 1, 2023.

General Authority: NDCC 20.1-02-04(2),

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

Section 30-05-03-22. Violations are noncriminal.

Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a ~~thirty~~seventy-five dollar fee.

History: Effective April 1, 1986; April 1, 2023.

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

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

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

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

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

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 ~~B-I type~~ 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 ~~B-I~~ 5-B or 10-B type portable extinguishers or one United States coast guard approved ~~B-II~~ 20-B type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces and one United States coast guard approved ~~B-I~~ 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 ~~B-I~~ 5-B or 10-B type portable extinguishers, or one United States coast guard approved ~~B-II type portable extinguisher and one B-I~~ 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 ~~one~~ two 5-B or 10-B or one 20-B United States coast guard approved ~~B-II type or two B-I type~~ portable extinguishers, ~~or a fixed fire extinguishing system in the machinery spaces along with one United States coast guard approved B-II type or two B-I type portable extinguishers~~ Extinguishers may not be more than 12 years old according to the date of manufacture stamped on the bottle.

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

General Authority: NDCC 20.1-13-12

Law Implemented: NDCC 20.1-13-05

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

Section 30-03-01.1-04. License limitations.

Retail or wholesale bait vendor licenses are issued for a calendar year to one person only. An individual may be issued only one wholesale license per calendar year. The holder of a retail bait vendor license may sell legal live aquatic bait at retail only, at one specified selling location per license. A wholesale bait vendor may only sell legal live aquatic bait to licensed bait vendors or for permitted private fish pond stocking. A person licensed as a wholesaler in any state may not act as an assistant under a North Dakota wholesaler license. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee. Violations of state or federal game or fish laws may result in license denial, suspension, or revocation. 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 ~~or retail~~ bait vendor license. As used in this rule, "conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of no lo contendere, a judgment of conviction even though the court suspended execution of a sentence in accordance with subsection 3 of North Dakota Century Code section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of North Dakota Century Code section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt which is reversed on appeal.

History: Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010; January 1, 2014; January 1, 2018; October 1, 2020; [April 1, 2023](#).

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

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

Section 30-03-01.1-05. Assistants covered by license.

A licensed wholesale bait vendor may employ the assistance of up to six other persons to capture or sell and transport legal live aquatic bait in the manner approved by the director. Assistants can only be listed on one valid licensed wholesale bait vendor application per calendar year. It is the licensee's responsibility to ensure all assistants possess a copy of the license. All assistants must have a copy of the license (paper or electronic form) in their possession ~~department-issued documentation~~. The licensee is responsible for the actions of employees, including all agents or assistants acting under the licensee's 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 assistant. Anyone who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018; October 1, 2020; April 1, 2023.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

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

Section 30-03-01.1-08. Interstate transport.

Only the following legal live aquatic bait may be imported into the state and only with a permit issued by the director and in the manner approved by the director: white suckers, [creek chubs](#) and leeches. It is illegal to import all other live aquatic bait. It is illegal to export live aquatic bait out of the state except with a permit issued by the director and only in the manner approved by the director. It is illegal to transport live aquatic bait through the state except with a permit issued by the director and only in the manner approved by the director. Permit applications must be received by the director a minimum of forty-eight hours prior to any planned import or export of legal live aquatic bait.

History: Effective April 1, 2008; amended effective October 1, 2010; January 1, 2014; January 1, 2018; [April 1, 2023](#).

General Authority: NDCC 20.1-02-05(22), 20.1-06-01, 20.1-06-14

Law Implemented: NDCC 20.1-02-05(22), 20.1-06-01, 20.1-06-14

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Chapter 30-03-01.1

Section 30-03-01.1-13. Prohibited waters for taking legal live aquatic bait.

Licensees shall not be permitted to take legal live aquatic bait from the following:

1. Waters managed as recreational fisheries (except the Missouri River system where rainbow smelt may be taken) without a permit issued and, in the manner, approved by the director;
2. Waters designated by the department as infested with prohibited or regulated aquatic nuisance species (except the Missouri River system where rainbow smelt may be taken);
3. The United States fish and wildlife service's wildlife development areas, waterfowl production areas, or refuges;
4. The department's wildlife management areas (except the Missouri River system where rainbow smelt may be taken); or
5. Any waters that have been licensed as a private fish hatchery in the past three years.

Any bait vendor who violates this section 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, 2014; January 1, 2018; April 1, 2023.

General Authority: NDCC 20.1-06-14, 20.1-17-01

Law Implemented: NDCC 20.1-06-04, 20.1-17-01, 20.1-17-06

ND Game and Fish Department
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Chapter 30-03-01.1

Section 30-03-01.1-15. Inspections and records.

Equipment used to capture, transport, or hold, and shipments of, legal live aquatic bait are subject to inspections by duly appointed agents of the director. For all retail vendors, each licensee 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. For all wholesale vendors, each licensee trapping, seining, or purchasing legal live aquatic bait for sale must accurately complete forms furnished by the department. Each wholesale 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. A copy of these records for the calendar year shall be submitted to the director no later than ~~thirty-ninety~~ days following expiration of the license. No new wholesale bait vendor license may be issued until records are submitted to the department. ~~Records must be retained by the licensee until submitted to the department.~~ 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, 2023.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

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

Section 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. All equipment is subject to inspection by a North Dakota game and fish department employee ~~duly appointed agent of the director~~. All docks, lifts and related equipment must be dried and left out of the water for at least 21 days before they may be placed in another water.

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

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-04

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

Section 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 unless permitted by the ~~state water commission~~ [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](#).

General Authority: NDCC 20.1-17-01

Law Implemented: NDCC 20.1-17-06

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

Section 30-01-01-01. Organization and functions of the game and fish department.

1. Organization of department.

a. History. The first game and fish laws were established in Dakota Territory in 1861 but it was not until 1893 when the superintendent of irrigation and forestry was designated as game commissioner that a game and fish department was formed. In 1909 the game and fish board of control was established. The board continued to function as the agency controlling fish and game until 1929 when legislation was passed providing for a single commissioner charged with certain duties and powers to administer a game and fish department. The title commissioner was changed to director in 1991.

b. Divisions. The department consists of the following five divisions:

(1) Administrative services.

(2) Enforcement.

(3) Fisheries.

(4) Conservation and communications.

(5) Wildlife.

c. Director. The director is appointed by the governor. The director holds office for four years beginning on the first day of July after the governor's election and until a successor is appointed and qualified.

The director shall appoint a deputy director who may be removed at the director's pleasure. The director may also appoint a chief game warden, district game wardens, biologists, and technicians to enforce the game laws and to perform duties specified by the director.

The director is charged with ~~fourteen~~ statutory duties and has ~~twenty-seven~~ specific powers relating to the department and the resources it must manage. In addition to these specific duties and powers spelled out in North Dakota Century Code sections 20.1-02-04 and 20.1-02-05, the director has additional authority and power given by various sections of North Dakota Century Code title 20.1.

d. Game and fish advisory board. There is an eight-member game and fish advisory board, each appointed for a four-year term by the governor. The board has the authority to advise the director regarding any policy of hunting, fishing, and trapping regulations, and may make general recommendations regarding the operation of the department and its programs which the director may carry out.

- e. Orders and proclamations of the governor. After investigation and recommendations by the director, the governor may open seasons for hunting, fishing, and trapping. The governor may determine in what manner, the numbers, the places, and at what times game, fish, or fur-bearers may be taken.

2. Functions of department divisions.

- a. Administrative services division. ~~This~~The division of administration includes the following: ~~is divided into four programs—accounting and basic operations, data processing, licensing, and planning.~~
- (1) ~~Business~~Accounting and basic operations. ~~The program is r~~Responsible for ~~business operations such as~~ accounting functions, grant management, federal aid coordination, etc~~and general office and facility management.~~
 - (2) ~~Data/technology processing.~~ Responsible for department data and analytics. ~~Provides coordination and management of department data, systems and technical resources.~~Coordination and technical support is provided for ~~department personal computers and state mainframe computer activities.~~
 - (3) Licensing. ~~Responsible for all licensing related functions for fishing, hunting, trapping and boating.~~ This section includes department customer support services.~~All fishing, hunting, and boating licensing is handled as part of this program.~~
 - (4) ~~Facilities management~~Planning. Responsible for the management of facilities for ~~the department headquarters and district offices throughout the state.~~ Responsible for department print service management.~~The planning program is responsible for establishing goals, objectives, and strategies for the department. It is a cooperative effort with the other divisions and is coordinated by a game and fish planner.~~
- b. Enforcement division. The law enforcement program enforces game and fish laws and rules and regulations necessary for proper management of fish and game resources. Enforcement officers called district game wardens have districts averaging approximately two thousand six hundred square miles [673396.92 hectares]. In addition to their enforcement activities, they must carry out education programs, and assist other divisions during busy periods of the year. ~~One of their major nonenforcement activities concerns alleviation of wildlife depredations on farmers' crops and feed supplies.~~
- c. Fisheries division. ~~This~~The fisheries division is divided into ~~four~~three programs: ~~—fish management, sport fisheries research, and lake/stream management.~~
- (1) Fish production. Fish are ~~raised at two~~provided for North Dakota waters through fish hatcheries and ~~stocked into waters of the state.~~ Also, adult fish are ~~by~~trappeding and ~~transported into various waters~~moving fish from one area to another.

- (2) Fish management/research~~Sport fish research. The program is r~~Responsible for all research and survey work connected with sport fishing. It gathers information about the status of lakes and fish populations and carries out management practices on lakes.
- (3) Fisheries development~~Lake/stream management. The lake management program p~~Provides public use facilities, lake improvement systems,~~watershed development,~~ lake and pond construction, and other developments on public fishing waters.
- (4) Aquatic nuisance species. Implements measures to reduce the spread of aquatic nuisance species throughout the state. Measures include education, monitoring, and inspections.

d. Conservation and communications division. This division has three major sections:

- (1) Conservation~~section. Many state and federal agencies have programs that affect fish and wildlife habitat. The efforts of this section are directed toward compensation, alleviation of losses, or possibly enhancement of fish and wildlife by working with these agencies. Staff in this division also operate the department's nongame and endangered species programs. Since the enactment of the National Environmental Policy Act (NEPA) in 1970, state game and fish agencies across the nation are routinely asked to conduct environmental reviews on development projects that have a federal nexus (e.g. a project that is funded with federal money or occurs on federal land). Staff within the Conservation Section carry out those reviews. The Conservation Section also deals with all issues related to nongame wildlife and rare and declining species, including federally listed species.~~
- (2) Communications~~section. The section is~~ Responsible for department communication including~~divided into four programs— public information resource specialists, department webmaster, North Dakota Outdoors magazine, and videography—production of department videos~~ marketing/R3, digital media, North Dakota Outdoors/publications, and video production. Staff in this section write news releases, publish a monthly magazine, manage production of hunting guides and an annual PLOTS guide, produce weekly webcasts and television news segments, manage social media accounts, write blogs, manage the website, produce a bi-monthly podcast, design brochures and publications, handling of phone and email inquiries from the public, manage the department's marketing efforts, and direct the agency's recruitment, retention and reactivation of hunters and anglers.
- (3) Outreach~~Education~~section. This section iIncludes hunter education, fur harvester education, bowhunter education, project wild, aquatic education, becoming an outdoor woman, boating education, educator resources, NASP (National Archery in the Schools Program), and public information outreach staff located statewide.

- e. Wildlife division. ~~This~~The wildlife division is divided into three ~~programs~~sections: ~~—lands and development, game management, private land habitat programs.~~
- (1) ~~Resource management~~Lands and development. ~~The lands and development program is r~~Responsible for all habitat development, and management and maintenance on wildlife management areas. ~~This~~The program involves tree plantings, herbaceous cover and food plantings, road construction, weed control, signing, water developments, and any other activity that ~~might~~enhances these areas for wildlife, ~~the hunter~~hunting, and ~~the outdoors person who enjoys hiking, photography, and nature study~~other compatible uses.
 - (2) Game management. ~~Staff carry out~~Responsible for population surveys that are used to determine annual ~~hunting~~harvest seasons ~~and conduct research with the objective of improving population management~~ on various species of game. ~~Research is done with the objective of providing optimum hunting opportunities for the people of the state for the citizens of the state.~~
 - (3) Private land~~s~~ habitat program. ~~A private land habitat improvement program is funded from moneys derived from the interest earned on the game and fish fund, habitat stamp sales, and game and fish operating funds.~~Responsible for carrying out private land habitat improvements and hunting access programs. The program involves annual leasing and development of fish and wildlife habitat and hunting access on private land, entering into cost-sharing agreements with landowners ~~or partners~~ to ~~help defray a portion of their share of~~develop conservation practices which benefit fish and wildlife. The ~~program~~section also carries out practices which will alleviate big game and predatory animal depredation.

3. **Inquiries.** General inquiries regarding the game and fish department may be addressed to the:

North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095

Specific inquiries about division functions may be addressed to the chief of the division involved.

4. **Personnel roster.** A roster of personnel with the department may be found in the monthly issue of North Dakota Outdoors or on the department's web page.

History: Amended effective February 1, 1982; September 1, 1983; December 1, 1985; January 1, 1992; March 1, 2002, [April 1, 2023](#).

General Authority: NDCC 20.1-02-04(2)

Law Implemented: NDCC 20.1-02-04(2)

ND Game and Fish Department
New Administrative Rule

Chapter 30-04-09 and Section 30-04-09-01 is created as follows:

Chapter 30-04-09 Posting Lands in the State's Electronic Posting System

Section 30-04-09-01. Electronic posting system.

1. Electronic posting system

a. Eligibility.

North Dakota resident landowners or resident individuals authorized by the landowner must submit a valid driver's license or state ID in the state's electronic posting system to post lands electronically. The Department may provide an automated service for nonresident landowners to submit their nonresident driver's license in the state's electronic posting system to post lands electronically. Any service fees required to validate a nonresident driver's license may be passed to the nonresident landowner.

b. State land parcels.

Eligible Landowners or individuals authorized by the landowner may electronically post county tax parcel records submitted to the states land parcel program.

c. Annual enrollment.

Landowners or individuals authorized by the landowner may enroll or renew eligible land parcels in the states electronic posting system during the enrollment period of February 1 through July 1 of the same year. Lands posted in the states electronic posting system during the enrollment period are valid from August 1 of the same year of the enrollment period and extend through July 31 of the following year.

History: Effective April 1, 2023.

General Authority: NDCC 20.1-01-17(b)

Law Implemented: NDCC 20.1-01-17(b)