

# NORTH DAKOTA 2014-2016 FISHING PROCLAMATION

Relating to the times, places and manner of taking fish, possessing fish, closing certain waters to fishing, setting size and creel limits, and establishing game species for the period of April 1, 2014 through March 31, 2016 for recreational and commercial fishing, bait vending, and the take of clams and turtles. By virtue of the authority vested in me by Chapter 20.1-08 of the North Dakota Century Code as amended, and upon recommendation of the Game and Fish Director, I do hereby Order and Proclaim:

## A. RECREATIONAL FISHING

Recreational fishing is defined as those methods described hereafter as allowable activities during each of the two fishing years of this proclamation with the possession of a valid fishing license. A fishing year is defined as being from April 1 of one calendar year through March 31 of the following calendar year.

**Free Fishing Days** - Residents of North Dakota may fish without a resident fishing license on June 7-8, 2014 and June 6-7, 2015.

No individual shall take for the purpose of sale, barter or trade any fish except as provided in Section B.

American's with Disabilities - The Director may make reasonable accommodations to comply with the American's with Disabilities Act.

### 1. SPECIES DEFINITIONS

GAME FISH are defined as bluegill, burbot, channel catfish, chinook salmon, crappie (black and white), largemouth bass, muskellunge (pure and hybrid), northern pike, paddlefish, sauger, saugeye, smallmouth bass, sturgeon (pallid, shovelnose, and lake), trout (brown, lake, rainbow, and cutthroat), walleye, white bass, yellow perch and zander.

NONGAME FISH are all other species of fish, other than game fish, that inhabit and reproduce in the waters of the state.

### 2. BAIT AND LURE

#### 2-1. Definitions

**2-1-1. Legal Live Bait.** Legal live bait are all amphibians, insects, or other invertebrates or parts thereof and the species of live baitfish listed in Section 2-1-2.

**2-1-2. Legal Live Baitfish.** Legal live baitfish are fathead minnows, white sucker, creek chubs, rainbow smelt and sticklebacks.

**2-1-3. Nongame Fish.** Nongame fish, which have been preserved by freezing, salting or otherwise treated to inactivate sexual products are legal bait. The use of nongame fish as cut fish

is legal. Cut fish is defined as a non-game fish that has been reduced to sections, pieces or parts thereof. Heads and entrails of non-game fish are considered cut fish.

**2-1-4. Game Fish.** Yellow perch eyes and trout and salmon eggs are legal bait. The use of other game fish and parts thereof are illegal.

**2-1-5. Manufactured and Biodegradable Bait.** Products manufactured as edible fishing bait and other inert biodegradable substances are legal bait.

**2-1-6. Lure.** A lure is defined as any man-made object comprised of metal, plastic, wood and other nonedible materials made or used to catch fish. A lure may not contain more than three hooks and the maximum distance between any hooks on a lure may not exceed 10 inches. A single hook may not include more than three points, barbed or otherwise. Spinners, and other live bait rigs and harnesses are considered a lure and are permissible. Hookless dodgers or attractors used ahead of a lure or bait are legal.

## **2-2. Bait Restrictions**

**2-2-1.** No live aquatic organisms may be imported into the state. This includes all fish, amphibians, aquatic insects and aquatic invertebrates.

**2-2-2.** It is illegal to possess or use as live baitfish any species of fish not allowed in this section. The possession of a restricted live baitfish while fishing in waters prohibiting their use is illegal.

### **2-2-3. Statewide**

Except for species and areas specified in Section 2-2-3.1, the only legal live baitfish statewide are fathead minnows, creek chubs and sticklebacks.

#### **2-2-3.1 Exceptions:**

**2-2-3.1.1** No live baitfish are allowed in the following areas:

- a. Belfield Dam (Stark County)
- b. Blumhardt Dam (McIntosh County)
- c. Bylin Dam/Dougherty Dam (Walsh County)
- d. Camels Hump Dam (Golden Valley County)
- e. Crown Butte (Morton County)
- f. Custer Mine Pond (McLean County)
- g. Davis Dam (Slope County)
- h. Dickinson Dike (Stark County)
- i. Fish Creek (Morton County)
- j. Harmon Lake (Morton County)
- k. Indian Creek (Hettinger County)
- l. Kettle Lake (Williams County)
- m. Leland Dam (McKenzie County)
- n. Lightning Lake (McLean County)
- o. McDowell Dam (Burleigh County)
- p. Mott Watershed (Hettinger County)
- q. Nelson Lake (Oliver County)
- r. North Lemmon Dam (Adams County)
- s. Nygren Dam (Morton County)
- t. Raleigh Reservoir (Grant County)

- u. Sather Dam (McKenzie County)
- v. Sheep Creek Dam (Grant County)
- w. Velva Sportsmens Pond (Ward County)

**2-2-3.1.2** Red River and Bois de Sioux River (up to the first vehicular bridge or crossing on any of its tributaries) the only legal live baitfish are:

- fathead minnows, creek chubs, sticklebacks and *white suckers*.

**2-2-3.1.3** Garrison Dam Tailrace (defined as that portion of the Missouri River from the Garrison Dam downstream three miles to the southern boundary of the US Army Corps of Engineers Downstream Recreational Area) the only legal live baitfish are:

- fathead minnows, creek chubs, sticklebacks and *rainbow smelt*. Live rainbow smelt used as bait in the Garrison Dam Tailrace must have been captured by legal means (see Section 3-5-1) in the Tailrace.

### **3. MANNER OF TAKING FISH**

Legal means, equipment, seasons, water bodies and species are defined as follows:

#### **3-1. HOOK AND LINE FISHING**

##### **3-1-1. Means and Equipment**

With the exceptions noted in Section 3-1-1.1 legal hook and line equipment for each angler shall consist of not more than two poles, each equipped with one line to which is attached not more than two lures (see Section 2-1-6). The use of any free floating, anchored or remote-controlled device with an attached hook and line that is not held by an angler or secured to the boat, shore or ice with the use of a line is illegal. The use of any spring, lever, and chemically, electrically or mechanically actuated hook is prohibited at all times. The use of any mechanical device to automatically retrieve the fish is illegal. Ice fishing is defined as hook and line fishing which occurs while on the ice. Tip-ups are permissible for ice fishing and each tip-up is considered one pole. All holes greater than 10 inches in diameter made in the ice must be marked when the area is vacated as specified in Section 5. Any fishing pole which is unattended or not checked for a period exceeding one hour is deemed to be a set line and is illegal. Anglers shall, at all times, be within 150 feet of their fishing poles that they are actively using while fishing. Possession of foul hooked fish is illegal. Any foul hooked or snagged fish must be returned immediately to the water regardless of condition. A foul hooked or snagged fish is defined as any fish hooked or caught in any area from behind the gill covers to the tail. Attempting to snag any fish is prohibited at all times. Landing a fish caught on hook and line equipment with aid of a gaff is legal except for sturgeon, paddlefish, muskellunge and species in waters in which there are size limits. No gaffed fish may be returned to the water. It is legal to return all other fish to the water at the site of capture if done no longer than the time needed to unhook, measure and/or photograph the fish immediately after being caught. All fish released from bridges and wing-walls (e.g. Garrison Dam Tailrace) must be done immediately after being placed in a fish basket/open container to ensure fish survival. High-grading or culling of fish is illegal. No fish may be returned to the water after being held on a stringer or confined by or in any type of holding structure, except in the case of permitted live-release fishing tournaments with written permission from the Game and Fish director.

Fish, on which there is a size limit, if undersized or oversized, must be returned to the water immediately regardless of condition and must be handled carefully to avoid injury. It is illegal to tag or mark any fish prior to release except with written approval from the Game and Fish Director.

**3-1-1.1. Exceptions to two poles are as follows:**

1. One pole per angler:
  - While fishing from the piers and wingwalls of the Garrison Dam Tailrace.
  - While fishing from shore in that portion of the Red River from the "Closed to Fishing" area downstream of the Drayton Dam to the boat ramp.
2. Four poles per angler (maximum):
  - While ice fishing.
3. Note: When fishing a water body where both open water and ice fishing occur at the same time, an angler is allowed a maximum of four poles of which no more than two poles can be used in open water.

**3-1-2. Seasons and Water Bodies for Legally Taking Fish**

Except in areas and times specified in Section 3-1-2.1, the hook and line season is open in all waters of the state open to fishing from April 1 through March 31 of each fishing year.

**3-1-2.1. Exceptions are:**

1. McDowell Dam (Burleigh County), Lightning Lake (McLean County) and State Fair Pond (Pathway Pond) (Ward County) are open to open water fishing but closed to ice fishing.
2. Areas designated by the Refuge manager of J. Clark Salyer, Arrowwood, Tewaukon, Lake Ilo, Long Lake, and the Upper Souris National Wildlife Refuge (Lake Darling) are open to shore and/or ice fishing from April 1 through March 31 of each fishing year. Designated areas are open to boat fishing from May 1 through September 30 but closed all other times.
3. Audubon National Wildlife Refuge is open to ice fishing but closed to all open water fishing.
4. With the exception of the lakes, dates and limitations listed below, U. S. Fish and Wildlife Easement Refuge lakes are closed to fishing;
  - a. Dakota Lake, Hobart Lake, and Sibley Lake (Griggs Co) are open to all fishing from April 1 through September 30 and December 1 through March 31 of each fishing year. These lakes are closed to all fishing and boating from October 1 through November 30.
  - b. Lake Ardoch, Rose Lake and Silver Lake (Benson Co) are open to shore and/or ice fishing from April 1 through March 31 of each fishing year. These lakes are closed to boat fishing and boating year round.
5. The state waterfowl rest areas as provided in the waterfowl rest area proclamation.
6. The Baldhill Creek from the Wesley Acres Bridge to one half mile downstream is closed to boat fishing from April 1 through May 24 of each fishing year. This area shall then be open to all fishing from May 25 through March 31 of each fishing year.
7. It is illegal to fish from the bridge located between North and South Lake Metigoshe as well as 100 feet in any direction from this structure at any time.
8. It is illegal to fish in that portion of the Red River from the Drayton Dam downstream for a distance of 150 feet.

9. Areas near the Garrison Dam Tailrace so posted by the US Army Corps of Engineers are closed to fishing.
10. OWLS Pond (Burleigh County) or State Fair Pond (Pathway Pond) (Ward County) will be closed from sunset to sunrise.
11. No individual shall fish or boat in areas posted and designated by the Game and Fish Department as rearing ponds, spawning areas, or other designated areas.
12. Lake specific rules may be issued by Department signage at access areas and bridges.

### **3-1-3. Species Legally Taken**

All species (game and nongame) can be harvested while hook and line fishing except the following: pallid sturgeon, shovelnose sturgeon, lake sturgeon, paddlefish and silver carp (these five species must be immediately released back into the water from which they were caught regardless of condition).

## **3-2. ARCHERY, SPEAR AND UNDERWATER SPEAR FISHING**

### **3-2-1. Means and Equipment**

Legal archery equipment for licensed anglers is any bow, to which an arrow is attached by a line and equipped with a harpoon-style or wire barbed point. Crossbows are prohibited, except with a special Director's permit that may be issued if an individual is permanently disabled. The use of night vision equipment or electronically enhanced light gathering optics including all lights used for locating and/or shooting at fish is legal.

Legal spear equipment is any manually powered shaft with barbed points. The spear head shall not exceed 12 inches in width.

Legal equipment for underwater spear fishing is rubberband powered, or pneumatic powered spear guns only. All spear guns shall have the spear attached by a lanyard with a maximum length of twenty feet. Underwater spears may be discharged only when the operator and equipment are entirely under the surface of the water. Underwater spear fishing is prohibited within 150 feet of any designated swimming or water ski area, boat dock or spillway or individuals engaged in fishing. The Diver's Down Flag must be displayed on the water on a float or buoy during any underwater spear fishing. Underwater spearers must stay within 100 feet of the vertical position of their Diver Down Flag. Individuals who underwater spearfish between sunset and sunrise must display a lighted Diver's Down Flag and must carry a hand-held light which must be visible from a distance of 150 feet. The hand-held light must be displayed when the diver is at the surface.

It is illegal to return fish to the water after being shot or speared.

### **3-2-2. Seasons and Water Bodies for Legally Taking Fish**

Archery fishing is legal from April 1 through November 30 of each fishing year.

Spear fishing is legal from May 1 through November 30 of each fishing year.

Underwater spear fishing is legal from May 1 through November 30 of each fishing year.

Archery and spear fishing is open on all waters open to hook and line fishing (Section 3-1-2) with the following exception:

1. That portion of the Missouri River from the Garrison Dam downstream three miles to the southern boundary of the US Army Corps of Engineers Downstream Recreational Area

Underwater spear fishing is open only in the following areas:

1. The Missouri River, except from the Garrison Dam downstream three miles to the southern boundary of the US Army Corps of Engineers Downstream Recreational Area;
2. Lake Sakakawea (except those areas posted by the US Army Corps of Engineers near the Intake and Spillway Structures);
3. Lake Oahe;
4. Lake Audubon (those areas open to fishing);
5. Devils Lake;
6. Stump Lake;
7. Spiritwood Lake

### **3-2-3. Species Legally Taken**

Archery and spear fishing - game fish, as defined in Section A-1 of this proclamation, may not be taken. All other species are legal.

Underwater spear fishing - all species except the following may be taken: smallmouth bass, muskellunge (pure and hybrid), paddlefish, pallid sturgeon, and shovelnose sturgeon.

## **3-3. DARK HOUSE SPEAR FISHING**

### **3-3-1. Means and Equipment**

Legal dark house spear equipment is any manually powered shaft with barbed points. The spear head shall not exceed 12 inches in width. Pneumatic or rubber band powered spear guns shall not be legal while dark house spear fishing. There is no limit on the size of the ice hole while actively engaged in dark house spear fishing on the lakes specified in Section 3-3-2. All holes greater than 10 inches in diameter made in the ice must be marked by the spearer(s) when the area is vacated as specified in Section 5.5. Possession of a spear is counted as a hook and line fishing pole while dark house spear fishing. Artificial and all bait as defined in Section 2-1 with the exception of live white sucker and rainbow smelt may be used as decoys (note: it is legal to use live white suckers as a decoy in the Red and Bois de Sioux Rivers up to the first vehicular bridge or crossing on any of its tributaries). Any line used for a decoy will be considered a hook and line fishing pole if a hook is attached to the line. It is illegal to return fish to the water after being speared.

### **3-3-2. Seasons and Water Bodies for Legally Taking Fish**

Dark house spear fishing is legal from December 1 through March 15 of each fishing season. Dark house spear fishing is not allowed in the following areas:

Braun Lake (Emmons Co.)	New Johns Lake (Burleigh Co.)
East Park Lake (McLean Co.)	Red Willow Lake (Griggs Co.)
Heckers Lake (Sheridan Co.)	Sweet Briar Dam (Morton Co.)
Lake Audubon (McLean Co.)	West Park Lake (McLean Co.)
McClusky Canal	

### **3-3-3. Species Legally Taken**

The only legal species for dark house spear fishing are northern pike and nongame species as listed in Section 1.

### **3-3-4. Other Regulations**

All individuals who participate in dark house spear fishing shall register on the North Dakota Game and Fish Departments website ([gf.nd.gov](http://gf.nd.gov)) prior to participating.

## **3-4. PADDLEFISH SNAGGING**

### **3-4-1. Means and Equipment**

Each paddlefish angler must cast for, hook and reel (retrieve) their own fish. The use of more than one snag hook per line is illegal. Snagging from a boat is illegal. It is illegal to gaff any species other than paddlefish and it is illegal to use or possess a gaff in any of the paddlefish snagging areas during the snag and release days. It is illegal for an individual to use fish snagging equipment in the paddlefishing area at any time if that individual has no tag in their possession.

### **3-4-2. Seasons and Water Bodies for Legally Taking Fish**

Paddlefish snagging is legal from May 1 through May 31 of each fishing year. Paddlefish snagging is legal only from 8:00 am to 9:00 pm (CT) during each day of the paddlefish snagging season. If harvest approaches the maximum allowable harvest of 1000 paddlefish as determined by the Department, an in-season closure may occur with a 24 hour notice issued by the Director. If there's an early closure, then snag and release only at the area defined in Section 3-4-2.1 will be allowed for a four day period immediately following the harvest closure, but not to extend beyond May 31. Notice of an early closure and subsequent days set aside for 'snag and release only' will be issued by a special news release from the Department.

Paddlefish snagging is legal in the Yellowstone River and that area of the Missouri River lying west of the U.S. Highway 85 bridge to the Montana border, excluding that portion of the Missouri River from the pipeline crossing (River Mile 1577) downstream to the upper end of the Lewis & Clark WMA (River Mile 1565).

#### **3-4-2.1. Specific Area Open to Extended Snag and Release**

That area of the Missouri River starting on the north shore from the Confluence boat ramp then east (downstream) one-half mile, and that area of the Missouri River starting on the south shore from the Confluence with the Yellowstone River then east (downstream) one-half mile.

### **3-4-3. Species Legally Taken**

The only species that can be taken during the paddlefish snagging season is paddlefish.

### **3-4-4. Other Regulations**

All individuals snagging for paddlefish must obtain and have in their possession a paddlefish tag in addition to a license and certificate that may be required. Only one tag per angler will be issued per season and this tag is not transferable to another individual. Any paddlefish tag that is locked shut prior to attachment, altered, or modified is voided and will not be replaced. With the exception of snag and release days, each paddlefish must be tagged immediately when caught and must be tagged with one's own tag. In case of an early season closure (Section 3-4-2), there will be no refunds for unused tags.

The release of any paddlefish after snagging is prohibited except for 1) each Sunday, Monday and Thursday during the month of May during the paddlefish snagging season, and 2) in the case of an early harvest closure, the (up to) four day period immediately following the harvest closure, which is designated as 'snag and release' only. All snagged fish must be released immediately on all snag and release days. Snaggers must possess a current and unused paddlefish tag to participate in paddlefish snagging.

If a fish is cut up, the tag must accompany the dressed fish either by attachment to the bag containing the dressed fish or within the bag. The snagger must keep that portion of the back and dorsal fin (back fin) necessary to maintain the tag sealed to the fish. The sale, barter, trade or purchase of paddlefish eggs is legal for only one qualified and properly permitted paddlefish caviar operation, and any party with whom it contracts. The permit will be issued annually to a nonprofit, bonded entity that has met all requirements to ensure a legal operation. All fish delivered to and/or processed fish transported away from the caviar operation must be done so by either the individual who snagged the fish or an approved individual working for the permitted paddlefish caviar operation. Any fish left at the caviar operation after 10pm the day they were snagged will be considered abandoned and the snagger is subject to fine.

All paddlefish snagged and tagged must be removed from the river by 9pm of each snagging day.

### **3-5. TAKING OF LIVE BAIT**

#### **3-5-1. Means and Equipment**

It is legal for a fishing license holder to take legal live bait and legal live baitfish (see Section 2-1-1 and 2-1-2) by hand, or by use of one dip net, or one trap which shall not exceed 12 inches in diameter and 30 inches in length with a throat or mouth opening not to exceed 1 1/4 inches. Possessing any other fish species taken in a trap, by hand, or dip net is illegal. It is legal to return fish to the water if done immediately after being caught.

#### **3-5-2. Seasons, Water Bodies and Species that can Legally be Taken**

Legal live bait and legal live baitfish (see Section 2-1-1 and 2-1-2) may be taken in all public waters of the state and at all times except for the following:

- Those areas listed in Section 2-2-3.1.1.
- Water bodies designated as infested with prohibited or regulated Aquatic Nuisance Species (ANS) (see North Dakota Game and Fish Departments website ([gf.nd.gov](http://gf.nd.gov)) for current list of lakes).
  - Exception - taking of rainbow smelt is allowed on the Missouri River System; however, all smelt taken from the Missouri River System must be dead when transported.



#### **4. FISH DAILY AND POSSESSION LIMITS, TRANSPORTATION AND SIZE RESTRICTIONS**

##### **4-1. DESCRIPTIONS AND MEANS**

The daily creel limit is defined as the maximum number of legally taken fish (by species) that may be harvested from midnight to midnight. No individual may harvest or possess more than North Dakota's daily limit of fish while on the water or the ice or actively engaged in any manner of fishing.

The possession limit is defined as the maximum number of legally taken fish (by species) that an individual may have in their actual possession during any phase of any single fishing trip of more than one day.

The storage limit at one's personal permanent residence is unlimited.

No individual possessing any game fish species may waste, destroy or abandon the edible flesh (fillets).

At no time may an individual transport more than a possession limit unless with written approval of the Director.

Any fish, including parts thereof, that are transported must be packaged in such a manner that the number of fish in each package are easily determined.

It is illegal to remove more than gills, entrails, and scales from fish species harvested in waters that are subject to a size limit while on the water or actively engaged in fishing. It is illegal to remove more than the gills and entrails (head, fillets and tail must be attached) from channel catfish east of ND Highway 1 while on the water, actively engaged in fishing, transporting or until the fish are at the license holder's, permanent residence.

Any fish (whole and/or fillets) may be given (gifted) to another individual but the fish must be counted in the donor's daily limit.

Gifted fish, including packages of fish, must be accompanied with the following information from the individual gifting the fish: name, fishing license number, phone number, date, and species and number of fish gifted.

Except for legally gifted fish, it is illegal to possess or transport another individual's game fish or parts thereof without the license holder accompanying or as otherwise permitted.

Commercial processors, common carriers, and common storage areas may possess any individual's legally taken possession limit of fish. Each package must be labeled with the owner's name and address.

##### **4-2. DAILY CREEL AND POSSESSION LIMITS**

###### **4-2-1. Statewide**

Except as specified in Section 4-2-2, the daily creel and possession limit in waters of the state are:

SPECIES	DAILY CREEL	POSSESSION
Northern Pike	5	10
Walleye, sauger, saugeye, or combination*	5	10
Largemouth bass, smallmouth bass or combination	3	6
Salmon	5	10
Trout	3	3
Yellow Perch	20	80
Bluegill	20	80
White Bass	20	80
Crappie	10	20
Burbot	10	20
Muskellunge (pure or hybrid)	1	1
Channel Catfish (East of ND Highway 1)	5	5
(West of ND Highway 1)	no limit	no limit
Nongame fish (other than smelt and legal live baitfish)	no limit	no limit
Paddlefish (for legal snagging only)	1 per season (see Section 3-4)	
Smelt	5 gallons	5 gallons
Legal Live Baitfish**	150	150
Frogs	24	24
Salamanders	24	24
Crayfish	48	48
* Zander are included as part of the walleye, sauger, saugeye combination in Spiritwood Lake		
** Aggregate of all legal species		

#### 4-2-2. Exceptions

1. Kraft Slough (Sargent County) - The daily creel and possession limits for yellow perch are 10 and 20 respectively.
2. Lake Metigoshe (Bottineau County) - The daily creel and possession limits for bluegill are 10 and 20 respectively.
3. Red and Bois de Sioux rivers (up to the first vehicular bridge or crossing on any of their tributaries) - The daily creel and possession limit for walleye, sauger, saugeye or combination are three. The daily creel and possession limit for northern pike are three.
4. Red and Bois de Sioux rivers (up to the first vehicular bridge or crossing on any of their tributaries) - The daily creel and possession limit for channel catfish are 5 regardless of the number of state or provincial licenses purchased by the angler. The daily and possession limit for catfish exceeding 24 inches is one.
5. Lightning Lake (McLean County) - It is illegal to possess any trout from April 1 through June 30 of each fishing year.
6. OWLS Pond (Burleigh County) or State Fair Pond (Pathway Pond) (Ward County) - All fish caught must be released immediately, regardless of condition.

#### 4-3. SIZE LIMITS

##### 4-3-1. Minimum Size Restrictions

**4-3-1.1. Walleye and Sauger** - It is illegal to take or possess walleye or sauger less than 14 inches in total length from the following waters:

- Alkali Lake, Buffalo Lake (including connected waters north to Sargent County Road 1), and Tosse Slough in Sargent County;
- Jamestown Reservoir and Pipestem Reservoir upstream to and including the first bridge or crossing on both, in Stutsman County;
- Lake Elsie, Lueck Lake, and West Moran Lake in Richland County;
- North Golden Lake and South Golden Lake in Steele County

**4-3-1.2. Largemouth Bass** - It is illegal to take or possess largemouth bass less than 14 inches in total length from the following waters:

- Red Willow Lake in Griggs County;
- North Golden Lake and South Golden Lake in Steele County

**4-3-1.3. Northern Pike** - It is illegal to take or possess northern pike less than 24 inches in total length from the following waters:

- Red Willow Lake in Griggs County;

**4-3-1.4. Muskellunge (pure or hybrid)** - It is illegal to take or possess muskie (pure or hybrid) less than 48 inches in total length from any waters in North Dakota.

##### 4-3-2. Maximum Size Restrictions

**4-3-2.1. Channel Catfish** - It is illegal to take or possess more than one channel catfish greater than 24 inches in total length east of ND Highway 1.

#### 5. OTHER RULES AND REGULATIONS

1. It is illegal to deposit or cause to be deposited any fish or parts thereof, upon the ice, in the water, or upon the shore of any water body in North Dakota.
2. It is illegal to introduce anything into waters of the state for the purpose of attracting fish that is not attached or applied to a lure as defined in Section 2-1-6. Decoys used for dark house spear fishing are excluded.
3. Fish houses must be removed from all waters by midnight March 15 of each fishing year. Fish houses that are actively being occupied may be used after March 15 of each fishing year if they are removed after each use. It is illegal to leave fish houses on state-owned or managed land after March 15 of each fishing year.
4. Fishing holes outside of a fish house may be placed no closer than ten feet from the house except by permission of the occupant or owner.
5. When a hole greater than 10 inches in diameter is left in the ice after ice fishing or when a dark house is moved, the area in the immediate vicinity of the hole must be adequately marked with 1) a natural object, or 2) a brightly painted or colored wooden lath. Markers must be visible from a minimum of 150 feet.
6. No individual or entity may conduct a fishing contest on waters of the state without first receiving a permit issued by the Director.
7. Shared boundary waters - Individuals fishing the Red River and/or the Bois de Sioux River that

possess a valid fishing license from either North Dakota or Minnesota may fish the river(s) between the banks of the river separating North Dakota and Minnesota and on the shoreline of the state issuing the license. Those individuals possessing the correct, valid license may transport caught fish by the most convenient and direct route to the state in which they are licensed. All anglers and boaters are required to comply with aquatic invasive/nuisance species and fish and bait transport regulations of the State in which they occupy, except while on the water or ice anglers must comply with the regulations of the state for which they are licensed. (NOTE: this includes those who are not required to have a license).

8. Possession or transportation of any live fish, live fish eggs, live amphibians, or other live aquatic organisms, shall be illegal except for 1) licensed anglers transporting legal bait by legal means; 2) dealers of tropical fish species for the pet trade sold by a commercial outlet; or 3) individuals in possession of the appropriate license or permit from the game and fish director.
9. Stocking of any live fish, live fish eggs, live amphibians or other live aquatic organisms into any waters of the state shall be illegal except with the appropriate license or permit issued by the game and fish director.

6. **LICENSES OR SPECIAL PERMITS** must be obtained for each season prior to engaging in the activity allowed under the license or permit, and are issued in a manner and form prescribed by the Game and Fish Director and in accordance with the law.

## 7. **VIOLATIONS AND PENALTIES**

1. Failure to affix and sign stamps to the licensee's fishing, hunting and furbearer certificate (Section 6) – penalty - \$25.
2. Fishing with or possession of an illegal live baitfish (Section 2) – penalty - \$250.
3. Fishing with an illegal bait (other than live baitfish) (Section 2) – penalty - \$25.
4. Fishing with an excessive number of lines up to and including four lines in excess of the legal number of lines (Section 3) – penalty - \$50 per line.
5. Failure to attend fishing equipment (Section 3) – penalty - \$25.
6. Fishing in a closed area (Section 3) – penalty - \$100.
7. Possession of undersized walleye, sauger, largemouth bass or northern pike (Section 4) – penalty - \$25 per fish.
8. Possession of undersized muskellunge or oversized channel catfish (Section 4) – penalty - \$100 per fish.
9. Exceeding the daily creel limit of fish, one fish in excess of the daily limit (Section 4) – penalty - \$100. More than one fish in excess of the daily limit or second violation within one year is a Class B misdemeanor. The aforementioned non-criminal penalty does not apply to over limit of paddlefish, muskellunge, or violations of channel catfish length restrictions.
10. Removing more than gills, entrails, and scales from fish that are subject to a size limit while on the water or actively engaged in fishing on waters having a size restriction - or - removing

- more than gills and entrails from channel catfish east of ND Highway 1 while on the water, actively engaged in fishing, transporting or until the fish are at the license holder's personal, permanent residence (Section 4) – penalty - \$100.
11. Failure to accompany one's own game fish during transportation or transporting another's game fish (Section 4) – penalty - \$100.
  12. Snagging for paddlefish before or after legal hours (Section 3) – penalty - \$100.
  13. Transfer of a paddlefish tag to another (Section 3) – penalty - \$100.
  14. Failure to immediately tag a paddlefish with one's own tag (Section 3) – penalty - \$100.
  15. Cast for or attempt to hook a paddlefish for another (Section 3) – penalty - \$100.
  16. Use more than one hook per line for paddlefish (Section 3) - penalty - \$100.
  17. Use or possess a gaff in restricted areas or on catch and release days while paddlefish snagging (Section 3) – penalty - \$100.
  18. Snag for paddlefish from a boat (Section 3) – penalty - \$100.
  19. Release a paddlefish on harvest days or fail to release a paddlefish on release days (Section 3) – penalty - \$200.
  20. Fail to have tag accompany processed paddlefish (Section 3) – penalty - \$100.
  21. Violation of signage rules of the proclamation (Section 3) – penalty - \$100.
  22. Failure to properly package fish (Section 4) – penalty - \$25.
  23. Failure to register for dark house spear fishing (Section 3) – penalty - \$25.
  24. Failure to release properly in a basket or other container (Section 3) – penalty - \$25.

## **B. COMMERCIAL FISHING, BAIT VENDING, CLAMMING, AND TURTLES**

Commercial fishing, bait vending and clamming consists of those activities where a special permit or license is required other than a regular fishing license.

### **B-1. NON- CONTRACT COMMERCIAL FISHING**

Non-contract commercial fishing is licensed only through application to the Game and Fish Department.

#### **1. Seasons for Legally Taking Fish**

Non-contract commercial fishing is open from May 15<sup>th</sup> through November 30<sup>th</sup> of each fishing year.

#### **2. Species, Gears and Areas of the State for Legally Taking Fish**

Channel catfish and nongame fish species excluding legal live baitfish (as defined in Section A-1) may be taken with the following gear in the following areas:

**Seines and hoop nets** - that portion of Lake Oahe and the Missouri River lying between where the electric transmission line crosses the Missouri River north of Beaver Bay to the Leland Olds Power Station/UPA boat ramp; that portion of Lake Sakakawea and the Missouri River north and west of the Four Bears Bridge to the Montana border; and the Yellowstone River.

**Set lines** – that portion of the Little Missouri River lying west of N.D. Highway 22 Bridge; and the Yellowstone River.

#### **3. Gear Restrictions**

a. **Seines** – maximum length 100 feet. Stretched mesh size shall not be less than 1 ½ inches square or more than 3 inches square.

b. **Hoop nets** – maximum hoop diameter is four feet. No more than five hoop nets may be possessed.

c. **Set lines** – no more than ten hooks per set line is allowed. No more than five set lines may be possessed. The entire set line, except for the ends used for anchoring, must be below the water line at all times. All set lines must be pulled and checked at least once every 48 hours.

#### **4. Other**

Tags furnished with the license must be attached to the gears identified in Section B-1.2 at all times. A licensed non-contract commercial fisherman may sell their catch at their residence only.

### **B-2. CONTRACT COMMERCIAL FISHING**

Contract fishing is for nongame fish species only (see Section A-1) and will be performed under an individual contract with the Game and Fish Department. Contract fishing requires a bond from a recognized bonding company or a line of credit from a recognized financial institution.

### **B-3. BAIT VENDING**

A person may not take, possess, purchase, transport, or sell legal live baitfish or other legal live bait at wholesale or retail without first obtaining the appropriate license. Bait vendor licenses are only available through application to the Game and Fish Department. Licensed bait vendors may take (must be killed immediately) and possess up to 50 gallons of rainbow smelt annually. Fathead minnow, stickleback,

creek chub, white sucker, rainbow smelt, and lake herring (cisco) that have been preserved by freezing, salting or otherwise treated to inactivate sexual products are legal.

**B-4. SEASON FOR COMMERCIALY HARVESTING CLAMS (MUSSELS)**

1. The season for harvest of clams (mussels) is closed.

**B-5. SEASON FOR COMMERCIALY HARVESTING TURTLES**

1. The season for harvest of turtles is closed.

GIVEN UNDER BY HAND and the Great Seal of the State of North Dakota

this 24<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
Jack Dalrymple  
Governor

ATTEST

  
\_\_\_\_\_  
Secretary of State