

CHAPTER 30-03-03

CONSTRUCTION AND USE OF FISHHOUSES FOR WINTER FISHING

Section

30-03-03-01 License Procurement [Repealed]

30-03-03-02 Use [Repealed]

30-03-03-03 Construction

30-03-03-04 Location

30-03-03-05 Open When in Use

30-03-03-06 Violations Are Noncriminal

30-03-03-03. Construction.

Any ~~unoccupied structure, to include campers, used as a fishhouse~~ shall be constructed of material that will allow it to float and to be readily removable from the ice at any time.

History: Amended effective September 1, 1993; April 1, 2006; April 1, 2009.

General Authority: NDCC 20.1-06-07

Law Implemented: NDCC 20.1-06-07

CHAPTER 30-03-01.1

BAIT VENDORS

Section

30-03-01.1-01 License Required to Be Displayed

30-03-01.1-02 Bait Definitions

30-03-01.1-03 Legal Live Bait and Legal Live Baitfish Species Permitted

30-03-01.1-04 License Limitations

30-03-01.1-05 Assistants Covered by License

30-03-01.1-06 Quantity Requiring License

30-03-01.1-07 Equipment for Holding and Transport

30-03-01.1-08 Interstate Transport

30-03-01.1-09 Transportation of Bait With Aquatic Vegetation Within the State [Repealed]

30-03-01.1-10 Transportation of Bait in Water Within the State

30-03-01.1-11 Stocking

30-03-01.1-12 Equipment for Taking Legal Live Bait and Legal Live Baitfish

30-03-01.1-13 Prohibited Waters for Taking Legal Live Bait and Legal Live Baitfish

30-03-01.1-14 Wholesale Bait Pond

30-03-01.1-15 Inspections and Records

30-03-01.1-16 Violations and Penalties

30-03-01.1-06. Quantity requiring license.

A retail or wholesale license is required for the possession of more than the limits described in the current fishing proclamation of legal live baitfish, rainbow smelt (must be dead), live crayfish, live frogs, or live salamanders.

History: Effective April 1, 2008; amended effective October 1, 2010.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01.1-07. Equipment for holding and transport.

Persons commercializing in or transporting legal live bait and legal live baitfish shall use equipment capable of maintaining such live bait in a healthy and lively condition at all times, except for rainbow smelt which must be killed immediately after capture. Each species of legal live baitfish must be kept separate from other species of legal live baitfish in holding and transport equipment. The premises and equipment of all persons commercializing in live bait shall be open to the inspection of the director or any of the director's duly appointed agents at any time. Equipment used for transporting live bait into or within the state, including bedding (medium), must be free of aquatic nuisance species. Water used to transport live bait into the state must be from a potable or ground water (well) source and shall not contain any aquatic vegetation. Retail bait vendors must keep all aquatic vegetation and aquatic nuisance species out of bait tanks at their point of sale. Any bait vendor 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.

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

Law Implemented: NDCC 20.1-06-14, 20.1-17-01, 20.1-17-06

30-03-01.1-08. Interstate transport.

Only the following live baitfish and live 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, leeches, and worms (to include nightcrawlers and wax worms). It is illegal to import all other live bait.

~~It is illegal to import fathead minnows or stickleback into the state. It is illegal to import other live baitfish or live bait into the state except with a permit issued by the director and only in the manner approved by the director. It is illegal to export live baitfish or live 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 baitfish or live 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 live baitfish or live bait.

History: Effective April 1, 2008; amended effective October 1, 2010.

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

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 bait and legal live baitfish at retail only, at one specified selling location per license. A wholesale bait vendor may only sell legal live bait and legal live baitfish 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.

History: Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01.1-12. Equipment for taking legal live bait and legal live baitfish.

A person possessing only a retail license may take legal live bait and legal live baitfish 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 [4.45 centimeters] 3 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 bait and legal live baitfish with fish traps less than ~~five-seven feet~~ [2.11-5 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.

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.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-04

30-03-01.1-13. Prohibited waters for taking legal live bait and legal live baitfish.

Licenses shall not be permitted to take legal live bait and legal live baitfish from the following:

1. Waters managed as recreational fisheries (except for the Missouri River System where rainbow smelt may be taken);
2. Waters designated by the department as infested with prohibited or regulated aquatic nuisance species (except for 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 departments wildlife management areas (except for 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.

~~Refer to the current fishing proclamation for commercial season and other restrictions for harvesting leeches by licensed bait dealers. 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.

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 (22)

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

Equipment used to capture, transport, or hold, and shipments of, legal live bait and legal live baitfish are subject to inspections by duly appointed agents of the director. Each licensee trapping, seining, or purchasing legal live bait and legal live baitfish for sale must accurately complete forms furnished by the department. Each licensee shall keep current (within a month) records at the retail licensee's point of sale or the wholesaler licensee's permanent business address, or both. Records must be open to inspection by the department. A copy of these records shall be submitted to the director no later than thirty days following expiration of the license. Records must be retained by the licensee until submitted to the Department for a period of two years after the expiration of any license issued under this section. Any bait vendor 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.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14