

## **North Dakota AIS Regulations**

### **N.D. Admin. Code Tit. 30, Art. 30-03, Ch. 30-03-01.1 (Bait Vendors)**

#### **§ 30-03-01.1-07. Equipment for holding and transport.**

Persons commercializing in or transporting legal live aquatic bait 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 aquatic bait must be kept separate from other species of legal live aquatic bait in holding and transport equipment. The premises and equipment of all persons commercializing in legal live aquatic 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 legal live aquatic bait into or within the state must be free of aquatic nuisance species. Water used to transport legal live aquatic 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 two hundred dollar fee.

#### **§ 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);
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.

### **N.D. Admin. Code Tit. 30, Art. 30-03, Ch. 30-03-02 (Private Fish Hatcheries)**

#### **§ 30-03-02-12. Equipment for transport.**

All equipment used for transporting fish to and from a private fish hatchery must be free of aquatic vegetation and aquatic nuisance species and all equipment is subject to periodic inspection by a duly appointed agent of the director.

**§ 30-03-02-13. Illegal waters for private fish hatcheries.**

Private fish hatcheries shall not be permitted on the following:

1. Waters managed as recreational fisheries;
2. Waters designated by the department as infested with prohibited or regulated aquatic nuisance species;
3. The department's wildlife management areas; or
4. The United States fish and wildlife service's wildlife development areas, waterfowl production areas, or refuges.

**N.D. Admin. Code Tit. 30, Art. 30-03, Ch. 30-03-06 (Aquatic Nuisance Species)**

**§ 30-03-06-01. Equipment.**

Upon 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 duly appointed agent of the director.

**§ 30-03-06-02. Aquatic vegetation definition.**

Aquatic vegetation includes all obligate submergent species of aquatic plants.

**§ 30-03-06-03. Aquatic vegetation prohibited.**

No aquatic vegetation, or parts thereof, shall be in or on watercraft, watercraft motors, watercraft trailers, and recreational, commercial, or construction equipment when out of water. Watercraft and recreational, commercial, or construction equipment on lifts suspended above the water from which they originated are excluded. Time out of the water needed to clean aquatic vegetation from the watercraft, watercraft motors, watercraft trailers, and recreational, commercial, or construction equipment at the immediate water access area (e.g., boat ramp) is allowed. All built-in structures to boats, including livewells and bait compartments and containers used to transport legal live bait, must be free of aquatic vegetation.

**§ 30-03-06-04. Aquatic vegetation transport.**

No person may transport any aquatic vegetation to or from any waters of the state without approval from the director. No person may transport any aquatic vegetation into the state.

**§ 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 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.

**§ 30-03-06-06. Inspections.**

Repealed effective October 1, 2010.

**§ 30-03-06-07. Penalty.**

Any person violating a provision of this chapter, 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 class b misdemeanor under the authority of North Dakota Century Code section 20.1-17-09