

CHAPTER 30-04-02
PUBLIC USE OF GAME OR FISH MANAGEMENT AREAS

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30-04-02-01. Public access and use. All state wildlife game or fish management areas are open for public hunting, fishing, and trapping, or other compatible public use, except as otherwise provided in this chapter, governor's proclamation, or as posted at public road entry points. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee or the amount as written or posted, if different. As used in this chapter, "wildlife management area" or "WMA" has the same meaning as "game or fish management area" in North Dakota Century Code chapter 20.1-11.

History: Amended effective April 1, 1986; April 1, 2006; January 1, 2014.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-02. Public hunting, fishing, and trapping. Repealed effective April 1, 1986.

30-04-02-03. Motor vehicles. Mallard Island on Wolf Creek WMA and Matthews Island on Detrobriand WMA are closed to the use of all motorized vehicles and aircraft. On all other wildlife management areas, the use of all motorized vehicles is restricted to those constructed roads, established trails, and

parking areas normally used by passenger cars. Established roads and trails do not include temporary trails across cultivated land used for agricultural purposes. Motor vehicles may be used on the ice of lakes for access unless otherwise prohibited by posting or by proclamation. Persons operating any motor vehicle on the ice of any lake or other water area on a wildlife management area do so at their own risk. Motor vehicles may not be used off established roads and trails for retrieval of big game or for waterfowl hunting on wildlife management areas, except where allowed by governor's proclamation or as posted at public road entry points. All motorized vehicles that produce a noise level of eighty-five decibels, or greater, measured on scale A, at a distance of fifty feet [15.2 meters] are prohibited. 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.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-04. Watercraft. No person may leave watercraft unattended on a wildlife management area unless the watercraft is being used on a daily basis. The department may have horsepower or other watercraft restrictions on some wildlife management area lakes, as posted at entry points. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-05. Firearms. Use of firearms on wildlife management areas is allowed, except in a reckless and indiscriminate manner, and as otherwise posted at public road entry points. A person discharging a firearm on a department-designated target range shall not be considered to be engaging in indiscriminate shooting. The use of tracer rounds or exploding targets, or both, is prohibited on all 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; January 1, 2014.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-06. Littering and abandonment of property. The disposal of refuse, rubbish, bottles, cans, or other waste materials is prohibited except in garbage containers where provided. Abandonment of vehicles or other personal property is prohibited. Holding tanks of campers may not be dumped within a state wildlife management area.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-07. Removal and destruction of property. Archaeological artifacts or cultural resources as defined in North Dakota Century Code section 55-03-00.1, trees, shrubs, vines, plants, gravel, fill, sod, water, crops, firewood, posts, poles, or other property may not be mowed, clipped, cut, or removed from a wildlife management area without a permit issued by the director or the director's designee, except that firewood may be removed under certain stated conditions from department designated firewood cutting plots. Commercial cutting of firewood is prohibited on designated firewood cutting plots. Gathering of downed wood for campfires is permitted. Removal of property from a wildlife management area by permit shall be only in a manner, limit, and conditions specified by the permit. Berries and fruit may be picked, for noncommercial use unless prohibited by posted signs at public road entry points. Property may not be destroyed or defaced.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-08. Private property and structures. No person shall construct or maintain any building, cabin, dock, fence, beehive, billboard, sign, or other structure on any wildlife management area except by permit issued by the director or the director's designee. Fishhouses may be used during the ice fishing season in accordance with the governor's proclamation. Duck, goose, crane, and other types of decoys may not be left unattended on any wildlife management area.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-09. Cropping, haying, and commercial enterprises. No person may conduct any cropping, haying, or other commercial enterprise on any wildlife management area, except by lease or permit issued by the director or the director's designee.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-10. Animals prohibited - Exceptions. The director has determined that animals, other than free-ranging wildlife that may be found on wildlife management areas, are detrimental to the protection and propagation of wildlife and other natural resources. Except as otherwise provided in this section and section 30-04-02-14.2, no individual may possess or cause the entry of any animal on any wildlife management area.

1. **Livestock.** Livestock shall not be permitted to graze or roam on any wildlife management area except as provided for by a grazing permit or lease issued by the director or the director's designee. As used

in this section, "livestock" means domestic animals and nontraditional livestock as defined by North Dakota Century Code section 36-01-00.1.

2. **Pets.** Pets may not be permitted to run unattended on wildlife management areas. Any individual who violates this subsection is guilty of a noncriminal offense and shall pay a fifty dollar fee.
3. **Horseback riding.** A person may engage in casual horseback riding or trail riding on wildlife management areas. Groups of twenty-five or more individual riders or twenty-five or more horses or other equine animals must first obtain a permit from the director or the director's designee. No person may engage in, conduct, or organize any competitive or noncompetitive activity involving the use of horses or other equines to conduct racing, barrel racing, roping, jumping, or other activities that cause unnecessary disturbance to the wildlife and wildlife habitat. Any person who violates this subsection is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

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 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.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-12. Group activities. Group activities attended by more than twenty-five persons are prohibited without a permit issued by the director or the director's designee. 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.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-13. Other uses. Repealed effective April 1, 1986.

30-04-02-14. Noise. Excessive noise, which unreasonably disturbs other individuals, is prohibited on wildlife management areas. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-14.1. Tree stands and ground blinds. No person may construct or use a permanent tree stand or permanent steps to a tree stand or permanent ground blind on any wildlife management area. Portable tree stands and portable steps, screw-in steps, natural tree stands, and portable ground blinds may be used. Portable tree stands and portable steps are defined as those that are held to the tree with ropes, straps, cables, chains, or bars. Screw-in steps are those that are screwed into the tree by hand without the aid of any tools. Ladder-type stands that lean against the tree are portable stands. A notched board placed in a tree crotch is a portable stand. Natural stands are those crotches, trunks, down trees, etc., where no platform is used. The owner's name, city, and telephone number, the owner's North Dakota hunter education number, or a unique identification number issued by the department must be on the tree stand or portable ground blind, or both, and be readable from the ground. Tree stands and ground blinds do not preempt hunting rights of others in the vicinity of the tree stand or ground blind. Tree stands, steps, and ground blinds may not be put up before August twentieth of the year, and they shall be taken down by January thirty-first of the following year. Stands, steps, and ground blinds not removed by the thirty-first of January are considered abandoned property and are subject to removal and confiscation by the director or the director's designee. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 1986; amended effective April 1, 2006; April 1, 2009; January 1, 2014.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-14.2. Dogs. No person may conduct, permit, or carry out field trials for dogs on any wildlife management area without first obtaining a permit from the director or the director's designee. Training of bird and gun dogs is prohibited April first through August fifteenth on all wildlife management areas. Training of dogs on any wildlife management areas by a professional trainer is prohibited at all times. Any person other than a professional trainer who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 1986; amended effective April 1, 2006.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-15. Department work. This chapter shall not apply to the director, the director's agents and employees, and other persons designated by the director

when necessary for law enforcement or for development, management, or maintenance of any wildlife management area.

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

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-16. Glass beverage containers or kegs prohibited. No person may use or possess glass beverage containers or kegs on any wildlife management area. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective November 1, 1995; amended effective April 1, 2006.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-17. Baiting. Except as otherwise provided herein, no person may place or use bait for attracting, luring, feeding, or habituating wildlife to the bait location for any purpose on a wildlife management area. Bait includes grains, minerals, salt, fruits, vegetables, hay, or any other natural or manufactured feeds. Bait does not include the use of lures, scents, or liquid attractants for hunting, or management activities of the department. A person may use bait to lure and take furbearers when engaged in lawful trapping activities. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 2006.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-18. Fireworks, model rocket engines, or combustible or explosive materials prohibited.

1. No person may possess, discharge, or set off within any wildlife management area any form of fireworks, model rocket engine, or combustible or explosive material unless authorized by the director or the director's designee.
2. The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances or article prepared to produce a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes any blank cartridge, toy pistol, toy cannon, toy cane, or toy gun in which an explosive other than a toy paper cap is used; balloon that requires fire underneath to propel the balloon; firecracker, torpedo, skyrocket, Roman candle, daygo bomb, sparkler, or other item of like construction; item containing any explosive or flammable compound; or any tablet or other device containing any explosive substance. This section does not apply to any toy paper cap containing not more than twenty-five hundredths of a grain [16.20 milligrams] of explosive composition per cap.

3. "Model rocket engine" means a commercially manufactured, nonreusable rocket propulsion device constructed of a nonmetallic casing and solid propellant wherein all of the ingredients are self-contained so as not to require mixing or handling by the user. The propellant charge may not exceed two and two-tenths ounces [62.37 grams] per engine.
4. "Combustible or explosive material" does not include rifle, shotgun, or handgun ammunition; petroleum-base or synthetic fuels and lubricants when contained within a motor or recreational vehicle engine or drive train; or matches, butane, kerosene, propane, or similar fuels and devices used in the ordinary course of camping.

Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 2006.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-19. Penalty. Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

History: Effective April 1, 2006.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-20. Paintballing prohibited.

1. No person shall engage in any form of paintballing on any state wildlife management area unless authorized by the director or the director's designee.
2. The term "paintballing" refers to any sport in which participants eliminate opponents from play by hitting them with paintballs (spherical gelatin capsules containing primarily polyethylene glycol, other nontoxic and water-soluble substances, and dye) shot from a compressed gas-powered gun, commonly called a marker.

History: Effective April 1, 2009.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-21. Geocaching prohibited.

1. No person shall engage in any form of geocaching on any state wildlife management area unless authorized by the director or the director's designee.

2. The term "geocaching" refers to an outdoor treasure-hunting game in which the participants use a global positioning system receiver or other navigational techniques to hide and seek containers, called geocaches or caches. A typical cache is a small waterproof container containing a logbook and treasure.

History: Effective April 1, 2009.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05