



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

Aug. 10, 2015

Vonette Richter, Assistant Code Revisor
Legislative Council
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Vonette:

The Notice of Intent to Adopt, Amend, and Repeal Administrative Rules and a copy of the proposed rules are enclosed as required by NDCC 28-32-10(1).

Sincerely,

A handwritten signature in blue ink that reads "Kim Kary". The signature is fluid and cursive.

Kim Kary, Chief
Administrative Services Division

Enclosure

C: John Walstad

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

GOVERNOR, Jack Dalrymple

*DIRECTOR, Terry Steinwand
DEPUTY, Scott A. Peterson*

*100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095
Phone: (701) 328-6300
FAX: (701) 328-6352*

NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES RELATING TO N.D.A.C. ARTICLE 30-02

TAKE NOTICE that the North Dakota Game and Fish Department will hold a public hearing to address proposed new rules to North Dakota Administrative Code Article 30-02, at 1:15 P.M. on Tues., Sept. 15, 2015 at the North Dakota Game and Fish Department's auditorium located at 100 N. Bismarck Expressway, Bismarck, ND. The purpose of the proposed rule change is to implement statutes. The proposed rules changes are not expected to have an impact on the regulated community in excess of \$50,000.

The purpose and an explanation of the proposed rule change are to create a new chapter as follows:

Chapter 30-02-09 – Elk License Raffle. An amendment to create a new chapter for an elk license raffle for Annie's house at Bottineau winter park. This chapter is being created per legislative Senate bill number 2017, section 3, enacted by the sixty-fourth Legislative Assembly. Section 3 of Senate bill number 2017 is effective through June 30, 2017, and after that date is ineffective.

The proposed rules may be reviewed at the ND Game and Fish Department's office, 100 North Bismarck Expressway, Bismarck, ND 58501-5095 or on the Department's website at <http://gf.nd.gov/>. A copy of the proposed rules may be requested in writing from the above

address, or by calling 701-328-6305, or emailing ndgf@nd.gov. Written or oral comments on the proposed rules sent to the above mailing or email address, or telephone number and received by Sept. 25, 2015 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or phone number at least seven (7) days before the public hearing.

Dated this 10th day of August, 2015.


Terry Steinwand
Director

Administrative Rule Changes

Interim Final Rules Effective Aug. 3, 2015

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 30-03-06
AQUATIC NUISANCE SPECIES

TAKE NOTICE that the North Dakota Game and Fish Department (NDGFD) will hold a public hearing to address the proposed amendments to North Dakota Administrative Code Chapter 30-03-06 at 1:15 P.M. on Tues., Sept. 15, 2015 at the North Dakota Game and Fish Department's auditorium located at 100 N. Bismarck Expressway, Bismarck, ND. The proposed rules are declared to be an emergency effective August 3, 2015, as interim final rules under North Dakota Century Code 28-32-03; North Dakota Century Code section 20.1-17-01-05 allows for emergency rulemaking for the prevention and control of aquatic nuisance species.

The proposed amendment of North Dakota Administrative Code chapter 30-03-06, Aquatic Nuisance Species, is necessary to reduce the risk of westward spread of zebra mussels.

The proposed changes are as follows:

Chapter 30-03-06-05 – In addition to existing statewide aquatic nuisance species rules, anglers may no longer transport live bait in water away from the Red River. That means all water must be drained from bait buckets as anglers leave the shore, or remove their boat from the water. All boats and other watercraft must have their plugs pulled when exiting the Red River. In addition, all boats entering North Dakota must have their plugs pulled.

Chapter 30-03-06-07 – Changes to the penalty.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

The proposed rules may be reviewed at the NDGFD office, 100 North Bismarck Expressway, Bismarck, ND 58501-5095 or on the Department's website at <http://gf.nd.gov/>. A copy of the proposed rules may be requested in writing from the above address to the attention of: Attn: Admin. Services Division Chief, or by calling 701-328-6305, or emailing ndgf@nd.gov. Written or oral comments on the proposed rules sent to the above mailing or email address, or telephone number and received by Sept. 25, 2015 will be fully considered.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the NDGFD at the above telephone number or address at least seven days prior to the hearing.

Dated this 3rd day of August, 2015.

/s/ Terry Steinwand
Terry Steinwand
Director

FINDING AND STATEMENT OF REASON
NORTH DAKOTA GAME AND FISH DEPARTMENT
REGARDING PROPOSED AMENDMENT
NORTH DAKOTA ADMINISTRATIVE CODE CHAPTER 30-03-06
AQUATIC NUISANCE SPECIES

FINDING

I find that emergency rulemaking to amend N.D. Administrative Code chapter 30-03-06, Aquatic Nuisance Species, is necessary as required under section 20.1-17-01-05.

STATEMENT OF REASON

Emergency rulemaking is necessary for the North Dakota Game and Fish Department to comply with section 20.1-17-01-05.

Dated this 3rd day of August, 2015.

Terry Steinwand
Director

ABBREVIATED NOTICE OF INTENT TO ADOPT AND AMEND
ADMINISTRATIVE RULES

NORTH DAKOTA GAME AND FISH DEPARTMENT
will hold a public hearing to address proposed changes to the N.D. Admin. Code relating to
Aquatic Nuisance Species & Elk License Raffle.

ND Game & Fish Dept.
100 N. Bismarck Expressway
Bismarck, ND
Tues., Sept. 15, 2015
1:15 p.m.

The proposed rules regarding Aquatic Nuisance Species are declared to be an emergency effective Aug. 3, 2015 as interim final rules under North Dakota Century code 28-32-03. The proposed rules are available on the Department's website at <http://gf.nd.gov/> or a copy may be obtained by calling the Department at 701-328-6305. Also, written comments may be submitted to the above address through Sept. 25, 2015. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above phone number or address at least seven days prior to the public hearing.

Dated this 10th day of August, 2015.

Terry Steinwand
Director

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

GOVERNOR, Jack Dalrymple

DIRECTOR, Terry Steinwand

DEPUTY, Scott A. Peterson

*100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095*

Phone: (701) 328-6300

FAX: (701) 328-6352

August 3, 2015

Vonette Richter, Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Emergency Rule Making Proposed Amendment of N.D. Admin. Code Chapter 30-03-06,
Aquatic Nuisance Species

Attached for filing in the office of the Legislative Council are the following:

1. Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. § 28-32-02;
2. Finding and Statement of reason of Terry R. Steinwand, Director of the North Dakota Game and Fish Department, with respect to the declaration of the proposed amendment of N.D.A.C. Chapter 30-03-06;
3. Interim final rules effective August 3, 2015; and
4. The July 30, 2015 memo from Governor Dalrymple approving the request for emergency rulemaking.


Mr. Steinwand has declared that the proposed amendments require emergency rulemaking. Accordingly, Mr. Steinwand has declared these proposed amendments to be interim final rules effective August 3, 2015.

The department has determined that the appropriate measures to make the proposed interim final rules known to every person who may be affected by them consist of notifying all state anglers via a statewide press release, posting a notice on the North Dakota Game and Fish Department's website, mailing a copy of the proposed rules to every bait vendor bordering the Red River and to persons or entities who have expressed an interest in receiving notice of such rulemaking; furnishing this notice to the Legislative Council; and publishing notice of the

ndgf@nd.gov. Written or oral comments on the proposed rules sent to the above mailing or email address, or telephone number and received by Sept. 19, 2015 will be fully considered.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the NDGFD at the above telephone number or address at least seven days prior to the hearing.

Dated this 3rd day of August, 2015.



Terry Steinwand
Director

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

GOVERNOR, Jack Dabrymple

*DIRECTOR, Terry Steinwand
DEPUTY, Scott A. Peterson*

*100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095
Phone: (701) 328-6300
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**FINDING AND STATEMENT OF REASON
NORTH DAKOTA GAME AND FISH DEPARTMENT
REGARDING PROPOSED AMENDMENT
NORTH DAKOTA ADMINISTRATIVE CODE CHAPTER 30-03-06
AQUATIC NUISANCE SPECIES**

FINDING

I find that emergency rulemaking to amend N.D. Administrative Code chapter 30-03-06, Aquatic Nuisance Species, is necessary as required under section 20.1-17-01-05.

STATEMENT OF REASON

Emergency rulemaking is necessary for the North Dakota Game and Fish Department to comply with section 20.1-17-01-05.

Dated this 3rd day of August, 2015.



Terry Steinwand
Director



State of
North Dakota
Office of the Governor

Jack Dalrymple
Governor

MEMO

TO: Terry Steinwand, Director
FROM: Governor Jack Dalrymple
SUBJECT: Governor's Approval of Emergency Rule for Aquatic Nuisance Species
DATE: July 30, 2015

On July 29, 2015 at 1:30 pm I met with Terry Steinwand, Director of North Dakota Game and Fish Department, to discuss the potential for an Emergency Rule to address the recent occurrence of zebra mussel in the Red River. Information was provided on locations where zebra mussel were found, a summary of the potential impacts of zebra mussel and the natural resource and industry in North Dakota, what Game and Fish is doing and has done to inform and educate the public on aquatic nuisance species and a proposal of rule change to Chapter 30-03-06 of North Dakota Administrative Rules to reduce the westward spread risk of zebra mussels.

The Emergency Rule process is the correct manner in which to proceed and approve the Emergency Rule process to amend administrative code to reduce the risk of westward spread of zebra mussel.

Sincerely,

A handwritten signature in cursive script that reads "Jack Dalrymple".

Jack Dalrymple
Governor