

## **CHAPTER 20.1-11 GAME REFUGES AND GAME MANAGEMENT AREAS**

### **20.1-11-01. General penalty.**

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

### **20.1-11-02. Game refuges on privately owned or leased lands - How established.**

Any person owning, or having control by lease or otherwise, for the required time, of any lands within this state, may establish a state game refuge thereon by filing with the director a written application containing:

1. The name of the owner or lessee of the lands described therein.
2. The written consent of the owner, or, if the application is made by a lessee, the written consent of both the owner and the lessee, to the establishment of a state game refuge thereon.
3. The time for which the refuge is to be established, which must be for five years or more from the date the application is filed with the director. The lease may be made renewable at the option of both parties and may be terminated at any time by mutual consent of both parties.
4. The extent and legal description of the lands involved. The lands must be ten acres [4.05 hectares] or more, but cannot exceed six sections [1553.99 hectares] in any one township.
5. A brief dedication of the lands to this state for the purpose of a state game refuge.
6. A waiver by the owner, or, if the application is made by a lessee, by both the owner and lessee, of all rights of that person and members of that person's family to hunt, shoot, trap, or kill any game bird or protected animal on the land during the life of the dedication of the lands to this state as a state game refuge.

After the application, in due form, has been filed with the director and has been accepted by the director, the lands described in the application constitute a state game refuge for the time set forth in the application.

### **20.1-11-03. Game refuges on lakes for migratory game birds - How established.**

The owner or owners, lessee or lessees, of land surrounding or adjoining any lake within this state, pursuant to section 20.1-11-02, may dedicate the lake to this state for a breeding, resting, and refuge place for migratory waterfowl.

### **20.1-11-04. Game refuges on public lands may be established by director - Duration of public land refuges.**

The director may establish state game refuges on any unsold public lands of this state with the written consent of the entity responsible for the management of those lands. The refuge continues to exist until canceled by the director or the land management entity, or until the land on which it is located is sold to a private person.

### **20.1-11-05. Establishment of state game or fish management areas.**

The director may establish game or fish management areas upon any state-owned lands for the use and benefit of the game and fish department with the written consent of the entity responsible for the management of any state-owned lands, or upon any publicly or privately owned land leased or given by license to the game and fish department for hunting and fishing purposes. These game or fish management areas may be opened for hunting, fishing, or trapping under chapter 20.1-08. The director may adopt rules concerning the use of game or fish management areas pursuant to chapter 28-32.

**20.1-11-06. Public record of state game refuges to be kept by director - Contents of record.**

The director shall keep a record of all state game refuges established on privately owned or leased lands or on public lands. This record must list each state game refuge by the county in which it is located and, with reference to each refuge established on privately owned or leased lands, must show:

1. The name of the person making the dedication.
2. The period for which it is dedicated.
3. The legal description of the land on which it is located.

The record is open to public inspection.

**20.1-11-07. Game refuges, game management areas to be posted by director - Inscription on signs - Location.**

The director shall post each state game refuge and game management area with sign boards bearing the words "state game refuge" or "state game management area". These signs must be located at each corner of the refuge or management area and along the outer lines at intervals of approximately four hundred forty yards [402.34 meters].

**20.1-11-08. Hunting and trapping within refuge prohibited - Exception in case of carnivorous birds or animals.**

The owner or lessee of any lands or lake set aside as a state game refuge under this chapter may not hunt or carry firearms within the limits thereof, nor permit the members of that person's family or other persons to do so. However, if that person has reason to believe there are carnivorous birds or animals within the refuge, or if that person finds any of the same thereon, that person may, with the director's written permission, hunt, trap, and kill any carnivorous or unprotected birds and animals that prey upon protected game birds or animals found within the refuge.

**20.1-11-09. When predatory animals on state game refuges may be destroyed by persons designated by director.**

The director, with the consent of the refuge owner or lessee, may designate any game warden or other person to destroy, subject to the regulations of the director, predatory birds or animals within any state game refuge.

**20.1-11-10. Director to mark game farms, refuges, management areas, breeding and resting places - Destroying or defacing signs unlawful.**

The director shall mark all game farms, state game refuges, game or fish management areas, breeding grounds, and resting places under the director's protection. No person may mutilate, destroy, tear or pull down, or shoot at any designating mark or other special or general warning sign or card.

**20.1-11-11. Landowner consent before posting.**

Before the department posts private land as a waterfowl rest area, it shall obtain the consent, in writing, of those residents owning land to be posted.

**20.1-11-12. Acquisition of school lands for wildlife restoration projects.**

The board of university and school lands, for wildlife restoration projects, may transfer and convey to the department any state school land. A transfer and conveyance may not exceed six hundred forty acres [259 hectares] for any one project and must be made in exchange for other land of equal value owned by the state for the benefit and use of the department or acquired by the department for exchange purposes.

**20.1-11-13. Hunting or trapping within refuge prohibited - Exception.**

Except as provided in sections 20.1-11-05, 20.1-11-08, and 20.1-11-09, no person may:

1. Hunt, shoot, trap, kill, wound, take, or capture any game bird or protected animal within the limits of any state or federal game refuge or state game management area.
2. Drive any game bird or protected animal out of a state or federal game refuge or state game management area to kill or capture it.
3. Be found within the limits of any state game refuge or state game management area in possession of a firearm.

**20.1-11-14. Property abandoned on state game refuges, leased or managed real property, and state game or fish management areas.**

The director may seize tangible property presumed abandoned on state game refuges, real property leased or managed by the game and fish department, and state game or fish management areas. After ninety days, the director may dispose of seized, unclaimed, tangible property presumed abandoned, or order it be turned over to the North Dakota wildlife federation to be sold for the highest price obtainable. The sale proceeds, after the expenses of the seizure and the sale are deducted, must be remitted to the North Dakota wildlife federation report all poachers fund. A report of the sale, supported by proper vouchers covering all deductions made for expenses, must be filed for the record with the director.