

§183D-2 Powers and duties of department. The department shall:

After coordination, direction, and cooperation, with the State Game Management Advisory Commission:

- (1) Manage and administer the wildlife and wildlife resources of the State;
- (2) Enforce all laws relating to the protecting, taking, hunting, killing, propagating, or increasing the wildlife within the State and the waters subject to its jurisdiction;
- (3) Establish and maintain wildlife propagating facility or facilities;
- (4) Subject to the provisions of title 12, import wildlife for the purpose of propagating and disseminating the same in the State and the waters subject to its jurisdiction;
- (5) Distribute, free of charge, as the department deems to be in the public interest, game for the purpose of increasing the food supply of the State; provided that when in the discretion of the department the public interest will not be materially interfered with by so doing, the department may propagate and furnish wildlife to private parties, upon such reasonable terms, conditions, and prices as the department may determine;
- (6) Ascertain, compile, and disseminate, free of charge, information and advice as to the best methods of protecting, propagating, and distributing wildlife in the State and the waters subject to its jurisdiction;
- (7) Gather and compile information and statistics concerning the area, location, character, and increase and decrease of wildlife in the State;
- (8) Gather and compile information concerning wildlife recommended for release in different localities, including the care and propagation of

wildlife for protective, productive, and aesthetic purposes and other useful information, which the department deems proper;

- (9) Have the power to manage and regulate all lands which may be set apart as game management areas, public hunting areas, and wildlife sanctuaries;
- (10) Pursuant to section 183D-65 of this chapter, destroy predators deemed harmful to wildlife;
- (11) Formulate, and from time to time recommend to the governor and legislature, such additional legislation necessary or desirable to implement the objectives of title 12; and
- (12) Preserve, protect, and promote public hunting. [L 1985, c 174, pt of §4; am L 1999, c 122, §2]

§183D-3 Rules. Subject to chapter 91, and After coordination, direction, and, cooperation, with the State Game Management Advisory Commission, the department shall adopt, amend, and repeal rules: as necessary and by public notice, in so far that said notice is published and posted at least 60 days prior to its effect.

- (1) Concerning the preservation, protection, regulation, extension, and utilization of, and conditions for entry into wildlife sanctuaries, game management areas, and public hunting areas designated by the department;
- (2) Protecting, conserving, monitoring, propagating, and harvesting wildlife;
- (3) Concerning size limits, bag limits, open and closed seasons, and specifications of hunting gear which may be used or possessed; and
- (4) Setting fees for activities permitted under this chapter, unless otherwise provided for by law.

The rules may vary from county to county or in any part of the county and may specify certain days of the week or certain hours of the day in designating open seasons, except that any fees established by rule shall be the same for each county. All rules shall have the force and effect of law. [L 1985, c 174, pt of §4; am L 1988, c 12, §1]

Case Notes

§183D-4 Game management areas, wildlife sanctuaries, public hunting areas. (a) For the purposes of preserving, protecting, conserving, and propagating wildlife, the department, **after coordination, direction, and cooperation, with the State Game Management Advisory Commission,** shall establish, maintain, manage, and operate game management areas, wildlife sanctuaries, and public hunting areas on land under its control and, as it deems desirable, enter into agreements for taking control of privately owned lands for those purposes.

(b) For the purposes of this section:

"Game management area" means an area so designated by either executive order, rule, cooperative agreement, or action of the board of land and natural resources that has been set aside for the primary purpose of managing, sustaining, and enhancing habitat and populations of game mammals and/or game birds, and providing public hunting and, secondarily, other compatible uses.

"Public hunting area" means those lands designated by the board of land and natural resources as areas where the public may hunt game birds and mammals, including:

- (1) Game management areas;
- (2) Forest reserves and surrendered lands;
- (3) Natural area reserves;
- (4) Restricted watersheds;
- (5) Cooperative game management areas;
- (6) Military training areas;
- (7) Unencumbered state lands;
- (8) Designated sanctuaries; and
- (9) Other lands designated by the board. [L 1985, c 174, pt of §4; am L 1999, c 122, §1; am L 2001, c 118, §