

## 2009 PRONGHORN PROCLAMATION

Pursuant to North Dakota law and the recommendation of the Game and Fish Director, I hereby declare an open season for the taking of pronghorn with bow (Pronghorn Bow), and firearms (Pronghorn Gun). Except as provided hereinafter or otherwise by law, no person shall hunt, kill, take, possess, transport or so attempt to hunt, kill, take, or possess, or transport any pronghorn or parts thereof.

**DEFINITIONS.** As hereinafter used, unless the content or subject matter otherwise requires: “Game” shall include any of those species of big game, small game, or furbearers as defined in section 20.1-01-02 of the North Dakota Century Code. “Edible flesh” (big game animals) shall be both front quarters, both hind quarters, and back straps but does not include meat ruined by bullet or natural causes. “Common Carriers” are shipping companies, commercial meat processors and taxidermists. “Processed and packaged meat” is meat which has been cut/ground and wrapped. It is not quartered or boned out pieces of meat.

### 1. SEASON DATES, TIMES, OPEN AREAS:

SEASON	OPENS	CLOSES	UNITS	RESTRICTIONS
BOW	Sept. 4 (12 noon CDT)	Oct. 4	1A, 1D, 2A, 2B, 3A, 3B, 4A, 4C, 5A, 6A, 7A, 8A, 9A, 9C, 10A, 11A	Any pronghorn is legal. No unit restrictions.
GUN	Oct. 2 (12 Noon CDT)	Oct. 18	1A, 1D, 2A, 2B, 3A, 3B, 4C, 5A, 6A, 7A, 8A, 9A, 9C, 10A, 11A	License holders are restricted to the assigned unit and the type of pronghorn on their license the entire season. (See Sec. 6 for license type definitions).
	----- Split Season-Early Oct. 2 (12 Noon CDT)	Oct. 11	4A	
	Split Season-Late Oct. 9	Oct. 18	4A	

**HOURS OF HUNTING:** Are one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset except when season opens as noted above, which is 12 noon Central Daylight Time to one-half (1/2) hour after sunset. Hunters must cease any hunting activity, leave any stand or blind, and

must be in the process of leaving the field at the close of shooting hours (one-half (½) hour after sunset).

## 2. ELIGIBILITY:

Only North Dakota residents are eligible for gun licenses while both residents and nonresidents may purchase bow licenses.

## 3. LICENSES:

Bow and gun licenses are issued in the form of stamps. These stamps must be affixed to the back of the fishing, hunting, and furbearer certificate and signed in ink. Licenses are non-transferable. No person may give, barter, or sell an issued license to another person.

**Bow**--Licenses are issued by county auditors and license vendors.

**Gun**--Licenses are issued by a weighted lottery drawing among eligible applicants as prescribed by the Director. Persons must submit applications to the Department's Bismarck office by August 5, 2009. Due to occasional delayed postmarking procedures, applications postmarked August 5 or 6 and earlier will be accepted. After the initial lottery, remaining licenses will be issued as prescribed by the Director.

**Fees**--The appropriate fee must accompany all gun applications in the form of personal checks, certified checks, or money orders. If an insufficient funds check is issued and the collection agency cannot collect, the applicant shall be ineligible for a 2009 and 2010 pronghorn gun license.

## 4. WEAPONS:

- A. BOW SEASON.** A bow must be pulled, held, and released by hand. Any release aid may be used providing it is hand operated, the shooter supports the draw weight of the bow, and the release is not attached to any part of the bow other than the bowstring. A compound bow used for hunting pronghorn must have at least 35 pounds of draw at 28 inches or less draw length. Recurve and long bows used for hunting pronghorn must have at least 35 pounds of draw at 28 inches. Arrows must be at least 24 inches long, tipped with a metal broadhead, with at least two sharp cutting edges, and have a cutting diameter of at least  $\frac{3}{4}$  inch (i.e., not able to pass through a  $\frac{3}{4}$  inch ring). It is illegal to hunt big game with barbed arrows. Broadheads with mechanical or retractable blades not manufactured to stay open are legal. Telescopic sights, range finding devices, battery-powered or electronically lighted sights or other electronic devices attached to bow, or the arrow, are not permitted. Handheld range finding devices are legal. Arrows capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead, are prohibited while hunting big game with a bow (e.g., explosive arrow points, arrows tipped with drugs or chemicals, and pneumatic or hydraulic shafts are illegal). No firearms, except handguns, may be in the hunter's possession while

hunting with a pronghorn bow license. However, handguns may not be used in any manner to assist in the harvest of a pronghorn on an archery license. Crossbows are not legal, except with a permit from the North Dakota Game and Fish Department Director. When permitted, crossbows must: a) have a peak draw weight of at least

75 pounds and not more than 200 pounds, b) be equipped with a working safety to prevent accidental firing, c) have a stock at least 14 inches long, d) use arrows or bolts at least 14 inches in length, and e) Battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of four by thirty-two millimeters may be attached to crossbows used for hunting, and f) crossbow hunters must comply with all other archery equipment regulations listed above.

- B. GUN SEASON.** Centerfire rifles of .22 to .49 caliber and muzzleloading rifles of .45 caliber or larger are legal for pronghorn. Centerfire rifles of .50 caliber or larger using smokeless powder are prohibited. Rifles must have a minimum barrel length of 16 inches. Rifled slugs, or patched round balls, of 20 gauge or larger are legal for shotguns and muzzleloading shotguns. Minimum barrel length of shotguns is 18 inches. Handguns .35 caliber or larger with a 4 inch barrel shall be legal for pronghorn. Muzzleloading handguns must be .50 caliber or larger. In addition, any centerfire handgun designed to fire a legal rifle cartridge shall be legal. All legal bow equipment as listed above in the bow season section shall be legal during the pronghorn gun season. Fully automatic weapons, full metal jacketed bullets which are nonexpanding, as well as altered projectiles are prohibited.

**American's with Disabilities**--The Director may make reasonable accommodations to comply with the American's with Disabilities Act.

## **5. AIRCRAFT, MOTOR-DRIVEN VEHICLES, AND LIGHTS:**

- \* It shall be illegal to use aircraft for spotting game 72 hours prior to and during the hunting season. A licensee cannot hunt the same day they are airborne over their hunting unit with the exception of their scheduled passenger airline flight. It is illegal to drive, concentrate, rally, raise, stir up, spot, or disturb game with aircraft.
- \* Motor-driven vehicles may not be used to pursue game. Motor-driven vehicles may not be used to retrieve a big game animal until the animal has been taken into possession and legally tagged.
- \* It is illegal to shoot with bow and arrow or firearm while in or on a motor-driven vehicle.
- \* It is illegal to carry a firearm in or on a motor-driven vehicle with a cartridge in the chamber. The entire cylinder of a revolver is considered the chamber, requiring the revolver to be completely unloaded. It is illegal to carry any muzzleloading firearm in or on a motor-driven vehicle with a percussion cap or primer on the nipple or powder in the flash pan.

- \* No person may use a motor-driven vehicle in the process of hunting big game or aid another in the process of hunting big game unless the motor-driven vehicle is on an established trail.

- \* No person may use motor-driven vehicles on North Dakota Game and Fish Department Conservation PLOTS (**P**riate **L**and **O**pen **T**o **S**portsmen) property. These areas have been entrusted to the public for walking access through written agreements by private landowners. The boundaries of these properties are described in the North Dakota Game and Fish Department's annual PLOTS Guide and on-site by large yellow triangular signs.
- \* It shall be illegal to engage in shining for big game with any artificial light for the purpose of locating or observing big game between sunset of one day and sunrise of the next.
- \* Use of night vision equipment or electronically enhanced light gathering optics for locating or hunting game is prohibited.

**6. BAG LIMIT:**

- A. BOW SEASON.** Each license holder may take and possess one pronghorn of any age or sex within open units. (See Section 1.)
- B. GUN SEASON.** Gun license holders may take and possess one pronghorn of the type and unit specified on their license. (See Section 1.)

**DEFINITION OF LICENSE TYPES:**

Doe or Fawn only--a pronghorn without a black "cheek patch" or with horns shorter than its ears.

Any pronghorn--a pronghorn of any age or sex.

**7. TAGGING REQUIREMENTS:**

IMMEDIATELY after an animal has been killed, the hunter must indicate the date of kill by cutting out the appropriate month and day from the tag provided with the license, and attach it to the base of the horn on male pronghorn or in a slit in the ear on female pronghorn as illustrated on the tag backing, to prevent its removal. The tag, placed immediately upon the horn or slit in the ear, shall remain with the horns or head until March 31, 2010. After the horns or head have been removed from the carcass, the carcass tag shall remain with the carcass or processed meat until consumed or until March 31, 2010. No person may re-use or attempt to re-use any tag issued. When any part of an animal is mounted, if the tag is removed from the horns or ear, the tag must be securely fastened to the back or bottom of the mount and remain there. Tags are not transferable.

**8. TRANSPORTATION AND STORAGE:**

License holders must accompany their game animal, or parts thereof, (excluding hide) during transportation. Except that a permit for the transportation of game may be issued by the Department upon request. Game may be shipped by common carrier in receipt of proper bill of lading. A pronghorn carcass must be accompanied by the head to the final place of storage. No resident of the state may ship game or parts thereof (other than hides) out of the state without a permit from the Department. It is illegal to possess or transport another's game animal or parts thereof (excluding hide) without the license holder accompanying or as otherwise permitted. Processed and packaged meat of legally harvested game may be gifted to another. Unprocessed, unpackaged meat of legally harvested game may be gifted as follows: 1) Prior to reaching the licensee's permanent residence a transportation permit must be obtained and accompany the game meat. 2) After reaching the licensee's permanent residence if accompanied by the carcass tag of the person who harvested the game.

Commercial processors and common carriers may possess any person's legally taken possession limit of game. The carcass tag from the individual's license shall accompany the carcass through processing and be returned to the individual to be kept until the meat is consumed or until March 31, 2010.

#### **9. AREAS CLOSED TO HUNTING:**

Federal or state properties such as refuges, sanctuaries, military installations, parks, or historic sites posted as no trespassing and/or no hunting are closed to the hunting of pronghorn.

In accordance with N.D.C.C. 20.1-08-04.9, nonresidents shall be prohibited from hunting from October 10 through October 16, 2009 on Game and Fish Department wildlife management areas or Conservation PLOTS (Private Land Open To Sportsmen) areas.

#### **10. WANTON WASTE:**

No person shall kill, cripple, waste, destroy, spoil, or abandon the edible flesh of any big game animal without making a reasonable effort to retrieve and retain the big game animal in his/her actual custody, at the place where taken and between that place and either (a) his/her permanent residence (b) a taxidermist (c) a common carrier or (d) a commercial processor.

#### **11. BAITING RESTRICTIONS:**

Baiting on Game and Fish Department's Wildlife Management Areas (WMAs) is prohibited. Baiting is defined as the placement and or use of bait(s) for attracting big game and other wildlife to a specific location for the purpose of hunting. Baits include but are not limited to grains, minerals, salts, fruits, vegetables, hay or any other natural or manufactured foods. The

designation does not apply to the use of scents and lures, water, food plots, standing crops, or livestock feeds being used in standard practices.

**12. HUNTING UNITS AND LICENSES AVAILABLE:**

- A. BOW HUNTING OPEN AREAS.** (unlimited licenses) Units 1A, 1D, 2A, 2B, 3A, 3B, 4A, 4C, 5A, 6A, 7A, 8A, 9A, 9C, 10A and 11A.

**B. GUN HUNTING UNITS AND LICENSE NUMBERS.** A total of 2,361 (1,531 Any and 830 Doe/Fawn) licenses as follows: (For unit descriptions see attached map.)

<u>Unit 1A</u>	160 any pronghorn licenses and 100 doe/fawn pronghorn licenses
<u>Unit 1D</u>	160 any pronghorn licenses and 100 doe/fawn pronghorn licenses
<u>Unit 2A</u>	95 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 2B</u>	60 any pronghorn licenses and 30 doe/fawn pronghorn licenses
<u>Unit 3A</u>	20 any pronghorn licenses
<u>Unit 3B</u>	130 any pronghorn licenses and 100 doe/fawn pronghorn licenses
<u>Unit 4AE</u>	150 any pronghorn licenses
<u>Unit 4AL</u>	50 any pronghorn licenses
<u>Unit 4C</u>	40 any pronghorn licenses
<u>Unit 5A</u>	100 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 6A</u>	100 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 7A</u>	80 any pronghorn licenses and 100 doe/fawn pronghorn licenses
<u>Unit 8A</u>	75 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 9A</u>	70 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 9C</u>	90 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 10A</u>	50 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Unit 11A</u>	100 any pronghorn licenses and 50 doe/fawn pronghorn licenses
<u>Raffle *</u>	1 any pronghorn license

\* One additional pronghorn license is authorized to be raffled by the North Dakota Hunter Educators Association in accordance with N.D. C.C. 20.1-08-04.12. This license is valid for residents only and for any pronghorn in any open unit. The license is to be raffled as per legislation passed in the 2007 legislative session. The raffle proceeds are to be used to promote youth hunting in the state of North Dakota.

### **13. ADDITIONAL CONCURRENT SEASONS:**

Additional seasons may be proclaimed for pronghorn and will run concurrently with the regular gun seasons, if the Game and Fish Director determines after the regular lottery that an adequate number of licenses remain unissued.

### **14. VIOLATIONS AND PENALTIES:**

The following violations have the listed penalties:

- \* Hunting before or after legal hours (Section 1) up to 30 minutes--penalty--\$100. In excess of 30 minutes--Class B misdemeanor.

- \* No person may keep or carry in or on any motor-driven vehicle any firearm with a cartridge in the chamber while hunting small game or big game animals (Section 5)--penalty--\$100.
- \* Failure to sign and affix stamps to the licensee's fishing, hunting, and furbearer certificate (Section 3)--penalty--\$25.
- \* Use of motor-driven vehicle in a restricted area (Section 5)--penalty--\$50.
- \* Fail to accompany, possessing or transporting another's game animal or parts thereof excluding hides (Section 8)--penalty--\$100.

GIVEN UNDER MY HAND and the Great Seal of the State of North Dakota this  
day  
of July, 2009.

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/s/  
John Hoeven  
Governor

Attest:

/s/  
Secretary of State

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Deputy

### 15. 2009 Pronghorn Hunting Units

 4-A has a split season

