

Blinds, Blaze Orange and Big Game Hunting

More and more North Dakota hunters are using ground blinds and elevated stands during the deer gun season. For some – especially bowhunters who are also required to wear orange during the gun season – the primary reason is concealment, for others it's protection from the elements, and for many it's a little of both.

For all, however, this developing trend is raising concerns among hunters who use them, and those who don't, that blinds during the deer gun season compromise safety.

The gist of the concern is that for nearly 30 years, North Dakota law has required big game gun hunters to wear blaze or fluorescent orange clothing, as a means to emphasize visibility in the field. Other hunters see you, you see other hunters, even at long distances.

Sitting comfortably inside a camouflaged ground blind tucked into a shelterbelt, hunters even in full blaze orange coveralls are not visible at all.

One hunter sent an e-mail to the Game and Fish Department last January describing what he felt was a dangerous situation:

"During last deer gun season, I was approached by a hunter that was hunting on adjacent land across a small river. He asked me if I could not hunt (leave) the area that I was in today as just across the river there were hunters in

elevated hunting stands (not portable tree stands) that could hunt both sides of the river. It took me quite awhile to find the stands he was referring to, when I looked in the direction that he was pointing to. Although they were not camouflaged colored, they blended in with the surroundings. Without him showing me their location, I could have accidentally shot in their direction, not having a clue that they were there. I obliged, and even though I could have legally stayed there, moved to a different area.

"The more I thought about this, the more I realized how dangerous that situation is. When someone is hunting from a tree stand during gun season, they are required to wear orange. However, when inside some type of enclosure, even if they are wearing orange, the humans cannot be seen, especially if the enclosure is hard to see in the first place.

"What do you think of the possibility of introducing legislation that would require the placement of some type of placard, similar to, say, a slow-moving vehicle or hazmat (hazardous materials) type placards to be placed on the outside of the enclosure when it is occupied, to alert hunters nearby of their presence?"

Another hunter relayed an even more delicate situation from last fall, when during opening weekend of deer gun season he and his hunting partner set up in a drainage to watch for deer coming out of a nearby wooded



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Even away from trees or brush, ground blinds can blend in with the landscape. Commercial signs (inset) that alert others are available, while some hunters have developed their own method for marking blinds. Regardless of the type of marker, it's important to place them so they are easily seen from any direction.



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area to feed in an open field. Using a spotting scope to investigate the woods on the other side of the field, they spotted two camouflaged ground blinds, and eventually determined that both had people inside. The blinds could have been directly behind a deer that happened to walk out into the field in the wrong place.

Both of these incidents emphasize that deer hunters are not only concerned about their own safety, but also that of others who might innocently wind up in the line of fire.

A Look Back at Hunter Visibility Rules

North Dakota deer hunters of about age 42 and younger have never known anything but daylight fluorescent or “blaze” orange as the required attire during the firearms season. Regulations designed to make hunters more visible to each other, however, go back to the early part of the 20th century.

North Dakota did not have a deer season from 1913-1920. When the season reopened again in 1921, the state, for the first time, required deer hunters to wear black or blue coats and caps.

The deer season was closed again from 1923-1930. In 1931 a new law required deer hunters to wear red caps. This red-cap provision stayed in place for all big game hunting with firearms until 1959.

In that year the state legislature passed a law that, according to a story in the April 1959 issue of *North Dakota OUTDOORS* “... permits big game hunters to choose from red, yellow or orange safety colors and requires that they wear at least one square foot of same on chest and back while hunting big game or turkeys. Tests have shown yellow or orange to be more readily recognized than red and this follows the trend taken in other states.”

It doesn't appear that this change had much influence on the deer hunting accident rate. Game and Fish has records on the number of hunting accidents and related fatalities going back to 1953, but information is sketchy on whether these incidents took place during deer season and whether they were related to presence or absence of visible outer garments.

For what it's worth, from 1953-59, Game and Fish records indicate 22 fatal hunting accidents were reported. In the 1960s, 27 fatalities were reported, and 31 in the 1970s. At least some of these occurred during firearms deer season.

Anecdotal evidence suggests that deer hunters in the 1960s and 1970s, given that *choice* between red, yellow and orange, tended to stick with red because many hunters already had red caps and clothing, and blaze orange was not always readily available, especially in rural areas.

Many hunters did not switch to orange until 1981 when the state legislature mandated fluorescent orange

as the only color option for deer hunting with a firearm, including a hat or cap and at least 400 square inches total. Since then, North Dakota has recorded 17 fatalities, only a few of which occurred during deer season, compared to 80 fatalities during a similar time frame before 1980.

The accident numbers are not directly comparable because about the same time as the hunter orange law passed, mandatory hunter education was just getting started and also helping to reduce the number of accidents. In addition, Game and Fish gradually lengthened the deer season so hunting pressure is more spread out, even though the state has had about twice as many deer hunters in the field in recent years compared to the 1970s.

That said, it's reasonable to suggest that the mandated switch to blaze orange for deer hunting was a significant factor in the dramatic reduction in fatal hunting accidents in the last three decades.

Now, more people are subjecting themselves to greater risk by covering up their blaze orange inside a structure that other hunters may or may not be able to see. It doesn't matter if the structure is tucked away well inside private land, either. Other hunters may have access to that land as well, or to adjoining public or private land.

So far, Game and Fish has not received reports of serious incidents involving ground or elevated blinds – only reports of close calls.

The question is: Should North Dakota do anything about it?

The list of possible actions include:

- Require visible marking of all blinds, regardless of whether they are occupied.
- Require some type of “hunter in the area” signs when concealed hunters are present.
- Prohibit hunters from concealing their orange clothing by artificial means, i.e. it's OK to hide behind rocks and trees but not within a portable or permanent structure during deer gun season.
- Address the issue with education, in the same way that blaze orange for upland game hunting has become normal practice without legislation requiring it.
- Do nothing.

So far, the only input Game and Fish has received is from hunters who feel legislation is necessary to require that hunters visibly identify their blinds during deer gun season. What do you think?

To pass along your comments, send us an e-mail at ndgf@nd.gov; call us at (701) 328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.