

2016-2017 SMALL GAME, WATERFOWL AND FURBEARER PROCLAMATION

Pursuant to North Dakota law and upon the recommendation of the North Dakota Game and Fish Director (hereafter called "Director") I hereby declare an open season in 2016 and 2017 on certain species of wildlife, as hereafter identified, to be taken with archery equipment, gun, and raptors and for the harvest of certain furbearers.

1. Except as provided hereinafter or otherwise by law, no person shall hunt, trap, use a cable device (snare), kill, take, possess, or so attempt to hunt, trap, use a cable device, kill, take, or possess any small game, waterfowl or furbearer or parts thereof.
2. This proclamation provides no authority for possession of live small game, waterfowl or furbearers.
3. **DEFINITIONS.** As hereinafter used, unless the content or subject matter otherwise requires: "**Game**" shall include any of those species of small game or furbearers as defined in Section 20.1-01-02 of the North Dakota Century Code. "**Upland game**" shall include sharp-tailed, sage and pinnated grouse (prairie chicken), Hungarian partridge, pheasants, ruffed grouse, and tree squirrels. "**Waterfowl**" shall include ducks, geese, swans, mergansers, and coots. "**Migratory game bird**" shall include ducks, geese, coots, mergansers, snipe, woodcock, cranes, swans, and doves. The Early September Canada Goose Season shall include those days proclaimed in August.

"**Daily bag limit**" means the maximum number of the particular game referred to in single or aggregate for which a bag limit is prescribed and that one hunter, legally licensed by this state, may take or kill for that species during a single hunting day, within the boundaries of this state to include Indian reservations.

"**Possession limit**" means the maximum number of the particular game referred (except waterfowl and migratory game birds) that a hunter, legally licensed by this state, may have in his/her actual possession during any phase of any single hunting trip, venture, or expedition of more than one day. The possession limit at one's personal permanent residence is unlimited. No more than a daily limit may be taken on any one day

"**Possession limit for waterfowl and migratory game birds**" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed

"**Body gripping trap**" means a trap designed to allow the animal's head, neck or torso to enter the trap opening and be held by compression of the jaws when sprung (example, Conibear).

“Cable device” means a noose used for restraining furbearers by the neck or body (example, snare).

“Colony trap” means an enclosure device designed to allow the capture of one or more furbearers in a single setting with one or more one-way entrances; cannot exceed twelve inches high or twelve inches wide or twelve inches in diameter by 36 inches long.

“Foothold trap” means a steel-jawed trap used for restraining furbearers by the foot (examples, longspring or coil spring trap).

“Protective covering” means a trap set covering of structural material (wire mesh, wood, plastic, metal) limiting access to the trap through an opening not to exceed eight inches high by eight inches wide.

“Sight-exposed bait” means any bait weighing in excess of one pound, composed of animal flesh, fur, hair, hide, entrails, or feathers placed in such a manner that it can be seen by a soaring hawk, owl, or eagle.

“Water set” means a trap or cable device which is set or staked in a manner to permit the trap, cable device or trapped animal to reach water.

4. **HOURS OF HUNTING** shall be prescribed by Central Daylight Time starting August 1, 2016 through November 5, 2016 and thereafter prescribed by Central Standard Time starting November 6, 2016.

Hours of hunting for all wildlife covered by this proclamation shall be from one-half hour before sunrise to sunset each day, unless otherwise prescribed by proclamation or state law. Sandhill crane and goose hunting during the regular season shall be from one-half hour before sunrise to 1 p.m. each day, including the opening day, through November 5, 2016. Starting November 6, 2016, shooting hours for sandhill cranes and geese shall be from one-half hour before sunrise to 2 p.m. each day. Additionally, shooting hours for geese shall be one-half (½) hour before sunrise to sunset on Saturdays and Wednesdays from September 24, 2016 through November 23, 2016 and on Saturdays, Sundays and Wednesdays from November 24, 2016 through the end of each goose season. Hours for hunting mink, muskrat, and weasel with firearms and archery equipment shall be from one-half hour before sunrise to one-half hour after sunset each day. Hours for hunting red and gray fox, bobcat, mountain lion, coyote, beaver, raccoon and badger with firearms, archery equipment, and dogs shall be from one-half hour before sunrise to one-half hour after sunset each day except for fox and coyote outlined in Section 22. Beaver and raccoon may be taken at any hour of the day but only under the restrictions outlined in Section 19 of this proclamation. All trapping and cable device (snaring) seasons and raccoon hunting shall open at one-half hour before sunrise. Trapping or using a cable device is legal at any hour after the opening.

5. TRAPS, FIREARMS, ARCHERY EQUIPMENT AND AMMUNITION.

Small Game: Only firearms, no smaller than .410 caliber nor larger than 10 gauge, loaded with shot and capable of holding no more than three shells, legal archery equipment, and raptors may be used except as otherwise specified. Pistols may not be used to take migratory game birds. 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 at the bowstring. Telescopic sights, range finding devices, battery-powered or electronically lighted sights or other electronic devices attached to the 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 small game with a bow (e.g., explosive arrow points, arrows tipped with drugs or chemicals, and pneumatic or hydraulic shafts are illegal). Arrows must be at least 24 inches long and have at least 2 untrimmed feathers or not less than 5 trimmed feathers when shooting at birds in flight. Raptors may be used only by those possessing a falconry permit.

Paraplegics and/or those having lost the use of one or both arms, having a permit from the Director to hunt with a crossbow, may use such firearm or archery equipment during the small game season. Crossbows must: a) have a peak draw weight of at least 75 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, 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.

Non-Toxic Shot: Possession or use of shot other than Federally approved non-toxic shot is prohibited while hunting ducks, geese, sandhill cranes, snipe, tundra swans, mergansers, and coots. Possession of "shot other than non-toxic shot" means in the gun, or in the pockets, or within reach while in the process of hunting ducks, geese, swans, sandhill cranes, snipe, and coots. In addition, all U.S. Fish and Wildlife Service lands (National Wildlife Refuges, Wildlife Development Areas and Waterfowl Production Areas) require non-toxic shot for hunting upland game. For additional information on non-toxic shot use on National Wildlife Refuges contact the refuge manager.

Trap set restrictions:

State Wildlife Management Areas (WMA's)

Year round:

Body gripping traps greater than six inches inside jaw spread must –

- be in four inches or more of water; or
- be recessed at least seven inches in a plastic, wood, or metal cubby with a maximum fifty square inch opening; or
- be recessed at least ten inches in a plastic, wood, or metal cubby with a maximum eighty square inch opening.

All Other Lands

From September 1, 2016 through October 21, 2016:

Body gripping traps greater than eight inches inside jaw spread and all water sets must –

- be in four inches or more of water; or
- be used in an upland set and recessed at least ten inches in a plastic, wood, or metal cubby with a maximum eighty square inch opening.

From October 22, 2016 through January 8, 2017:

Body gripping traps greater than eight inches inside jaw spread must –

- be in four inches or more of water; or
- be used in an upland set and recessed at least ten inches in a plastic, wood, or metal cubby with a maximum eighty square inch opening.

From January 9, 2017 through March 15, 2017:

No restrictions on placement.

From March 16, 2017 through May 10, 2017:

Foothold and body-gripping traps placed in or on the water, but not used on float sets, must -

- have a protective covering; or
- foothold traps not being used on a float set must be submerged under water; or
- body gripping traps less than eight inches inside jaw spread must have no more than two inches of the trap above the water surface.

Foothold and body-gripping traps used on float sets must -

- have a protective covering May 1, 2017 through May 10, 2017.

From May 11, 2017 through August 31, 2017:

- No restrictions on placement.

Written permission is required to trap or use a cable device on private land, including Conservation PLOTS (**Private Land Open To Sportsmen**); the grantor may determine the length of time permission is granted.

Any taken furbearer for which the season is closed or other protected species incidentally taken must be reported within twelve hours and turned over to the Department.

6. **AREAS CLOSED TO HUNTING.** Federal properties such as refuges, sanctuaries, military installations, parks, or historic sites posted to trespassing and/or hunting are closed to hunting and trapping of all small game, waterfowl and furbearer species. Small game hunting and furbearer hunting and trapping shall be permitted at times and on those areas of federally owned refuges designated by the refuge manager.

A permit from the Director is required to take furbearers on those state wildlife management areas and state easement refuges posted closed to hunting. National parks and historic sites are closed to trapping.

In accordance with N.D.C.C. 20.1-08-04.9, nonresidents shall be prohibited from hunting from October 8, 2016 through October 14, 2016 on Game and Fish Department wildlife management areas or Conservation PLOTS (**Private Land Open To Sportsmen**) Areas.

7. **WANTON WASTE OF WATERFOWL, MIGRATORY GAME BIRDS, AND UPLAND GAME.** No person shall kill, cripple, waste, destroy, spoil, or abandon the edible flesh of any migratory game bird or upland game without making a reasonable effort to retrieve the bird/animal, and retain it in his/her actual custody, at the place where taken and between that place and either (a) his/her personal permanent residence, (b) taxidermist or (c) a common carrier. Edible flesh means the breast meat of any game bird or the hind legs and lower back of a squirrel.
8. **IDENTIFICATION.** One fully feathered wing or the fully feathered head of all waterfowl, snipe, crane, and woodcock; and one leg and foot, or the fully feathered head, or the fully feathered wing of pheasants, Hungarian partridge, and all grouse shall remain attached to such game during transportation or shipment until it reaches the hunter's legal residence or it is processed to be immediately consumed. **EXCEPTION:** Geese only; commercial game processors who comply with all State and Federal tagging and record keeping requirements may remove identification from geese to be processed for consumption, prior to reaching the hunter's legal residence. The processed geese may be transported when accompanied by a copy of the record provided by the processor. Processed geese are still subject to daily and possession limit regulations.

9. **TRANSPORTATION AND STORAGE.** License holders must accompany their game, or parts thereof, (excluding hide) during transportation. Game may be shipped by common carrier in receipt of proper bill of lading. No resident of the state may ship game or parts thereof (other than hides) out of state without a permit from the Department. Except for legally gifted game, it is illegal to possess or transport another's game animal or parts thereof (excluding hides) without the license holder accompanying or as otherwise permitted.

No person shall leave or store any game birds at any place other than that person's legal residence unless each piece of game is tagged with the owner's signature and address, date taken, number and species of game, and license number of the person who harvested the game. The packaging of game birds away from a person's legal residence must be in a manner that the species and number of game birds in each package is easily determined.

Game may be gifted to another, however, nothing allows a person to exceed a daily limit. Any gifted game to be transported must be tagged with the above information and display sex and species identification as required. Termination of possession can only be accomplished by: 1) Gifting of legally harvested game. 2) By consuming the game.

No one may possess in the field, transport, or ship at any one time, more than a possession limit of upland game. No one may possess, store, transport or ship at any one time, more than a possession limit of migratory game birds.

10. **LICENSES OR SPECIAL PERMITS** shall be issued for each season in a manner and form prescribed by the Director and in accordance with law. Most hunting licenses shall be in the form of a computer generated page. The computer generated license printout must be signed in ink at the bottom where indicated. **FEDERAL WATERFOWL STAMP:** No person 16 years of age or older shall hunt, kill, or take any duck, goose, merganser, or swan without having in his\her possession a federal waterfowl stamp or federal e-stamp verification for the season. The federal e-stamp is valid for a period of 45 days from the date of purchase and once the 45 days have elapsed, the hunter must have in their possession a physical stamp validated by his\her signature written across the face thereof in ink. All migratory game bird hunters in North Dakota must be certified annually through the Harvest Information Program (HIP) with a North Dakota HIP number.

Nonresident Waterfowl Licenses and Zones. Nonresident waterfowl hunters shall be restricted to the following conditions: 1) Statewide waterfowl license holders may hunt in any open zone for 14 consecutive days or 2 periods of 7 consecutive days; 2) Nonresidents may hunt only 14 consecutive days in one designated zone or two periods of 7 consecutive days in one or two different zones; 3) Nonresident waterfowl hunters must have the zone(s) selected and hunting days clearly marked upon their license. Nonresident waterfowl licenses will be issued through the Game and Fish Bismarck office, the internet and by telephone. Nonresidents who designate zones 1 or 2 may hunt that zone for only one 7-day

period during the season. Nonresident hunters who have chosen to hunt in zone 1 or 2 and wish to utilize the full 14 consecutive days allowed must use the other 7 days in zone 3. Nonresidents cannot hunt both zones 1 or 2 during the season. Hunters in zone 3 can hunt that zone the entire 14 days.

Nonresidents, who only hunt waterfowl in North Dakota for one week, and want to maximize hunting opportunities in the state, can choose to run their two 7-day periods at the same time. To do this, hunters must choose either zone 1 or 2, and select zone 3 for the same 7-day period. By designating both of these options for the same week, the 14 day total is met.

ZONE 1. U.S. Highway 281 from South Dakota to Jamestown; U.S. Highway 52 from Jamestown to Carrington; ND Highway 200 from Carrington to Hurdsfield; and ND Highway 3 from Hurdsfield to South Dakota.

ZONE 2. ND Highway 36 from Wilton to Tuttle; ND Highway 3 from Tuttle to Hurdsfield; ND Highway 200 from Hurdsfield to U.S. Highway 52 east of Bowdon; north on U.S. Highway 52 to ND Highway 97 south of Velva; west on ND Highway 97 to ND Highway 41; south on ND Highway 41 (south of Velva) to ND Highway 200 at Turtle Lake; west on ND Highway 200 to ND Highway 200A; south on ND Highway 200A to Washburn; and south on U.S. Highway 83 to Wilton.

ZONE 3. The remainder of the state.

Only North Dakota residents shall be permitted to hunt waterfowl from September 24, 2016 through September 30, 2016 if permitted by federal frameworks.

11. **LIMITS.** Unlimited numbers of any furbearer may be taken and possessed, unless otherwise specified. Limits on small game species and waterfowl are specified in the following sections.
12. **MALE PHEASANTS** may be taken statewide from October 8, 2016 through January 8, 2017, with the following restrictions:
 - 1) A delayed opening area in Williams and McKenzie counties starting at a point on the Montana border where the Burlington Northern railroad tracks enter North Dakota, thence east on these tracks to the west boundary of the Trenton Wildlife Management Area (southwest of Trenton), thence south and east on the boundary of the Trenton WMA to the Missouri River, thence directly across the river, thence west to the Yellowstone River, thence south and west on the Yellowstone River to the Montana border, and thence north to the point of origin where male pheasants may be taken from October 15, 2016 through January 8, 2017.

- 2) **Youth Pheasant Season.** Legally licensed residents and nonresidents 15 years of age or younger may hunt pheasants statewide on October 1 and 2, 2016. An adult, at least 18 years of age, must accompany the youth pheasant hunter into the field. Any adult accompanying the youth into the field may not carry a firearm and may not hunt any species of wildlife. Bag, possession limit and hunting hours shall be the same as during the regular season.

The daily bag limit shall be 3 and the possession limit 12.

13. **HUNGARIAN PARTRIDGE** may be taken statewide from September 10, 2016 through January 8, 2017. The daily bag limit shall be 3 and the possession limit 12.
14. **SHARP-TAILED GROUSE** may be taken statewide from September 10, 2016 through January 8, 2017 (see **Exception** in following paragraph). The daily bag limit shall be 3 and the possession limit 12.

EXCEPTION: That portion of North Dakota bordered on the west by ND Highway 32, on the north by the Sheyenne River, on the south ND Highway 11 and on the east by the Red and Bois de Sioux Rivers; **and** an area in Grand Forks County bordered on the east by the Red River, the south by U.S. Highway 2, the west by ND Highway 18 and the north by the Walsh and Grand Forks County line, shall be closed to sharp-tailed grouse hunting.

15. **PINNATED GROUSE (Prairie Chicken)** season will be **closed in 2016**.
16. **RUFFED GROUSE** may be taken in Bottineau, Rolette, Cavalier, Pembina, and Walsh counties and that portion of J. Clark Salyer National Wildlife Refuge in McHenry County south of the Upham-Willow City road from September 10, 2016 through January 8, 2017. The daily bag limit shall be 3 and the possession limit 12.
17. **SAGE GROUSE** season will be **closed in 2016**.
18. **TREE SQUIRRELS** may be taken statewide from September 10, 2016 through January 8, 2017. Tree squirrels may be taken with shotguns, rimfire and muzzleloading firearms, or with bow and arrows legal for the taking of upland game. The daily bag limit shall be 4 and the possession limit 12.
19. **BEAVER AND RACCOON** may be taken with firearms, traps, underwater cable devices (snares), and archery equipment (including crossbows) statewide and year round. The season will officially close March 31 and reopen April 1 of each year. Cable devices may be used on land November 21, 2016 through May 10, 2017. From March 16, 2017 through May 10, 2017, cable devices must be within 50 feet of water, no greater than 4 inches off the ground and have a stop restricting loop size to 12 inches or less in diameter.

Beaver dams may be partially or completely dismantled when their presence causes property damage.

Raccoon may be pursued with dogs statewide and year round.

Beaver and raccoon may be taken at any hour of the day, while hunting on foot, with the aid of a flashlight with a power source of not more than 6 volts. A red or amber filter must be placed over the light except when taking a raccoon treed or at bay. The use of auto headlights, spotlights, and lights other than a flashlight with a power source of not over 6 volts as an aid in taking raccoon is prohibited. Legal firearms for flashlight hunting of beaver and raccoon are rifles or handguns firing a rimfire cartridge no larger than .22 caliber long rifle or shotguns no larger than .410 gauge. Rifled slugs are not legal.

20. **WEASEL, MINK, AND MUSKRAT.**

Weasel may be taken statewide with traps from October 22, 2016 through March 15, 2017. Cable devices (snares) may be used statewide from November 21, 2016 through March 15, 2017. Weasels may be hunted statewide with rimfire cartridges of .22 caliber or smaller, muzzleloaders of .45 caliber or smaller, and longbows and crossbows from November 21, 2016 through March 15, 2017.

Muskrat and Mink may be taken statewide with traps from October 22, 2016 through May 10, 2017. From March 16, 2017 through May 10, 2017 colony traps must be under at least two inches of water and trapping on the outside of any muskrat house or structure of any size is prohibited; traps may be placed completely inside a muskrat house or structure of any size; except when used on float sets, foothold traps must be submerged under water at all times or have a protective covering; body-gripping traps used in a water set can have no more than two inches of the trap above water or a protective covering. From May 1, 2017 through May 10, 2017, float sets must have a protective covering. Cable devices (snares) may be used statewide from November 21, 2016 through May 10, 2017. From March 16, 2017 through May 10, 2017, using cable devices on the outside of any muskrat house or structure of any size is prohibited. Muskrat and mink may be hunted statewide with rimfire cartridges of .22 caliber or smaller, muzzleloaders of .45 caliber or smaller, and with archery equipment from November 21, 2016 through May 10, 2017.

Muskrat huts may be opened for insertion of traps or cable devices (snares), however, the huts must be restored to their approximate original condition to prevent freeze-up.

21. **BOBCAT** may be harvested using firearms, archery equipment (including crossbows) or traps, from November 5, 2016 through March 15, 2017. They can also be harvested with the use of a cable device (snare) or dogs from November 21, 2016 through March 15, 2017. The season shall be open only in the area south and west of the Missouri River. The pelt

and carcass of each bobcat must be presented to Game and Fish Department personnel for inspection and tagging no later than 14 days after the close of the season (March 29, 2017), or prior to sale or transfer of possession, whichever comes first. No bobcat pelt will be tagged until the animal is skinned and presented with the intact carcass. The carcass shall remain the property of the Department. No person, taxidermist, or fur dealer shall possess or purchase an untagged bobcat. When any part of the animal is mounted, if the tag is removed from the pelt, the tag must be securely fastened to the back or bottom of the mount and remain there.

Pelt tags are available from the U.S. Fish and Wildlife Service to be used on pelts of captive born and raised lynx in North Dakota. Documented proof must be presented to establish that the individual lynx are from an established breeding colony, and that the individual lynx are off-spring of captive lynx (at least F2 generation in captivity).

22. **RED FOX, GRAY FOX, COYOTE AND BADGER** may be taken with firearms, traps, archery equipment (including crossbows), and dogs statewide and year round. The season will officially close March 31 and reopen April 1 of each year. Cable devices (snares) may be used statewide from November 21, 2016 through March 15, 2017.

Red Fox, Gray Fox, and Coyotes may be hunted at any hour of the day from November 21, 2016, through March 15, 2017. Any person who engages in the hunting of red fox, gray fox, or coyotes during the time from one-half hour after sunset to one-half hour before sunrise, must hunt exclusively on foot. The use of a spotlight or any other artificial light is prohibited.

23. **MOUNTAIN LIONS** may only be hunted by North Dakota residents. Any legal firearm or archery equipment currently allowed for furbearers is legal. The limit for mountain lions is one animal per hunter per season. Any mountain lion, other than kittens (kitten defined as a mountain lion with visible spots) or females accompanied by kittens, may be harvested during the season. Any mountain lion that is harvested must be reported to the Department within twelve hours and the entire intact animal must be submitted for analysis and tagging. Legally taken animals will be returned to the hunter following analysis so that the pelt may be removed but the carcass shall remain the property of the Department. The use of traps or cable devices (snares) to take mountain lions is prohibited. The state will be split into two management zones; Zone 1 and Zone 2. Zone 1 includes land south of ND Highway 1804 from the Montana border to the point where ND Highway 1804 lies directly across Lake Sakakawea from ND Highway 8, crossing Lake Sakakawea then south along ND Highway 8 to ND Highway 200, then west on ND Highway 200 to U.S. Highway 85, then south on U.S. Highway 85 to the South Dakota border. Zone 2 is the remainder of the state not described as Zone 1. See Figure 1 for illustrated boundaries. Each Zone 1 season will have harvest limits. Once these harvest limits are reached, each respective season will close immediately. The Department will inform the public through press releases, public service announcements, and media contacts of each closure. Mountain lions taken by USDA Wildlife Services, the Department, private landowners in defense of livestock, road

killed animals, mountain lions incidentally taken by traps or cable devices, animals taken for human safety issues and those taken on Indian land will not count against any harvest limit.

ZONE 1 EARLY SEASON: Legal firearms and archery equipment may be used from September 2, 2016 through November 20, 2016. Harvest may be no more than eight mountain lions during the early season.

ZONE 1 LATE SEASON: Legal firearms and archery equipment and pursuing with dogs may be used from November 21, 2016 through March 31, 2017. Harvest during the late season may be no more than seven mountain lions or 3 female mountain lions, whichever comes first.

ZONE 1 CONDITIONAL SEASON: If the harvest limit for the early season is not reached prior to November 20, 2016 and after the late season has been closed for 5 consecutive days, the early season will reopen until the Zone 1 early season harvest limit is reached or until March 31, 2017. If the late season closes after March 25, 2017, there will not be a Zone 1 conditional season.

ZONE 2: Legal firearms and archery equipment may be used from September 2, 2016 through March 31, 2017. Pursuing with dogs is allowed only from November 21, 2016 through March 31, 2017. There is no harvest limit for Zone 2.

24. **FISHER** may only be harvested by North Dakota residents using traps or cable devices (snares) from November 21, 2016 through November 27, 2016. The limit for fishers is one animal per trapper per season. Fishers may only be harvested east of U.S. Highway 281 and ND Highway 4 (See Figure 2 for illustrated boundaries). Hunting of fishers is prohibited. Any fisher that is harvested must be reported to the Department within twelve hours (to make arrangements to have the fisher tagged). The fisher pelt must be removed from the carcass prior to presenting the fisher to Department personnel for tagging. No fisher pelt will be tagged until the animal is skinned and presented with the intact carcass. The carcass shall remain property of the Department. No person, taxidermist or fur dealer shall possess or purchase an untagged fisher. When any part of the animal is mounted, if the tag is removed from the pelt, the tag must be securely fastened to the back or bottom of mount and remain there. Fishers incidentally trapped after the close of the season or outside of the open area must be reported to the Department within twelve hours and turned over to the Department.
25. **CABLE DEVICES (SNARES).**
 - . Use of cable devices (snares) is permitted on state wildlife management areas and federal waterfowl production areas after the close of the small game season through March 15, 2017.

- A metal or plastic tag must be attached to each cable device. This tag must display the trapper's name, address, and telephone number.
 - Written permission must be secured from the landowner prior to placing or setting cable devices on private land or Conservation PLOTS (**Private Land Open To Sportsmen**); the grantor may determine the length of time permission is granted.
 - Use of relaxing cable devices is permitted. One stop must be affixed to each cable device on land to prevent the loop from opening to a diameter greater than 12 inches.
 - Cable devices cannot be placed or set in the field prior to the opening date and cannot remain in the field after the closing date of the cable device season for the respective species.
 - All cable devices must be affixed to an immovable object solidly attached to the ground. The use of drags is prohibited.
 - Cable devices must be set so that the bottom of the loop is no greater than 12 inches from the ground; or when the ground is snow covered, no greater than 12 inches above the bottom of an adult's footprint in the snow beneath the cable device with the full body weight on the foot.
 - Cable devices must be constructed of single-strand (1x19) or multi-strand (7x7) or (7x19) carbon or stainless steel cable of one-sixteenth inch diameter or larger.
 - Cable devices must possess a lock or breakaway device that allows the cable loop to disassemble at no more than 350 pounds pull. The Testing Standard for Breakaway Cable Devices determines the pounds of pull for disassembly (Appendix A).
 - Individuals that are self-assembling cable devices from components must assume liability and responsibility for ensuring that the devices, locks or parts break or disassemble at 350 pounds pull or less.
26. **PROTECTED FURBEARERS.** The season for Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), swift fox (*Vulpes velox*), black bear (*Ursus americanus*), wolverine (*Gulo gulo*), American marten (*Martes americana*), and river otter (*Lontra canadensis*) shall remain closed.
27. **AIRCRAFT, MOTOR-DRIVEN VEHICLES, AND LIGHTS.**
- It is illegal to drive, concentrate, rally, raise, stir up, or disturb game with all types of aircraft, manned or unmanned.

It is illegal to shoot with bow and arrow or firearm while in or on a motor-driven vehicle, except as otherwise provided by law.

No person may carry a firearm with a cartridge in the chamber in or on a motor-driven vehicle while hunting, except as otherwise provided by law. The entire cylinder of a revolver is considered the chamber, requiring the revolver to be completely unloaded. Handguns with removable magazines or clips must have the magazine or clips removed from the firearm if the magazine or clip contains any loaded shells. It is illegal to carry any muzzleloading firearm in or on a motor-driven vehicle with a cap or primer in place or powder in the flash pan.

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 without written permission from the landowner or as otherwise signed by the Department. These areas have been entrusted to the public for walking access through written agreements by private landowners. The boundaries of these properties are delineated in the North Dakota Game and Fish Department's annual PLOTS Guide and on-site by large yellow triangular signs.

Use of night vision equipment, electronically enhanced light gathering optics or thermal imaging equipment for locating or hunting game is prohibited, except for red fox, gray fox, and coyotes. This provision takes precedence in the event of any conflict with any provision in any preceding proclamation currently in effect.

MOTOR-DRIVEN VEHICLES AND AIRCRAFT IN THE TAKING OF FURBEARERS.

It is illegal to drive vehicles off established roads and trails during the deer gun season while attempting to take furbearers with firearms, archery equipment, and dogs. Aircraft may not be used to take coyotes, fox, or any other furbearer, without a special permit.

28. **EXPOSED BAITS.** It is illegal to place traps or cable devices (snares) within twenty-five feet of any sight-exposed bait.
29. **SANDHILL CRANE UNITS:** There shall be two management units for regulating the harvest of sandhill cranes. The two units are:

Unit 1. That portion of North Dakota lying west of U.S. Highway 281. In Unit 1, sandhill cranes may be taken from September 17, 2016 through November 13, 2016. The daily bag limit shall be 3 cranes and the possession limit 9 cranes.

Unit 2. That portion of North Dakota lying east of U.S. Highway 281. In Unit 2, sandhill cranes may be taken from September 17, 2016 through November 13, 2016. The daily bag limit shall be 2 cranes and the possession limit 6 cranes.

Hunters may not aggregate daily bag or possession limits from the two units.

To hunt sandhill cranes, each resident hunter must possess a general game and habitat license, a small game license (excepting those under 16 years of age), and a sandhill crane hunting permit. Nonresident sandhill crane hunters must possess a general game and habitat license, either a small game or a waterfowl license, and a sandhill crane hunting permit. Nonresidents using a waterfowl license must hunt only in their waterfowl zone (Exception: nonresidents using a statewide waterfowl license). Those nonresidents using a small game license can hunt statewide.

Sandhill cranes may be taken from a floating craft, excluding a sinkbox, if such craft is beached, or fastened within or tied immediately alongside any type of fixed hunting blind, or from such craft resting at anchor.

30. **DOVES** may be taken statewide from September 1, 2016 through November 29, 2016. The daily limit shall be 15 and the possession limit 45.
31. **CROWS** may be taken statewide from August 20, 2016 through November 7, 2016, and from March 11, 2017 through April 23, 2017. There shall be no limit on the number of crows taken. In addition to the crow season, crows may be taken when committing or about to commit depredations as specified in federal law (50 CFR 21.43).
32. **SNIPE** may be taken statewide September 17, 2016 through December 4, 2016. The daily bag limit shall be 8 and the possession limit 24.
33. **WOODCOCK** may be taken statewide September 24, 2016 through November 7, 2016. The daily bag limit shall be 3 and the possession limit 9.
34. **SPECIAL EXTENDED FALCONRY SEASON.** Licensed falconers possessing the appropriate North Dakota licenses may hunt resident game species from August 6, 2016 through March 19, 2017. Bag and possession limits shall be the same as for gun hunting during the regular season. During the extended season for resident species, the daily bag limit shall be 1 in aggregate and the possession limit shall be 2 in aggregate for all legal resident game species.

Licensed falconers possessing the appropriate North Dakota hunting licenses and a federal migratory hunting stamp may hunt legal migratory game birds during the regular gun hunting seasons. In addition, licensed falconers may hunt snipe, ducks, mergansers and coots from September 5, 2016 through September 9, 2016 and September 12, 2016 through September 16, 2016. The bag and possession limits for all permitted migratory birds shall not exceed 3 and 9 birds, respectively, singly or in aggregate, during both regular hunting seasons and extended falconry seasons.

It shall be illegal for falconers to have uncased firearms in their possession while in the field during these extended seasons.

35. **TUNDRA SWANS** may be taken statewide October 1, 2016 through January 1, 2017. A total of 2,200 licenses will be available and issued through a lottery. Successful applicants will be allowed to take one swan during the season. The Department will accept lottery applications through August 17, 2016. A person may submit only one application. North Dakota residents and nonresidents shall be eligible to apply. Immediately upon retrieving a swan, 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 around the leg of the swan in an exact manner as described on the tag backing, to prevent its removal. In no case is it legal to possess a swan unless it is properly tagged. The tag shall remain with the carcass until March 31, 2017 or until the meat is consumed.
36. **EARLY SEPTEMBER CANADA GOOSE SEASON/ZONES.** The Early September Canada Goose Season is a late-summer, early-fall season for resident Canada geese authorized under a U.S. Fish and Wildlife management take with the zones and associated dates set forth by this proclamation.

There shall be 2 zones for early Canada goose hunting. These zones are:

1) Missouri River Canada Goose Zone.

All areas within the following description: Starting where ND Highway 6 crosses the South Dakota border; thence north on ND Highway 6 to Interstate 94; thence west on Interstate 94 to ND Highway 49; thence north on ND Highway 49 to ND Highway 200; thence north on Mercer Co. 21 to the section line between sections 8 and 9 (T146N-R87W); thence north on that section line to the southern shoreline of Lake Sakakawea; thence east along the southern shoreline of Lake Sakakawea (including Mallard Island) to U.S. Highway 83; thence south on U.S. Highway 83 to ND Highway 200; thence east on ND Highway 200 to ND Highway 41; thence south on ND Highway 41 to U.S. Highway 83; thence south on U.S. Highway 83 to Interstate 94; thence east on Interstate 94 to U.S. Highway 83; thence south on U.S. Highway 83 to the South Dakota border; thence west on the South Dakota border to ND Highway 6. See Figure 3 for illustrated boundaries.

- Canada geese may be taken in the Missouri River Canada Goose Zone from August 15, 2016 through September 7, 2016.

2) Remainder of the state not included in the Missouri River Canada Goose Zone.

- Canada geese may be taken throughout the rest of the state from August 15, 2016 through September 15, 2016.

For the two zones, the daily limit shall be 15 Canada geese. The possession limit shall be 45 Canada geese. Hunters may not aggregate daily or possession limits from the two zones.

To hunt this Canada goose season: 1) Resident hunters must possess a certificate, a general game and habitat license, a small game license (excepting those under 16 years of age), and an early September Canada goose season license; 2) Nonresident hunters need only an early September Canada goose season license. This license is good only during the early goose season. Beginning September 1, 2016, in addition to the state licenses above, a Federal Migratory Bird Stamp is required for anyone 16 years of age and older. All migratory game bird hunters must be certified annually through the Harvest Information Program (HIP).

37. **DUCKS, COOTS, AND MERGANSERS.**

Low Plains Unit: Season Dates - September 24, 2016 through December 4, 2016. The daily bag limit shall be 6 ducks total. The daily limit may not include more than: 5 mallards of which only 2 may be female, 3 scaup, 3 wood duck, 2 pintail, 2 redhead, 2 canvasback. In addition to the daily bag limit of ducks listed above, an additional 2 blue-winged teal may be taken from September 24, 2016 through October 9, 2016. The daily limit for mergansers shall be 5 of which no more than 2 may be a hooded merganser. The daily limit for coots shall be 15. The possession limit for ducks, coots, and mergansers shall be three times the daily bag limit. The Low Plains Unit is that portion of North Dakota east of a line beginning at the South Dakota border, then north on U.S. Highway 83 and Interstate 94 to ND Highway 41, then north on ND Highway 41 to ND Highway 53, then west on ND Highway 53 to U.S. Highway 83, then north on U.S. Highway 83 to U.S. Highway 2, then west on U.S. Highway 2 to Williams County line, then north and west along the Williams and Divide County lines to the Canadian border.

High Plains Unit: Season Dates - September 24, 2016 through December 4, 2016 and December 10, 2016 through January 1, 2017. The daily and possession limits for ducks, coots, and mergansers shall be the same as that for the Low Plains Unit. The High Plains Unit is that portion of North Dakota west of the Low Plains Unit.

38. **GEESE.** The season length and bag limits shall be separate for Canada geese, white-fronted geese and light geese. Canada geese include all Canada geese and any other geese except white-fronted geese and light geese. Light geese include snow geese (including blue geese) and Ross's geese.

Canada geese may be taken in the Missouri River Canada Goose Zone from September 24, 2016 through December 30, 2016. Canada geese may be taken in the remainder of the state from September 24, 2016 through December 22, 2016. The daily limit shall be 5 Canada geese in the Missouri River Canada Goose Zone and 8 Canada geese in the remainder of the state. The possession limit shall be three times the daily bag limit.

White-fronted geese may be taken statewide from September 24, 2016 through December 4, 2016. The daily limit shall be 3 white-fronted geese. The possession limit shall be three times the daily bag limit.

Light geese may be taken statewide from September 24, 2016 through January 1, 2017. The daily limit shall be 50 light geese. There shall be no possession limit on light geese.

Disabled American Veterans goose hunting opportunity: On October 15 and 16, 2016, an area normally closed to the taking of geese shall be open for the taking of geese by Disabled American Veterans. This area is the Missouri River Waterfowl Rest Area from the Garrison Dam to Turtle Creek downstream from Washburn. Only disabled veterans, (military action related) are eligible to participate. Priority will be given based on the severity of disability. Further information and assistance in participation in this limited opportunity must be obtained by calling the D.A.V. Hunt Committee at 701-748-2550 prior to October 14, 2016; after October 15, 2016 call 701-748-6227.

39. **BOATS.** Ducks, coots, mergansers, geese and tundra swans may be taken from a floating craft, excluding a sinkbox, if such craft is beached, or fastened within or tied immediately alongside any type of fixed hunting blind, or from such craft resting at anchor.
40. **SPECIAL YOUTH WATERFOWL HUNTING SEASON.** Legally licensed residents and non-residents 15 years of age or younger may hunt ducks, coots, mergansers and geese statewide on September 17 and 18, 2016. An adult, at least 18 years of age, must accompany the youth hunter into the field. The adult may not hunt ducks, coots, or mergansers. Shooting hours for the Special Youth Waterfowl Hunting Season shall be one-half hour before sunrise to sunset. The daily bag limit, including species restrictions and all other regulations that apply to the regular duck and goose hunting seasons shall apply to this special season.
41. **ELECTRONIC AND RECORDED CALLS.** Possession or use of an electronic or recorded call is prohibited while hunting waterfowl.
42. **VIOLATIONS AND PENALTIES.**

Possession or use of shot other than "non-toxic shot" in a restricted area or while hunting those species listed in Section 5. (Section 5) -- penalty - noncriminal - \$100.

Failure to register for the Harvest Information Program. (Section 10) -- penalty - noncriminal - \$25.

Hunting migratory game birds or upland game with shotgun capable of holding more than three shells. (Section 5) -- penalty - noncriminal - \$25.

Failure to sign or affix stamps to the licensee's fishing, hunting, and furbearer certificate (Section 10) -- penalty - noncriminal - \$25.

Failure to have in possession a Federal Waterfowl Stamp (Section 10) -- penalty - noncriminal - \$175.

Failure to leave one fully feathered wing or the fully feathered head of all waterfowl, crane, tundra swans, snipe, woodcock, dove, and one leg and foot or the fully feathered head or wing of pheasants, Hungarian partridge, and all grouse attached during the transportation or shipment to final place of storage (Section 8) -- penalty - noncriminal - \$50.

Failure to accompany one's own game during transportation or transporting another's game (Section 9) -- penalty - noncriminal - \$100.

A person afield legally hunting with a firearm in or on a vehicle with a cartridge in the chamber (Section 27) -- penalty - \$25.

Placing traps or cable devices (snares) within 25 feet of any sight-exposed bait (Section 28) -- penalty - noncriminal - \$100.

Failure to restore a muskrat hut to its approximate original condition (Section 20) -- penalty - noncriminal - \$50.

Wanton waste of migratory birds and upland game (Section 7) -- 1 to 5 birds/animals, penalty - noncriminal - \$50 per bird/animal, in excess of 5 birds/animals - Class B misdemeanor.

Exceeding daily bag limit of small game (Section 12, 13, 14, 15, 16, 17 and 18) -- 1 in excess of the daily limit, penalty - noncriminal - \$100. A second bird or second violation within one year shall be a Class B misdemeanor.

Exceeding the daily bag of waterfowl (not restricted species/sex ducks) (Section 37 and 38) -- noncriminal-\$100 for one bird in excess of daily limit. A second bird or second violation within one year shall be a Class B Misdemeanor.

Exceeding the daily bag of restricted species/sex ducks (Section 37)--penalty - noncriminal-\$50 for one bird in excess of the daily limit. A second bird or second violation within one year shall be a Class B misdemeanor.

Hunting before or after legal hours (Section 4) up to 30 minutes -- penalty - noncriminal - \$100. In excess of 30 minutes - Class B misdemeanor.

Use of a motor-driven vehicle in a restricted area (Section 27) -- penalty - noncriminal - \$50.

Taking wrong sex upland game bird (Section 12) -- penalty - noncriminal - \$100 for the first bird. In excess of one bird - Class B Misdemeanor.

Failure to package or label packages as required (Section 9) -- penalty - noncriminal - \$50.

Placing foothold traps that are not on float sets, not submerged under water and without the prescribed protective coverings in place from March 16, 2017 through May 10, 2017 (Section 5) -- One to four foothold traps not submerged under water and without prescribed protective covering in place, penalty - noncriminal - \$100 per set. More than four foothold traps or a second violation within one year shall be a Class B misdemeanor.

Placing body gripping traps with less than eight inches inside jaw spread in the water with more than two inches of the trap above the water surface without the prescribed protective coverings in place from March 16, 2017 through May 10, 2017 (Section 5) -- One to four body gripping traps with less than eight inches inside jaw spread placed with more than two inches of the trap above the water surface and without prescribed protective covering in place, penalty - noncriminal - \$100 per trap. More than four body gripping traps with less than eight inches inside jaw spread or a second violation within one year shall be a Class B misdemeanor.

Placing any trap or cable device on the outside of any muskrat house or structure of any size from March 16, 2017 through May 10, 2017 (Section 20) -- One to four traps or cable devices, or any combination thereof, penalty - noncriminal - \$100 per trap or cable device. More than four traps or cable devices, or any combination thereof, or a second violation within one year shall be a Class B misdemeanor.

Placing foothold traps in water with less than four inches of water covering the entire trap pan from September 1, 2016 through October 21, 2016 (Section 5) -- One to four foothold traps, penalty - noncriminal - \$100 per trap. More than four foothold traps or a second violation within one year shall be a Class B misdemeanor.

GIVEN UNDER MY HAND and the Great Seal of the State of North Dakota this

15th day of ~~July~~, 2016.
August



Jack Dalrymple
Governor

Attest: 

Secretary of State

Deputy

Figure 1. 2016-2017 Mountain Lion Management Zones.

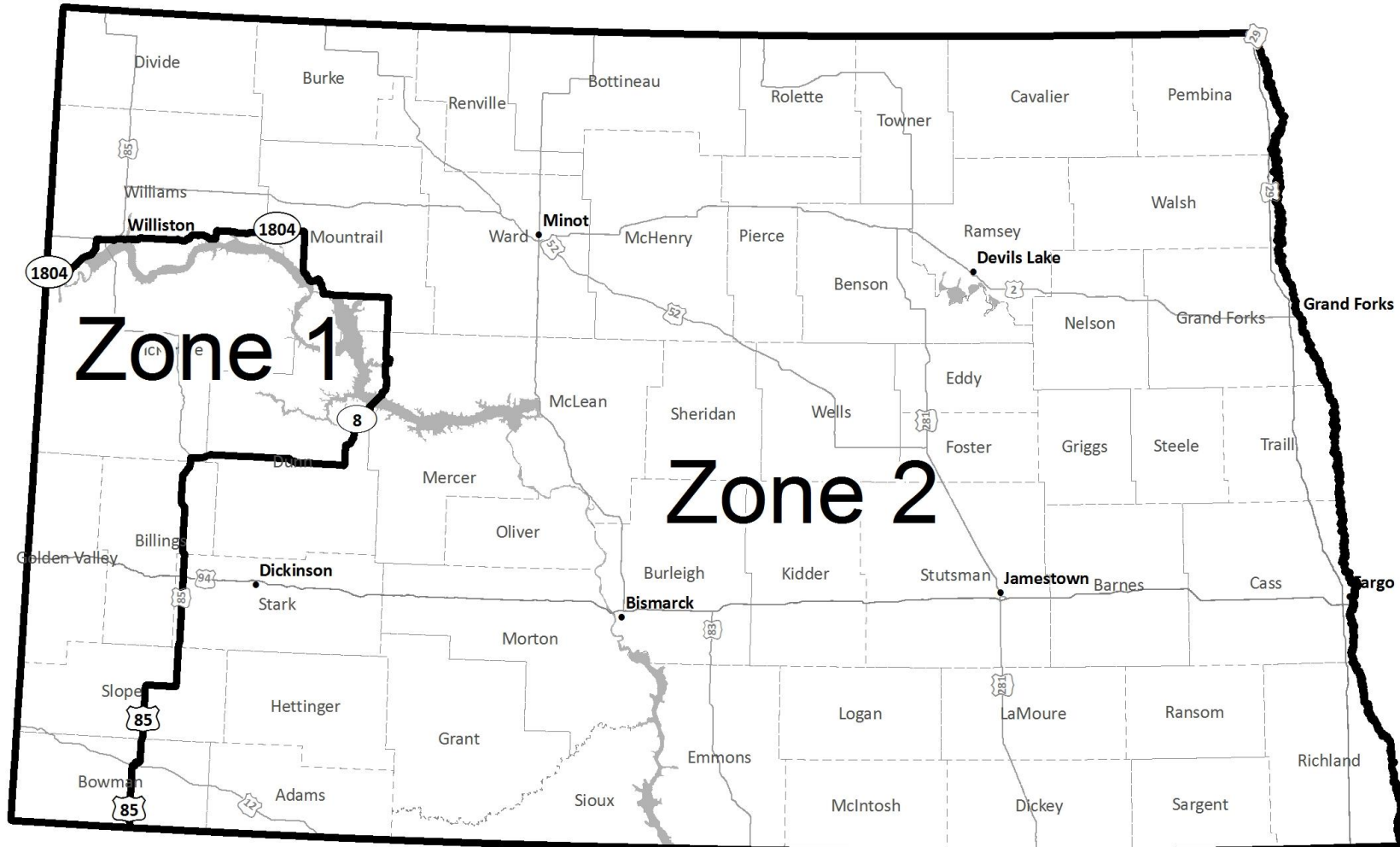


Figure 2. 2016 Fisher Open/Closed Areas.

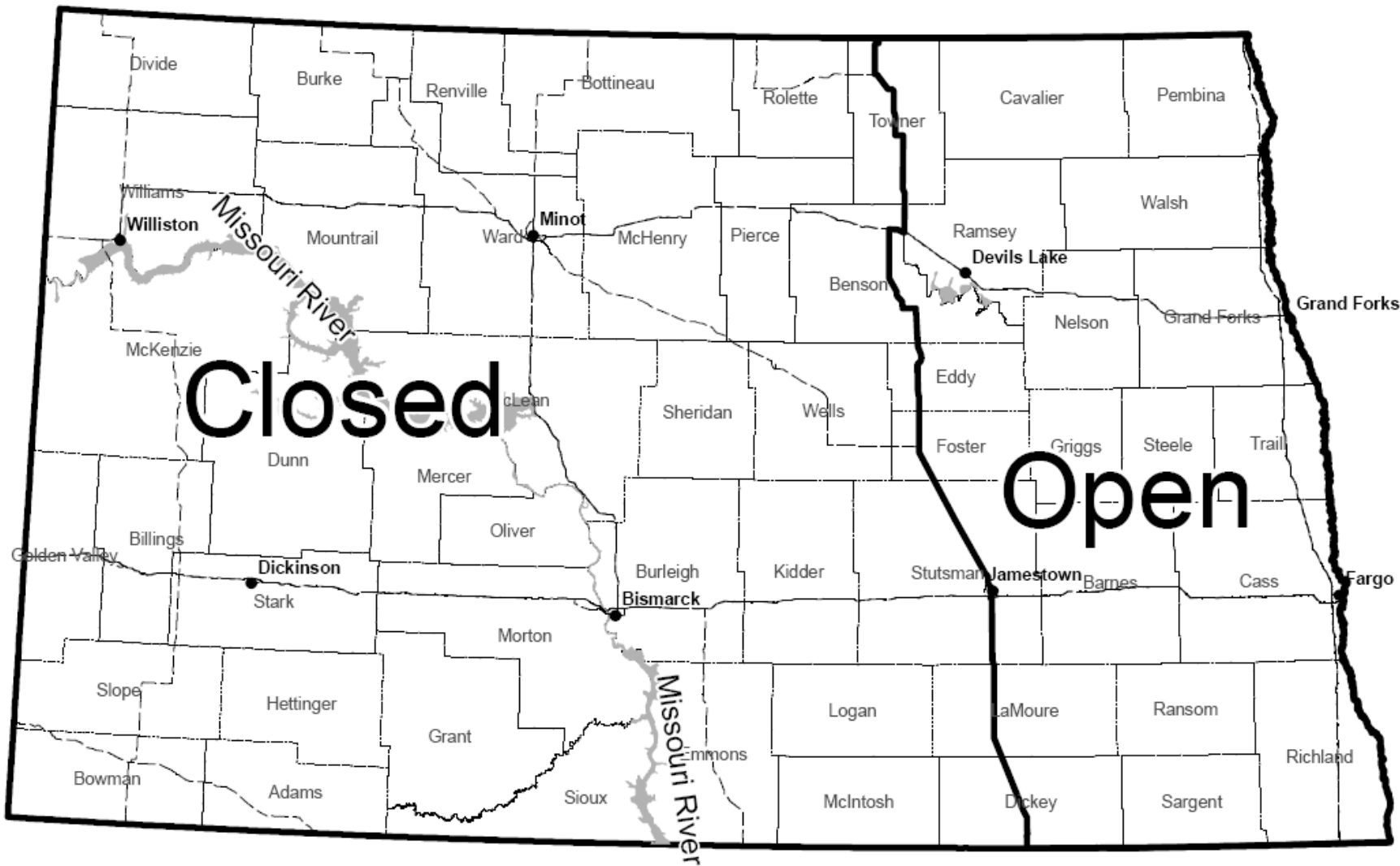


Figure 3. 2016 Missouri River Canada Goose Zone.



APPENDIX A. TESTING STANDARD FOR BREAKAWAY CABLE DEVICES

Scope and Purpose

Cable devices to be legally used in North Dakota must possess a lock or breakaway device that disassembles at 350 pounds pull or less. The following standard defines the process, procedures, and equipment for conducting breakaway load testing of cable devices (e.g. snares) designed for the purpose of taking fur-bearing animals in the state of North Dakota. This standard is intended to provide for consistency in the construction of testing equipment and the testing procedure used in determining cable device compliance with North Dakota regulations.

Requirements

Cable devices used for the purpose of taking furbearers in North Dakota must have a breakaway device that will allow the cable loop to disassemble at a pulling force of 350 pounds or less. While different mechanisms may be used for this purpose, disassembly of the device must occur when the cable loop has been placed around a mandrel of a nominal 2 inch diameter steel pipe and the tensile force in the anchor side of the cable reaches 350 pounds or less.

Test Methodologies

Two different test methodologies are allowed under this standard. The first methodology (dead weight test) uses a go/no-go criterion in which it must be confirmed that the cable device loop successfully disassembles under a static load that does not exceed 350 pounds. The second methodology (ramped load test) uses a load frame with a force transducer (load cell) that records the peak load at which the cable device loop disassembles. Both methodologies make use of the same test fixture design to secure the cable loop.

Test Fixture

The test fixture must consist of a cylindrical steel mandrel made from a nominal 2 inch diameter steel pipe (Schedule 40) that can freely rotate about its central axis on a 0.5 inch diameter steel pin or bolt, which is in turn supported in a clevis fixture. The loop end of the cable device should be placed around the mandrel with the locking mechanism oriented in the direction of pull on the cable. The anchor end of the cable must be safely restrained in a fixture on the opposite end of the testing device (see Figure 1).

Dead Weight Test Procedure

The fixture on the anchor end of the cable should be secured to a static weight of 345 ± 5 lb. (Note, this weight equates to approximately 0.7 cubic feet of steel, 0.75 cubic feet of cast iron, or 2.25 cubic feet of concrete). The clevis fixture on the loop side of the device should be attached to a mechanism capable of lifting a 350 pound weight off the ground at a uniform speed.

With the loop end of the cable device positioned around the mandrel and the anchor end suitably fixed to the static weight, remove all slack from the cable by hand-tightening the loop around the mandrel and raising the clevis fixture until the cable is taut. The test may then be conducted by raising the clevis fixture at a uniform speed in the range of 5 - 120 inches/minute.

Successful failure of the cable device occurs if the breakaway mechanism disassembles prior to or within 5 seconds of the weight being lifted off the ground. If the weight remains suspended for more than 5 seconds, the cable device does not meet the disassembly requirement (test failure). Should the cable device fail at a different location (e.g. the free end of the cable or attachment to the weight) prior to the weight lifting off the ground, this is considered an invalid test.

Ramped Load Test Procedure

This test must be performed on a load frame actuated by suitable means (mechanical, hydraulic, or pneumatic) that is capable of achieving loads in excess of 350 pounds and which has sufficient stroke length to cause total loop separation of the cable device. The test frame must be capable of exerting a uniform rate of displacement at a speed in the range of 5 - 120 inches/minute. A force transducer (load cell) with a capacity exceeding 350 pounds and resolution of 3 pounds or smaller, must be used to record the breakaway load. The force transducer must be calibrated within an accuracy of $\pm 2\%$ of the applied load.

With the loop end of the cable device positioned around the mandrel and the anchor end suitably restrained in the opposite fixture, remove all slack from the cable by hand-tightening the loop around the mandrel and extending the load frame until the cable is taut. The test should be performed in displacement (stroke) control at a uniform speed in the range of 5 -120 inches/minute. The force must be continually monitored to determine the peak load applied to the cable device prior to loop disassembly. The breakaway load is defined as the maximum force recorded on the load-displacement diagram (see Figure 2), corresponding to the peak load measured by the force transducer.

Successful failure of the cable device loop occurs if the breakaway device disassembles at a peak load of 350 pounds or less. If the peak load exceeds 350 pounds, the cable device does not meet the disassembly requirement (test failure). Should the cable device fail at a different location (e.g. the free end of the cable or attachment to the opposite fixture) prior to reaching an applied load of 350 pounds, this is considered an invalid test.

Number of Test Specimens

A minimum of 3 identical samples must be tested for determination of legality of each type of cable device. To ensure the cable devices are legal for use in North Dakota, all 3 samples must successfully disassemble at 350 pounds or less. Cable devices then constructed in the exact same manner and with identical materials would also be considered legal for use in North Dakota. Any change in construction, materials, or any other alteration or modification of a cable device from the samples tested shall render the test results void for all such altered cable devices.

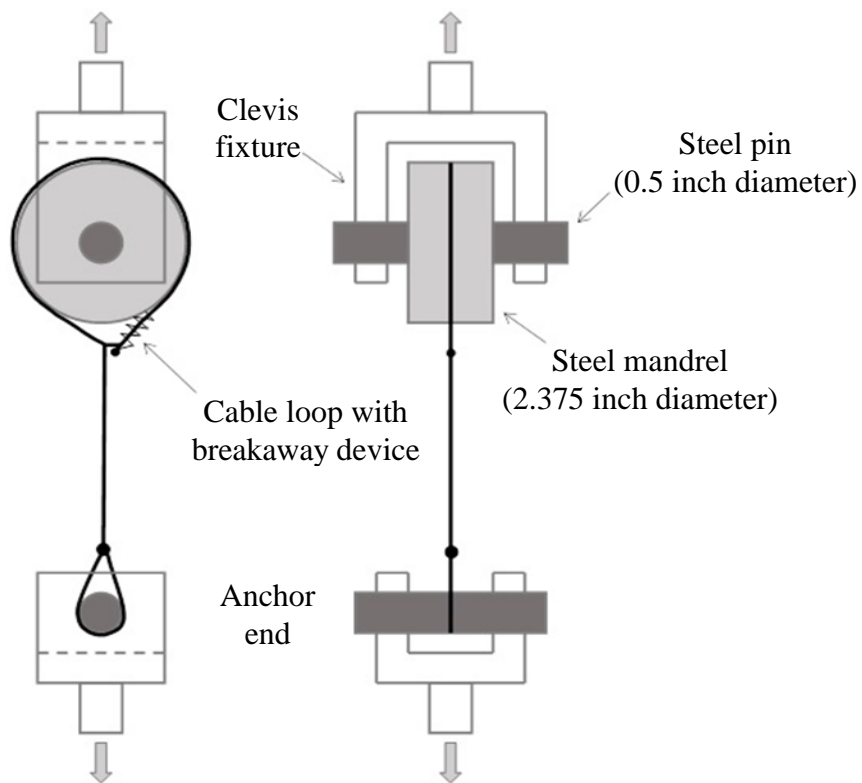


Figure 1: Test fixture, side and front views.

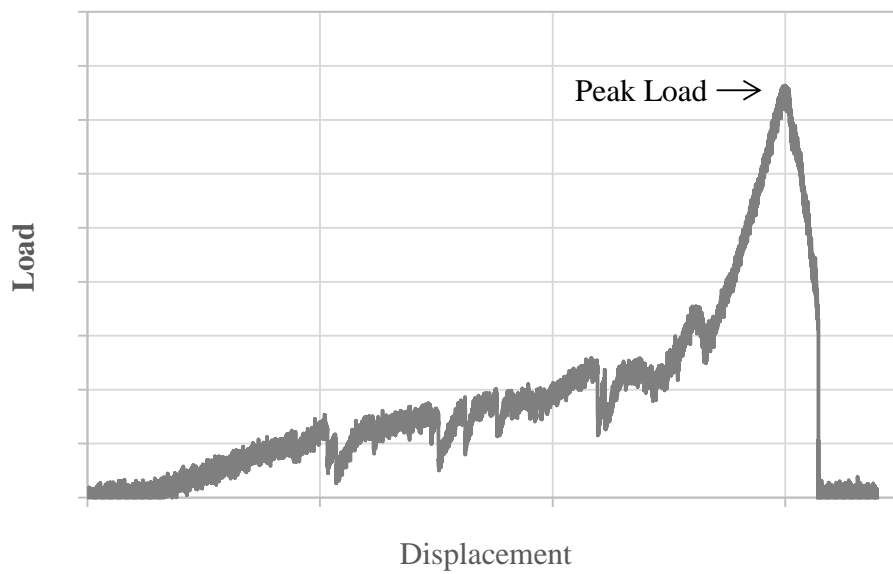


Figure 2: Typical load-displacement curve, showing peak load.