

# NORTH DAKOTA OUTDOORS

PUBLISHED BY THE NORTH DAKOTA



GAME AND FISH DEPARTMENT

\$2.00 MAY 2013





## MATTERS OF OPINION



**Terry Steinwand**  
*Director*

Once in a while I'll deviate from the topics contained in *North Dakota OUTDOORS* to go on my own little jaunt, completely separate from the featured matters in the magazine. In this instance, I want to talk about the National Archery in the Schools Program.

The Game and Fish Department, and Jeff Long, Department NASP coordinator, in particular, has been involved in this program for several years. It is an extra-curricular activity where boys and girls in elementary, middle and high school shoot at archery targets before or after school. It is a highly structured program, and is not biased regarding size, gender, strength, or any other physical attributes.

Some of the youngsters involved in NASP, it's been said, have increased their grades in school and reduced or eliminated tardiness, or cutting classes. Overall, it's a tremendous program and provides opportunity for many who may not have other activities in which they wish to participate.

I attended the first state NASP archery tournament held in Bismarck about three years ago. My memory might be failing, but I remember about 100 or so kids at the tournament. It was apparent it was going to grow from that first year.

When I arrived at the building it was difficult to find a place to park. Cars and buses lined the streets. When I walked into the building the first thing I noticed was the quiet "thunks" of arrows hitting targets, followed by cheers for well-placed shots. I also remember a young woman who had skipped a track meet to shoot in the state tournament. And, if my memory serves, she won the archery tournament that particular year.

The latest state NASP tournament held

in mid-April stands out fresh in my mind. The venue has changed to accommodate the growing number of fans and participants.

While I didn't have the opportunity to stay for the entire event, a few things really caught my attention. The absolute focus on the faces of each individual shooting in the tournament was apparent. I remember one young woman standing on the line shooting and realizing that she was "creeping" on her first two shots. (Meaning: the hand holding the string moved slightly forward before she released the arrow.) She caught herself and corrected it, and the result was a pretty good grouping of arrows.

My point is that archery is a sport and the individuals attending these tournaments are some of the most well-mannered young adults I've seen in such a setting. I've attended numerous other high school sporting events and someone is always getting in trouble for something, somewhere. I attribute the lack of problems at the NASP event with the volunteer coaches from each school, plus the North Dakota Bowhunters Association that provided some targets and fun games associated with archery. But most of all, applause falls on the participants.

To you NASP participants, you all performed wonderfully. No matter if you went home with a trophy, you should all be proud, as should the coaches who mentored you.

I anticipate that the state NASP tournament will continue to grow and we'll once again have to find a bigger venue, but that's a good problem to have. Archery is a safe sport and one that everyone can enjoy. I encourage schools across the state to give it a try and see what it does for your students. It's a lifelong sport that can lead students into the great North Dakota outdoors, if it hasn't already.

*Terry Steinwand*

# NORTH DAKOTA OUTDOORS

PUBLISHED BY THE NORTH DAKOTA GAME AND FISH DEPARTMENT

The mission of the North Dakota Game and Fish Department is to protect, conserve and enhance fish and wildlife populations and their habitats for sustained public consumptive and nonconsumptive use.

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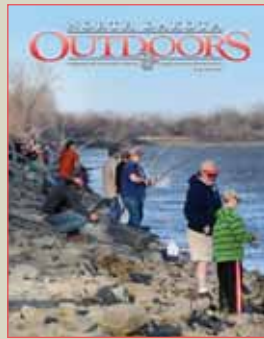
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### Front Cover

The paddlefish snagging season, pictured here in May at the confluence of the Yellowstone and Missouri rivers in North Dakota, attracts many participants. There may be changes to better manage this important fishery as a lottery system may be implemented to allocate paddlefish tags in coming seasons. *Photo by Craig Bihrl, Bismarck.*



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*In the 63rd legislative session, legislators passed a bill to increase North Dakota hunting, fishing and boat registration fees, starting in 2014. In addition, state lawmakers considered 35 bills regarding hunters, anglers and the state's natural resources.*

## 2013 LEGISLATIVE REVIEW

**I**ncreases in North Dakota hunting, fishing and boat registration fees passed in March by the state legislature will not take effect until 2014.

Terry Steinwand, North Dakota Game and Fish Department director, said the Department is a special fund agency using only hunting, fishing and boat license revenue, and federal funding derived from excise taxes on the sale of hunting and fishing equipment, as well as a portion of the federal motor boat fuels tax.

“Per North Dakota Century Code, Game and Fish cannot allow the fund balance to fall below \$15 million

unless authorized by the budget section of the legislature,” Steinwand said. “The fund balance, with no additional revenue sources, was projected to decrease to approximately \$15 million by June 30, 2015.”

SB 2231 increases the fees of 13 resident licenses, 14 nonresident licenses and three classes of boat registrations. The current three-year boat registration cycle runs through December, and 2013-14 hunting and fishing licenses are in effect through next March. Therefore, registration fees for boat owners will go up January 1, 2014, while hunters and anglers will see the license increase starting in April 2014.



*By Greg Freeman*

ASHLEY SALWEY

“This is the first time in many years we’ve seen such a wide range of license fee increases,” Steinwand said. “State legislators, hunters and anglers voiced overwhelming support during committee hearings and voting on the floor. We heard that same type of support at statewide advisory board meetings last fall.”

Steinwand said the main issue the legislature deliberated was how much of an increase was appropriate. “There were some avid hunters and anglers in the state who wanted to see a substantial increase in prices to support habitat, enforcement, fisheries and access, but it was important

that the increases didn’t price anyone out of the outdoors experience,” he said. “The feedback we’ve been getting from hunters and anglers is that this legislation strikes the right balance.”

Despite these increases, Steinwand said North Dakota hunting and fishing licenses are still less expensive than equivalent licenses in surrounding states.

Senate Bill 2231 passed the House by a vote of 77-15 and the Senate 39-6.

Effective January 1, 2014, the cost to license a motorboat under 16 feet in length, and all canoes, will increase from \$12 to \$18; motorboats from 16 feet to less than 20 feet in length from \$24 to \$36; and motorboats at least 20 feet in length from \$33 to \$45.

Effective April 1, 2014:

- Resident small game hunting license will increase from \$6 to \$10.
- Nonresident small game hunting license from \$85 to \$100.
- Resident big game hunting license from \$20 to \$30 (youth big game license remains at \$10).
- Nonresident big game hunting license from \$200 to \$250.
- Nonresident big game bowhunting license from \$200 to \$250.
- Resident furbearer license from \$7 to \$15.
- Resident wild turkey license from \$8 to \$15.
- Combination license from \$32 to \$50.
- Nonresident waterfowl zone hunting license from \$85 to \$100.
- Statewide nonresident waterfowl license from \$125 to \$150.
- Nonresident furbearer and nongame license from \$25 to \$40.
- Resident swan license from \$5 to \$10.
- Nonresident swan license from \$25 to \$30.
- Resident crane license from \$5 to \$10.
- Nonresident crane license from \$5 to \$30.
- Nonresident reciprocal trapping license from \$250 to \$350.

In addition, the resident application fee for moose, elk and bighorn sheep will increase from \$3 to \$5, and a habitat restoration stamp required for the general game license increases from \$10 to \$17, with \$8 (instead of \$5) of each habitat stamp sold placed in the Game and Fish Department’s private land habitat and access improvement fund.

Changes to fishing licenses effective April 1, 2014 include:

- Resident fishing license will increase from \$10 to \$16.
- Resident age 65 and older or permanently disabled fishing license from \$3 to \$5.
- Resident husband and wife fishing license from \$14 to \$22.
- Resident paddlefish tag from \$3 to \$10.



**2013 RESIDENT GRATIS AND NONRESIDENT LANDOWNER  
(PREFERENTIAL LANDOWNER) DEER LICENSE APPLICATION**  
North Dakota Game and Fish Department  
Licensing Division, SFN 6108

PLEASE SEE RESTRICTIONS ON BACK OF APPLICATION. If you need any assistance in filling out this application, contact the N.D. Game & Fish Department.  
**INFORMATION IN THIS SECTION SHOULD BE COMPLETED BY PERSON WHO WILL USE LICENSE.**

An individual having a **RESIDENT GRATIS OR NONRESIDENT LANDOWNER LICENSE** may also apply for a bow season license and a muzzleloader season license. An individual may use the **RESIDENT GRATIS OR NONRESIDENT LANDOWNER LICENSE** during the deer bow, deer gun, and muzzleloader seasons until license is filled.

Please provide us with your three line address. Press firmly and print legibly to avoid delays.

UNIT(S) WHERE LAND IS LOCATED (see map)

Mail this entire 2 part form to:  
Deer Lottery - NDGFD  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095  
Phone (701) 328-6300

Applications received after June 5, 2013 will result in licenses being issued from those remaining after the lottery.

LAST NAME FIRST MIDDLE  
ADDRESS  
CITY STATE ZIP

Birthdate (mo) (day) (yr) Social Security Number (required, see back of form) Sex Age  
Home Phone Work Phone Height (ft) (in) Weight Eye Color Hair Color

APPLICANT Resident Gratis  Nonresident Landowner  (Nonresident landowner applicant must submit \$200 fee. Please see restrictions on back of application.)

**INFORMATION IN THIS SECTION SHOULD BE COMPLETED BY LANDOWNER OR LESSEE (150 acres minimum to apply.)  
LEGAL LAND DESCRIPTION. PLEASE LIST BELOW. (Note: For additional land descriptions, attach separate sheet.)**

I own all the land described as follows:

*Note: Gratis applications must be received by the regular deer gun lottery deadline June 5 in order to be issued an "any legal deer" license.*

*Note: The number of acres required to qualify for a gratis deer license has been changed from 160 to 150 acres.*

- Nonresident paddlefish tag from \$7.50 to \$25.50.
- Nonresident husband and wife fishing license from \$45 to \$60.
- Nonresident fishing license from \$35 to \$45.
- Nonresident three-day fishing license from \$15 to \$25.
- Nonresident 10-day fishing license from \$25 to \$35.

In addition to the license fee increase bill, state law-makers considered 35 bills regarding hunters, anglers and the state's natural resources. New laws take effect August 1, 2013, unless noted otherwise.

### Other Outdoor-Related Bills That Passed

**HB 1017** – Appropriates \$67,553,639 for the Game and Fish Department for the biennium beginning July 1, 2013 and ending June 30, 2015. Passed House 84-6. Passed Senate 47-0.

**HB 1062** – Removes a person's ability to appeal to a district court a decision made by the water resource board regarding removal or closing of a noncomplying dam, dike or other device. Passed House 93-0. Passed Senate 46-0.

**HB 1123** – Removes the requirement that a driver of a vehicle involved in an accident with an undomesticated animal, such as a deer, needs to notify law enforcement authorities. Passed House 84-6. Passed Senate 46-0.

**HB 1130** – Requires each county auditor to implement a computerized online licensing system by March 1, 2015, and each agent appointed by a county auditor by March 1, 2016. Passed House 81-12. Passed Senate 45-0.

This bill mandates all license sales be made online beginning April 2016. The license will be purchased through a Game and Fish web-based online system to electronically record the license sale. The system run by vendors looks similar to that currently on the Game and Fish website, but the method of applying for the license is slightly different. If an applicant applies online at home, it is credit card only. At vendors, an applicant can still use cash or a check and the vendor will record the sale using the online system.

"A major advantage of county auditors/vendors going online is the Department will have a real time total of the number of licenses sold instead of waiting for paper licenses to be collected and counted at the end of the season," Steinwand said.

**HB 1131** – Addresses eligibility requirements for landowner deer gratis licenses and defines at what age an individual can apply for and participate in the deer season. Passed House 85-6. Passed Senate 35-11.

Several changes are a result of HB 1131:

1. An individual who turns age 14 in the same year as the respective big game hunting season can apply

for a license. Previously, the individual had to turn age 14 before end of the respective season.

2. An individual who turns age 12 in the same year as the youth deer season can receive an antlerless white-tailed deer license for the youth season. Previously, the youth hunter had to turn age 12 prior to opening day of the youth deer season.
3. Trusts and life estates are now eligible to apply for a gratis deer license. Only one individual listed in the trust or life estate is eligible to receive a deer license, not multiple licenses for the trust or life estate.
4. The acreage of land owned or leased for agricultural purposes was changed from 160 acres to 150 acres, thus changing eligibility for a gratis deer, pronghorn or moose license. Additionally, preferential landowner eligibility for elk licenses has been changed (preferential in the fact that they can obtain the license but must pay the appropriate fee).
5. Gratis applications must be received by the regular deer gun lottery deadline in order to be issued an "any legal deer" license. Any gratis application received after the deadline could still be issued a gratis deer license, but only for the sex and species remaining after the first lottery, which are typically antlerless (doe) licenses.

This bill carries an emergency clause, which makes it effective immediately.

**HB 1161** – Clarifies and defines eligibility requirements for a resident hunting and fishing license, effective April 1, 2014. Passed House 91-0. Passed Senate 46-0.

Basically, this bill requires anyone age 18 and older purchasing or applying for a resident hunting or fishing license to submit a valid North Dakota driver's license number or a North Dakota identification number. In addition, a nonresident student living in North Dakota and attending a North Dakota school who is applying for a license at the resident rate, must submit a valid student identification number.

**HB 1195** – Allows an individual to show proof of a hunting or fishing license in paper or electronic format. Passed House 87-0. Passed Senate 46-0.

"This bill recognizes current technology when presenting a hunting or fishing license in the field," Steinwand said. "This is along the lines of continued migration to online licensing and the increasing use of technology, such as smart phones."

**HB 1224** – Carrying a loaded firearm in a vehicle while hunting carries a Class 2 noncriminal offense. Passed House 92-1. Passed Senate 46-0.

**HB 1247** – Requires the agriculture commissioner to create and maintain an electronic database of wetland credits that are available for purchase by an agricultural landowner. Passed House 91-2. Passed Senate 47-0.

**HB 1264** – Addresses the issue of Canada goose depredation that occurs during the spring and summer months in North Dakota, and provides additional direction to the Department as it relates to reducing goose depredation on high value commodity crops such as soybeans and corn. In addition, HB 1264 allows a nonresident to hunt statewide during the entire early Canada goose season at a license fee of \$50 without counting against the 14-day regular



*HB 1195 allows an individual to show proof of a hunting or fishing license in paper or electronic format.*

RON WILSON

season license; residents have to pay \$5 to hunt during the early season. Passed House 92-0. Passed Senate 46-0.

The bill requires the Department to: 1) establish an online application process for kill permits, 2) advertise the availability of kill permits in appropriate publications, and 3) to establish a system where volunteer hunters can assist landowners in Canada goose kill permit activities.

“Requiring the purchase of specific early Canada goose season licenses will allow Game and Fish to document and analyze participation and harvest levels by resident and nonresident hunters,” Steinwand said.

**HB 1278** – Creates a North Dakota outdoor heritage fund which helps provide access to private and public lands and develop fish and wildlife habitat. Passed House 48-44. Passed Senate 33-12.

**HB 1282** – Allows an individual in lawful possession of a device that will silence or deaden the sound when the firearm is discharged to hunt game for which the individual is licensed. Passed House 90-2. Passed Senate 29-17.

**HB 1322** – Requires pending land acquisition by Game and Fish to be appraised prior to purchase. Before appraisal, the Game and Fish director must give notice to every landowner within one mile of the boundary, and to the board of county commissioners, and publish a notice in the official county newspaper. Passed House 94-0. Passed Senate 45-0.

Previously, approval by the governor and the budget section of the legislature was required prior to purchase of any land and only at appraised value with few exceptions. This bill does not give veto authority to any entity.

**HB 1336** – Allows the governor’s proclamation to establish the number of paddlefish snagging tags available and the manner of issuance. Passed House 88-3. Passed Senate 47-0.

North Dakota’s paddlefish snagging season dates back to 1976. Since 1992, this fishery has been intensively managed and researched by the Game and Fish Department in cooperation with Montana Fish, Wildlife and Parks. To protect the paddlefish population from overharvest, an annual harvest cap of up to 1,000 paddlefish per state has been in place for years. Due to fewer paddlefish and more and more individuals snagging for paddlefish, the snagging season that is supposed to last the entire month of May is often open for only a week, and has closed early in 10 of the past 12 years.

To better manage this important fishery, Steinwand said a lottery system implemented through

the governor’s fishing proclamation will be used to allocate paddlefish tags. “This will enable the Department to more effectively manage this fishery, and furthermore those who receive a lottery tag will be ensured that the paddlefish season will not close early, and they will be able to more leisurely enjoy their pursuit,” he said. “A lottery system will greatly alleviate the crowded conditions.”

**HB1338** – Requires the Board of University and School Lands to study, during the 2013-14 interim, options to address the concerns of landowners adjacent to land under the control of the U.S. Army Corps of Engineers surrounding Lake Sakakawea and Lake Oahe. Passed house 89-0. Passed Senate 46-1.

The study must include consideration of control of noxious weeds, protecting public access for hunting and fishing, and the costs associated with any land transfer.

**HB 1354** – Issues four any-deer and six any-whitetail licenses annually to the Injured Military Wildlife Project of North Dakota (currently known as Wounded Warrior Project). Passed House 92-0. Passed Senate 46-0.

**HB 1434** – Allows a resident disabled veteran, with a 50 percent service related disability, to qualify for a \$5 fishing license. Passed House 92-0. Passed Senate 45-1.

**SB 2211** – Relates to the duties of the State Board of Animal Health and the treatment of animals. Passed Senate 43-3. Passed House 80-12.

**SB 2242** – Allows a North Dakota disabled veteran, with a 100 percent service related disability, to purchase a combined general game, habitat, small game and furbearer license for \$3. Passed Senate 44-0. Passed House 92-0.

**SB 2279** – Requires legislative management to consider studying the benefits and implications on tax policy of the forestry stewardship tax and report its findings to the 64th legislative assembly. Passed Senate 46-1. Passed House 88-5.

Steinwand said this is an important study and he hopes the legislature selects this topic for study over the next two years. “Hopefully, this process will result in a law change and more participation by the counties which would be important for forest and wildlife conservation in North Dakota,” he said.

**HCR 3010** – A concurrent resolution urging Congress and the U.S. Army Corps of Engineers to ensure that access to Lake Sakakawea and Lake Oahe for agriculture, commerce, energy and water development, and recreation is not inhibited by



unreasonable regulations and to address proper funding for all project purposes and weed control on Lake Sakakawea and Lake Oahe. Lake, dock and shoreline access must be included as agenda items to be discussed in a public hearing held in North Dakota in 2013. House adopted. Senate adopted.

**HCR 3017** – A concurrent resolution urging the U.S. Fish and Wildlife Service and the U.S. Department of Agriculture's Natural Resource Conservation Service to fairly administer water management laws and regulations in a manner that allows landowners and tenants certainty and cooperation in the management of these laws and regulations. House adopted. Senate adopted.

## Bills That Failed

**HB 1141** – Would have allowed an individual of at least age 16 to windsurf or boardsail without wearing a life jacket; would have prohibited an individual from towing another individual on water skis, surfboard or other similar device between one hour after sunset to one hour before sunrise; and would have allowed a vessel equipped with a mirror and a wide field of vision to the rear to replace an observer while towing an individual on water skis, surfboard or similar device. Passed House 78-9. Failed Senate 16-31.

**HB 1151** – Would have allowed a member of the United States armed forces stationed in North Dakota, and an individual in the member's family if residing in the same household, to enter the lottery for deer and turkey licenses as a resident, even if the member or the individual in the member's family is a nonresident. Failed House 27-59.

**HB 1169** – Would have allowed the court to suspend hunting, fishing and trapping privileges as a sentencing alternative. Passed House 72-22. Failed Senate 10-36.

**HB 1312** – Would have required the Game and Fish Department to establish a boat landing on the former Missouri River correctional center property after the center is relocated to the youth correctional center site. Passed House 87-6. Failed Senate 3-44.

**HB 1313** – Would have established a nonresident early Canada goose license for \$50; and would have allowed nonresidents to hunt during the early Canada goose season in Richland, Sargent and Dickey counties without counting against the 14-day waterfowl license. Failed House 5-87.

**HB 1370** – Would have allowed the Game and Fish director to raise hunting and fishing license fees by up to 20 percent per biennium. Failed House 26-67.

**HB 1416** – Would have prohibited a person from possessing a large capacity ammunition feeding device of more than 10 rounds. Withdrawn from consideration.

**SB 2221** – Would have appropriated out of any moneys in the special road fund in the state treasury, not otherwise appropriated, the sum of \$20 million or so much of the sum as may be necessary, to the Department of Transportation for the purpose of providing grants to counties and townships for roadway improvements to scenic byway roads, scenic backway roads, and roads that provide access to recreational areas, for the biennium beginning July 1, 2013, and ending June 30, 2015. In addition, the special road committee could have distributed a maximum of \$2.5 million of grants for projects located within the boundaries of each Department of Transportation district in the state. Passed Senate 30-17. Failed House 33-59.

**SB 2248** – Would have allowed a nonresident waterfowl hunter to purchase an additional seven-day waterfowl license for \$125. Failed Senate 23-23.

**SB 2365** – Would have prohibited an individual from discharging a firearm on, over or within the right of way of a paved, gravel or loose surface highway, county road or township road at a big game animal. Failed Senate 1-46.

**SCR 4027** – A concurrent resolution that would have created an outdoor heritage fund from 4 percent of the total revenues from oil and gas production and extraction taxes and have allowed the fund to be administered by the outdoor heritage commission for clean water, lands and outdoor heritage. Failed senate 10-36.

**SCR 4029** – A concurrent resolution that would have directed legislative management to study the economic activity surrounding the three units of the Theodore Roosevelt National Park and the North Dakota badlands, including the Little Missouri River, to determine the best practices for sustaining and enhancing this unique and special part of North Dakota and the related tourism, recreation, oil and gas development, livestock and grassland-based agriculture, hunting, historical attractions and quality of life. Failed Senate on verification vote.

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*GREG FREEMAN is the Game and Fish Department's news editor.*



CRAIG BIRHLE

# Weighing the Effects of Length Limits

*Biologists pay special attention to walleye on Devils Lake, Lake Sakakawea, the Garrison Reach of the Missouri River downstream of Garrison Dam, and Lake Oahe, annually assessing whether any of the common length limits would have a positive effect.*

*By Scott Gangl*

Every summer, armed with nets and other sampling gear, fisheries biologists navigate some of the state's popular fishing waters to assess the status and health of fish populations.

Once the data is summarized, analyzed and carefully considered, the information provides the basis for State Game and Fish Department management decisions. Such as, how many fish to stock or whether special regulations would enhance fish populations for anglers.

Select anglers routinely request special length regulations, like "minimum," "maximum," "one-over," or "slot" limits, with the expectation that protecting big fish or allowing small fish to grow will make the fishing better. While Department fisheries managers seriously consider these regulation requests, the data often doesn't support the perception, so implementing a regulation would not achieve the desired results.

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*Some North Dakota anglers regularly call for special length regulations, with the expectation that protecting big fish or allowing small fish to grow will make the fishing better.*

Biologists pay special attention to walleye on Devils Lake, Lake Sakakawea, the Garrison Reach of the Missouri River downstream of Garrison Dam, and Lake Oahe, annually assessing whether any of the common length limits would have a positive effect.

What follows is a summary of observations and conclusions on what effect new length regulations would have on those walleye populations.

## Minimum Length Limit

When a walleye population has few young fish due to poor reproductive or stocking success, but fish are growing well, a minimum length limit can help protect young fish to grow to a size that would provide more benefit to the anglers' creel. Of course, for any fishing regulation to be effective, angler harvest must have more of an effect on the population than other natural sources of mortality.

Lake Sakakawea's walleye population today meets two of the criteria for a minimum length limit – low natural mortality and good growth – but does not exhibit any signs of a population in need of a minimum length limit, such as low reproductive or stocking success, or high fishing mortality. In fact, natural and fishing mortality combined has been around 30 percent on Sakakawea in recent years, which is sustainable when compared to more heavily fished populations.

In addition, the combination of natural reproduction and good overall stocking success since 2010 has produced abundant young fish that are growing well and should reach a desirable size in another year or two.

The walleye population in the Garrison Reach and Lake Oahe is currently quite a bit different than Sakakawea's. Small fish are abundant following strong natural reproduction in 2009 and 2011. However, a major decline in forage abundance after the 2011 flood has decreased their growth rate. A lack of

food, teamed with a robust northern pike population, has also increased natural mortality.

Given the current situation, anglers are encouraged to harvest some smaller walleye to prevent fish from dying. Thus, a minimum length limit is not advisable on this population.

At Devils Lake, rising water levels have led to strong natural reproduction in recent years. Currently, there is no shortage of small fish in the population, and growth rates have decreased substantially since 2008. Since overall mortality rates are not excessive, it would be better to allow harvest of small walleye at Devils Lake rather than restrict it with a minimum length limit.

## One-Over

One of the more popular limit requests by anglers is a one-over, which is simply a maximum size limit that allows harvest of only one fish over a certain length. From a biological perspective, a maximum or one-over limit is only needed when reproduction is limited by the number of large brood fish, and the fish are vulnerable to high fishing mortality. The number of brood fish is seldom a limiting factor in most North Dakota waters, since most are maintained by stocking.

On Devils Lake, Lake Oahe and the Garrison Reach, natural reproduction has been very good in recent years, and stocking is effective for augmenting Sakakawea's population. Without this biological justification, the call for a one-over regulation is a social issue, where anglers are hoping the regulation would result in more large fish to catch. For this to happen, there has to be some evidence that harvest is having a major negative influence on the population's large fish. In other words, anglers have to consistently harvest multiple large fish per trip for a regulation limiting the harvest to one large fish per trip to be successful.



*The walleye population in the Garrison Reach and Lake Oahe is currently quite a bit different than Sakakawea's. Small fish are abundant following strong natural reproduction in 2009 and 2011. However, a major decline in forage abundance has decreased their growth rate. A lack of food, teamed with a robust northern pike population, has also increased natural mortality.*

CHRIS GRONDAHL



CHRIS GRONDAHL

Every spring anglers voice their concern that too many large walleye are harvested before, during and after the spawn in places like the Missouri River, or the coulees that flow into Devils Lake. This does occur at times when fish are most vulnerable, but is a small component of the total harvest over the course of the year.

According to Lake Oahe creel survey data from 2009, when walleye size structure was large and favored harvest of large fish, a one-over-20-inch limit would have reduced the total take by 2 percent that summer, even though 13 percent of the harvest was fish longer than 20 inches. This demonstrates how few anglers harvested more than one large fish per trip that summer.

Similarly, Game and Fish conducted a creel survey on the coulees flowing into Devils Lake in spring 2010 and found that most fish harvested were less than 20 inches, with an average length of 17.9 inches. Similar to Oahe in 2009, a one-over-20-inch regulation on Devils Lake would have reduced harvest by about 2 percent, a total of 170 fish, during that time.

Game and Fish tagging studies around the state indicate that 10-20 percent of released fish are caught more than once. So, a regulation requiring the mandatory release of 170 walleye in spring 2010 would have provided at most 35 fish to be recaptured and enjoyed later by anglers. When you consider that angling effort surpassed 1 million hours during the 2007-08 creel survey at Devils Lake, a regulation restricting spring harvest would not produce any real improvement to the fishing experience for the majority of anglers.

Even with a year-round regulation requiring release of all walleye longer than 20 inches, those fish would only be recaptured about once every 100 fishing trips. Some anglers will remain understandably passionate about this topic, but in

*Game and Fish tagging studies around the state indicate that 10-20 percent of released fish are caught again at a later date. On Devils Lake (right), Lake Oahe and the Garrison Reach, natural reproduction has been very good in recent years, and stocking is effective for augmenting Sakakawea's population.*



MIKE ANDERSON

reality, restricting the harvest of large walleye would pay little dividend when it comes to improving fishing for the majority.

## Slot Limit

The third major regulation type, the slot limit, is likely the most misunderstood. Most anglers refer to a slot limit as a harvestable size range, say, from 14 to 20 inches. This harvest slot limit is a combination of the minimum and maximum size limits already discussed, and the same criteria would apply.

What fisheries biologists refer to as a slot limit, is a protected slot where anglers must release fish within the slot range and harvest is limited to smaller and larger fish. Since it would prohibit anglers from harvesting fish of sizes they most prefer, a protected slot limit would probably be the least popular of all. However, there could be some beneficial applications, so it should be considered like all the rest.

Imagine a walleye population that experiences consistent reproductive or stocking success, but has limited food resources so the abundant small fish don't grow very fast. Now throw in a lot of angling pressure, and the few fish that do reach harvestable size are quickly cropped off, with few fish making it to larger sizes.

A protected slot limit is designed to alleviate some of this and produce a more balanced size structure in a couple of ways. First, since anglers can't harvest mid-sized fish, they would be more likely to harvest smaller fish, in turn thinning the density of small fish and increasing their growth rate. Then, as those fish are growing faster, they are protected from harvest when mid-sized, allowing them to reach longer lengths than before.

Because Lake Sakakawea's walleye population is currently thriving, and has a very desirable size structure, a protected slot limit would not be warranted. On Lake Oahe and the Garrison Reach, the walleye population includes abundant small fish, and growth has slowed while mortality has increased, thus meeting three of four criteria for applying a slot limit. However, a more restrictive regulation would not address underlying forage problems impacting the fishery. Applying a slot limit now would needlessly restrict harvest, and possibly exacerbate problems by increasing the population density and competition for food at a time when forage is extremely limited.

At Devils Lake, the walleye population could possibly benefit from a protected slot limit due to its high abundance of small fish and slowing growth rate. Fishing effort can be high at times,



*Every summer fisheries biologists investigate some of the state's popular fishing waters to assess the status and health of fish populations. Some of this work goes on under the cover of darkness using electro-shocking equipment to stun fish that have moved into shallow water to feed.*

but harvest and mortality rates from fishing are not extreme, and natural mortality is likewise moderate. Applying a slot limit to this population is not biologically necessary, but Game and Fish biologists will be wrapping up a more in-depth study in June, looking at whether a slot limit would provide more large fish for anglers to catch.

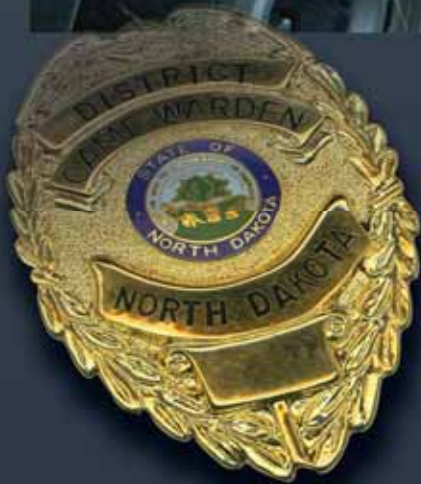
The downside of a protected slot limit, however, is that anglers wouldn't be able to harvest the medium-sized fish that draw many to the lake every year – which to most anglers would be a very unfavorable regulation.

*SCOTT GANGL is the Game and Fish Department's fisheries management section leader.*



*Ken Skuza, Game and Fish Department warden, Riverdale, checks the licenses of pheasant hunters in 2012.*

MIKE ANDERSON



## 2012 ENFORCEMENT DIVISION REVIEW

*By Robert Timian*

The number of violations cited by North Dakota Game and Fish Department wardens increased in 2012, especially in the western part of the state. Teamed with that increase were requests from hunters and anglers calling for greater penalties, mandatory sentencing and new laws.

This is nothing new as these types of calls typically follow when violators receive lesser sentences than what outdoor enthusiasts may have anticipated.

However, not every problem can be solved by revising an existing law or creating a new one. The first step is defining a problem that needs addressing. Perhaps there is an existing law that already addresses the issue, or could address it with some minor adjustment.

And if there is a need for a new law, would it be understandable and enforceable?

Answering these questions usually provides a good indication of whether to start the process of proposing a new law, which of course has to go through the legislative process, with final approval by lawmakers.

Before addressing higher penalties and mandatory sentencing, it's important to understand that in all cases the burden of proof is on the state, not the defendant, and in criminal actions the evidence must be beyond reasonable doubt. This is a high standard, requiring significant effort from the warden and state's attorney.



Even so, it's a good thing, as the state should meet high standards within legal boundaries before charging a citizen with a crime.

Issues of increased penalties and mandatory sentencing are, to a degree, similar. State law classifies offenses ranging from noncriminal through AA felony, and sets the maximum penalty for each class. For example, a Class B misdemeanor has a maximum penalty of 30 days in jail and \$1,000 fine, with additional court costs of \$225.

Upon conviction or a guilty plea for a criminal offense, judges may impose any sentence they feel appropriate, up to and including the maximum allowed. For game and fish related criminal violations, the court can also suspend hunting, fishing and trapping privileges and confiscate equipment used in commission of the crime.

Mandatory sentencing is used to set a minimum sentence that the court must impose, though few laws have mandatory sentencing. One game and fish violation that does is hunting on posted property without permission, which carries a mandatory suspension of all hunting, fishing and trapping privileges for one year for a first offense.

When I was a new, young game warden, I was generally in favor of mandatory sentencing. However, my philosophy changed as I gained experience and encountered different people who committed the same offense, but with widely varying circumstances. Judges should have the ability to consider these circumstances in each case and determine an appropriate sentence within the law, especially with first offenses.

I am less opposed to mandatory sentencing for repeat offenders, especially when it appears that something was missed.

Case in point: In fall 2009, as a result of a Report All Poachers report, our game wardens caught a person exceeding the walleye limit while fishing the Missouri River in Burleigh County. The angler had taken twice the daily limit, commonly known as double dipping, and was charged

with a Class B misdemeanor, and the case was turned into the county state's attorney's office.

The ensuing sentence was a \$250 RAP donation, six months unsupervised probation, confiscation of fishing rod and reel, and \$225 in court fees.

In 2012, the same person was again caught exceeding the walleye limit on the Missouri River. That time he had 14 fish, almost three times the daily limit, and was charged with a Class B misdemeanor. The case was turned into the county state's attorney's office, who was notified that this was a second offense.

The sentence was deferred imposition for one year, unsupervised probation for one year, and \$250 in court fees, which was a lesser sentence than for the first offense. In this case, a mandatory minimum for repeat offenders would most likely have meant a more severe sentence.

Before trying to change the law to move penalties up in classification, one should look at what penalties are available under current law. Most all game and fish violations are either Class B or A non-criminal or criminal misdemeanors. Also, within very limited circumstances, a game and fish violation could be charged as a Class C felony.

What are the maximum penalties allowed under law that the court could impose? For noncriminal violations it is a fee only ranging from \$25 to \$250. A Class B misdemeanor is 30 days in jail, \$1,000 fine, \$250 in court fees, and suspension of hunting, fishing and trapping privileges for three years, and confiscation of equipment used in the crime. Because North Dakota is a member of the Interstate Wildlife Violator Compact, the suspension of hunting, fishing and trapping privileges could potentially be enforced in 35 other states.

A Class A misdemeanor is the same as a Class B for suspension and confiscation, but has a maximum of one year in jail, \$2,000 fine and \$350 in court fees, which are substantial penalties. The typical first offense sentence for a criminal game and fish violation, based on our records, includes only court fees, or court fees with

\$100 to \$200 fine. Typically, the sentence does not include suspension (unless mandatory), confiscation and actual imprisonment. Repeat offenses, or Class A big game cases, tend to include suspension and confiscation and higher fines, and generally no actual jail served.

Overall, the maximum sentence is never imposed. So why is this? Let's first go through how the system works. To begin, it's the game warden's job to investigate the case, gather evidence, and cite or present the case to the county state's attorney for charging. Once charges are filed, it's in the hands of the state's attorney, who is central to the system, as he or she determines what and how cases proceed. The state's attorney, upon review of the case, may request to dismiss, enter into a plea agreement, proceed to trial, or if charges have not been filed, decline to prosecute. Motions (requests) to dismiss, or plea agreements, must be approved by the judge assigned the case before becoming final.

Most game and fish cases are settled by plea agreement. North Dakota has 53 counties and each one has a state's attorney. Depending on the county, the positions range from full-time, with a number of assistant state's attorneys and staff, to part-time positions, with little or no staff. While a number of factors can influence why a case is settled in a certain way, work load, which leads to prioritizing, is near or at the top of the list. Sometimes there just isn't enough time to go to trial on every case, especially if the plea agreement involves a sentence that is close to what would have likely occurred if the case had gone to trial.

The scenario for most criminal game and fish violations is relatively similar to what happens with other crimes. While all have maximum penalties under existing law, a final sentence might fall well below that, depending on the circumstances.

The ability for the state's attorney to recommend, and the court to impose more significant penalties, is in almost all cases currently available under existing law.

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**ROBERT TIMIAN** is the Game and Fish Department's enforcement division chief.

## Warden Field Work

Each year the North Dakota Chapter of the Wildlife Society, an organization of professionals in the wildlife field, gives an award for the top enforcement case of the year. The award honors Chuck Pulver, a chapter member and North Dakota Game and Fish Department warden who died of a heart attack while on duty in 1995.

The following is the top case of the year.

### Chuck Pulver Memorial Case of the Year

On November 12, 2011, Game and Fish Department warden Jeff Violett received an anonymous report that a hunter found an untagged, field-dressed deer along the Cannonball River.

Violett went to the location and found a mule deer buck. True to the report, the buck was field-dressed and propped open with a stick and placed in the undergrowth of some trees.

Violett felt the person or persons would be back for the untagged buck, considering they had taken the time to dress and cool the animal. He put a radio transmitter in the carcass and marked the antler, then left for the day after checking some nearby hunters coming off the river.

Unable to get a transmitter signal when he returned to the area November 14, Violett hiked to the spot where the buck was last seen and found game cart tracks, blood, but no animal.

Violett then started searching for the transmitter signal and found it south of Bismarck. He then obtained a search warrant for the address where the signal was strongest.



*Game and Fish Department wardens work a game check station in 2012 near LaMoure.*

Violett, along with warden supervisor Dan Hoenke and warden Bill Schaller, staked out the house until someone came home. Violett knocked on the door, but no one answered. He then went to the garage and the garage door opened.

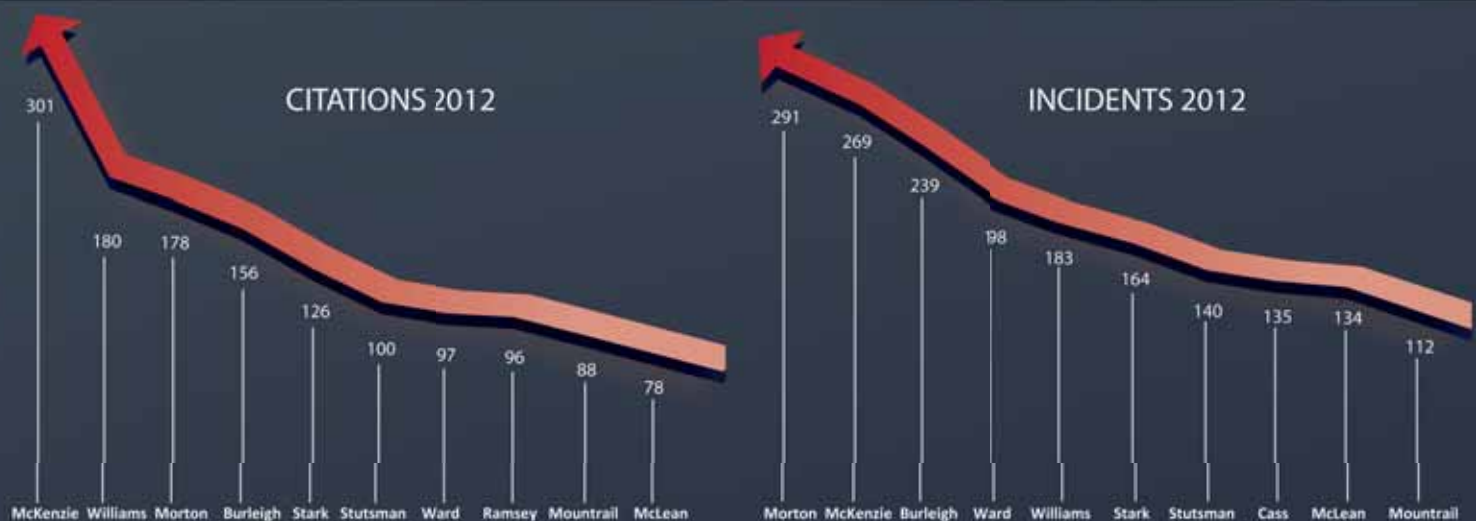
The buck was hanging in the garage, tagged with the license of the teenage son who lived at the address. However, the license was for a whitetail, not a mule deer.

Violett learned the mother and son were hunting together, sitting on a rock pile. The son was dozing off when his mom called his name, he looked up, saw the buck and shot it. When they approached the deer, they saw that it was a mule deer.

After field-dressing the deer, the mom and son went to town to see if they could find someone to tag the animal. Later they returned to continue hunting, didn't see anything to shoot, and tagged the buck and took it home so it would not go to waste.

The teenager was ordered to pay \$250 restitution for the deer, \$225 in court fees, which were waived, one year probation and one year deferred imposition.

## TOP TEN COUNTIES







*Jerad Bluem, Department warden stationed in Steele, checks the license of an ice angler in his patrol district.*



CHRIS GRONDAHL

## 2012 Summary of Violations

### Big Game

Failure to accompany/transport other's game.....	2
Failure to wear florescent orange .....	4
Tagging violations .....	21
Exceeding limit.....	2
Killing wrong species or sex.....	11
Illegal possession/taking.....	43
Hunting in closed season.....	2
Shining (using artificial light).....	3
CWD violation.....	2
Other big game violations .....	80
<b>Total .....</b>	<b>170</b>

### Small Game

Using gun able to hold more than 3 shells.....	75
Hunting in closed season.....	3
Illegal possession/taking .....	2
Exceeding limit.....	49
Unlawful transportation of game.....	2
Failure to leave identification or sex of game.....	65
Killing wrong sex or species.....	14
Failure to accompany/transport other's game.....	5
Nontoxic shot violation .....	2
Failure to HIP register .....	1
Hunting without federal waterfowl stamp.....	5
Failure to carry federal waterfowl stamp.....	12
Other small game violations .....	16
<b>Total .....</b>	<b>251</b>

### Boating

Use of unlicensed or unnumbered boat .....	101
Failure to display boat registration.....	30
Operating without lights at night.....	32

Inadequate number of PFDs .....	170
Water skiing violations .....	64
Reckless or negligent operation .....	15
Operating vessel under influence/intoxicated.....	15
Other boating violations.....	72
<b>Total .....</b>	<b>499</b>

### Fishing

Fishing with excessive lines .....	35
Exceeding limit .....	69
Fishing in closed/restricted area .....	11
Failure to attend lines .....	8
No identification on fish house.....	4
Failure to remove fish house .....	2
ANS violation.....	12
Paddlefish violations .....	4
Violation of bait restrictions .....	15
Other fishing violations .....	40
<b>Total .....</b>	<b>200</b>

### Furbearer

Shining (using artificial light).....	10
Illegal possession/taking .....	5
Harassing furbearers with motor vehicle .....	1
Hunting/trapping in closed season.....	5
Other furbearer violations .....	21
<b>Total .....</b>	<b>42</b>

### General

Use of motor vehicle off established trail.....	17
Use of motor vehicle in restricted area.....	34
Prohibited use of motor vehicles.....	47
Harassing wildlife with motor vehicle...2	
Hunting on posted land without permission .....	36
Hunting before/after legal hours .....	18
Wanton waste .....	10

Aid in concealment of unlawful game...18	
Hunting in wrong unit/closed area.....22	
Loaded firearm in motor vehicle .....	90
Discharge of firearm within/on motor vehicle .....	5
440 yard violation .....	9
Littering .....	79
Other general violations .....	17
<b>Total .....</b>	<b>404</b>

### Licensing

Failure to sign/affix stamp .....	22
Hunting/fishing/trapping without proper license .....	339
Failure to carry license on person .....	278
Guide/outfitter without license .....	19
Misrepresentation on license or application.....	38
Other licensing violations.....	5
<b>Total .....</b>	<b>701</b>

### Wildlife Management Areas/Refuge

Failure to obey posted regulations .....	42
Camping.....	9
Tree stand violations.....	1
Possession of glass beverage containers .....	85
Baiting on WMA .....	1
Possession/discharge of fireworks .....	9
Other WMA/refuge violations.....	2
<b>Total .....</b>	<b>149</b>

### Miscellaneous

Possession of controlled substance.....	10
Possession of drug paraphernalia .....	12
Open container.....	27
Minor in possession.....	65
Criminal trespass .....	20
Fleeing or attempting to elude .....	8
Other miscellaneous .....	51
<b>Total .....</b>	<b>193</b>



MIKE ANDERSON

# ANS EDUCATION, ENFORCEMENT ONGOING

*By Ron Wilson*

*A decade after introducing North Dakota OUTDOORS readers to the threat of aquatic nuisance species to state fisheries and wetlands, the mission continues to educate and enforce laws to help reduce the spread of ANS in North Dakota.*

Like a lot of states, North Dakota isn't a stranger to aquatic nuisance species. Common carp, introduced to state waters more than a century ago, are the state's biggest ANS culprit.

"Carp are pretty widespread and have been causing problems for years," said Fred Ryckman North Dakota Game and Fish Department ANS specialist. "Most of the other aquatic nuisance species that we have a concern with were introduced into North Dakota much more recently."

A decade after introducing *North Dakota OUTDOORS* readers to the threat of aquatic nuisance species to state fisheries and wetlands, the mission to educate and enforce laws to help reduce the spread of ANS in North Dakota continues.

In 2010, it became mandatory in North Dakota for anglers to drain water from livewells and baitwells prior to leaving a water body. Before that, anglers were encouraged, without the threat of a citation, to follow those practices.

"Aquatic nuisance species are especially problematic in terms of affecting fish populations or affecting the use of water bodies because they get to be so abundant," Ryckman said.

In terms of the most recently introduced, curly leaf pondweed is found in fewer than a dozen North Dakota waters, while Eurasian water milfoil is found

in just a couple. Silver carp were discovered in the James River in 2011, and the presence of this exotic fish is disquieting.

"Asian carp, bighead and silver carp, in particular, can be a big problem," Ryckman said. "As of last summer, we documented that there are a few, literally a handful at most, silver carp still in North Dakota. It is a big concern that they are here."

Not only are silver carp a biological threat, this exotic, which has a tendency to jump out of the water when spooked, can cause harm to boaters and others. "These fish are dangerous when they come out of the water like that," Ryckman said. "You can imagine knee boarding, water skiing or just going around in an open boat and having these fish flying around ..."

An aquatic nuisance species that likely does more damage to lakes and waterways than any other has yet to be confirmed in North Dakota, but is creeping closer. "We are concerned about zebra mussels, which are in the Red River watershed in Minnesota, have moved down the Otter Tail River and are getting pretty close to the Wahpeton area," Ryckman said. "As they continue to move downstream, with no barriers to prevent their movement, I see it as a matter of time before zebra mussels make it into the Red River."

The damage is significant in waters elsewhere, Ryckman said, where zebra mussels are established in



*After day of walleye fishing on a popular North Dakota water, an angler inspects his boat motor for unwanted aquatic nuisance species hitching a ride.*

MIKE ANDERSON

uncountable numbers. “The Great Lakes is probably the poster child for zebra mussels and these exotics have caused literally billions of dollars worth of economic losses with water supplies, water intakes and cleaning up some of the problems they have caused,” he said. “While it’s likely zebra mussels will become established, or become more abundant in the Red River, we’re not sure how they will fare ecologically. I just wish there was a barrier between Minnesota and the Red River so we wouldn’t end up with them.”

When zebra mussels are in the larval stage, the stage in which they will likely move from the Otter Tail into the Red, humans can’t make them out with the naked eye. “If you were fishing in contaminated waters like the Great Lakes, you wouldn’t even know if you had them in your livewell,” Ryckman said. “That’s why anglers must drain their livewells and baitwells.”

Adult zebra mussels, on the other hand, are about a half-inch and longer, much easier to spot, but difficult to remove from boats and other gear. “There are certainly some problems involved in moving adults, but probably the most likely way for zebra mussels to be moved is during the larval stage,” Ryckman said. “They’re invisible and people can move them without even knowing it. They could easily be moved in bait supplies, too.”

While Game and Fish Department officials are unsure of the fallout of zebra mussels in the Red River, they have witnessed the problems associated

with curly leaf pondweed and Eurasian water milfoil.

“Typically, when an invasive first moves in it becomes very well established, develops a large population and sometimes dies back and becomes more a part of the environment, rather than a major problem,” Ryckman said.

Curly leaf pondweed, for instance, is in the Missouri River System, but hasn’t done much damage in lakes Sakakawea and Oahe, but has proliferated at times in bays and marinas in the Bismarck-Mandan area.

“We wish we didn’t have these aquatic nuisance species, they haven’t done a great deal of damage yet, but we’re not sure if they’ll stay in the background forever, either,” Ryckman said.

And so, the battle against aquatic nuisance species continues.

“The trend across the country as ANS problems have gotten more and more severe, particularly Minnesota, is that it’s not going to go away unless agencies get serious about enforcement and get serious about regulating the movement of aquatic nuisance species,” Ryckman said. “Our goal is to have everyone aware of ANS, to understand that this is a serious problem and to make sure they are not the ones responsible for spreading aquatic nuisance species.”

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**RON WILSON** is editor of *North Dakota OUTDOORS*.

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*To prevent the spread and transportation of aquatic nuisance species, anglers should also inspect their fishing gear for vegetation before packing up and moving to another body of water.*



GREG GULLICKSON



# BUFFALOBERRY PATCH

By Greg Freeman, Department News Editor

## Deer Season Set

North Dakota's 2013 deer season is set, with 59,500 licenses available to hunters this fall, 5,800 fewer than last year and the lowest since 1983.

Randy Kreil, wildlife chief for the State Game and Fish Department, said after a significant reduction in gun licenses in 2012, harvest and survey data revealed deer populations are still below management objectives in most units.

"The statewide hunter success rate in 2012 was 63 percent, which is higher than in 2011 (52 percent), but is still lower than our goal of 70 percent," Kreil said. "The decrease of licenses in 2013 is necessary to allow deer populations to increase toward management goals."

Winter aerial surveys showed deer numbers were down from 2011 levels in the northern and eastern portions of the state, specifically units 1, 2B, 2C, 2D, 2K1, 2K2, and 3A1. Kreil said although deer are still below management objectives in 2A, 2F1 and 2F2, aerial surveys showed numbers were slightly above levels recorded in 2011 or 2012.

"The winter of 2012-13 was severe in the northern and eastern portions of the state, which will impede population recovery in those areas," Kreil said. "Furthermore, high quality deer habitat continues to be lost statewide and will limit the potential for population recovery."

Currently, all hunting units in the state are below management goals except in 3E2, 3F1, 3F2 and 4F.

Based on 2012 populations and harvest data, mule deer licenses in the badlands will decrease slightly this year. No antlerless mule deer licenses are available for the 2013 deer season in units 3B1, 3B2, 4A, 4B, 4C, 4D, 4E and 4F. This restriction applies to regular gun, resident and nonresident any-deer bow,

gratis and youth licenses.

Hunters are able to draw one license for the deer gun season and one for the muzzleloader season, and purchase an archery license. Like last year, there is no concurrent season and a hunter cannot receive more than one license for the deer gun season.

The number of licenses available for 2013 is 1,150 antlered mule deer, a decrease of 50 mule deer licenses from last year; 1,166 for muzzleloader, down 116 from last year; and 115 restricted youth antlered mule deer, a decrease of five from last year.

**North Dakota's 2013 deer gun season opens November 8 at noon and continues through November 24. Online applications for the regular deer gun, youth, muzzleloader, and resident gratis and nonresident landowner seasons are available through the Game and Fish Department's website at [gf.nd.gov](http://gf.nd.gov). Paper applications are also available at vendors throughout the state. The deadline for applying is June 5.**

Bowhunters should note that both resident and nonresident archery licenses this year are available only through the department's Bismarck office or website, or by calling (800) 406-6409. Archery tags will not be sold over the counter at license vendor locations in 2013.

Gratis and nonresident landowner applicants will want to take note of a new law passed recently by the state legislature. HB



CRAIG BIRKLE

1131 reduces the number of acres required to qualify from 160 to 150. In addition, gratis applications received on or before the regular deer gun lottery application deadline (June 5) will be issued any legal deer license. Applications received after the deadline will be issued based on licenses remaining after the lottery – generally only antlerless licenses remain.

HB 1131 also allows residents who turn age 12 in 2013 to receive an antlerless white-tailed deer license, and allows an individual who turns 14 this year to receive one deer license valid for the youth deer season. Previously, a young hunter had to turn the appropriate age prior to the end of the respective big game season.

Total deer licenses are determined by harvest rates, aerial surveys, deer-vehicle collision reports, depredation reports, hunter observations, input at advisory board meetings, and comments from the public, landowners and Department field staff.

## General CRP Signup: Cost Share Assistance and Additional Opportunities With the North Dakota Game and Fish Department

Producers interested in submitting bids to enroll land in Conservation Reserve Program acres have from May 20 through June 14. Applications received during the CRP signup period will be ranked against others according to the Environmental Benefit Index.

**Kevin Kading, North Dakota Game and Fish Department private land section leader, said there are some EBI factors that producers can influence. Game and Fish Department private land biologists and other conservation partners such as Ducks Unlimited and Pheasants Forever can help producers find the best possible combination of factors that will positively influence their EBI score, which may increase their likelihood of being accepted into the program.**

The Game and Fish Department offers cost-share assistance and additional incentives if producers enroll their CRP into the Department's Private Land Open To Sportsmen program to allow walk-in access for hunting.

There is something new for PLOTS this year; Game and Fish will make arrangements with contractors to assist producers with land preparation, grass seeding and CRP management. This service is offered for producers who enroll CRP in PLOTS in Dickey, Ransom, Sargent, LaMoure, Burleigh, Emmons, McLean, Sheridan, Stark, Hettinger and Adams counties.

Producers should contact the following biologists for more information about the general signup and opportunities with the Department's PLOTS program. A series of short videos with tips and advice on how producers can maximize their CRP offer, and information about PLOTS cost-share and grass seeding assistance can also be found on the Department's website at [www.gf.nd.gov](http://www.gf.nd.gov).



RON WILSON

### NDGF PRIVATE LAND BIOLOGISTS

**Ty Dressler, Dickinson** – (701) 227-7431 (Stark, Hettinger, Adams, Slope, Bowman); **Levi Jacobson, Bismarck** – (701) 527-3764 (Burleigh, Emmons, Kidder, Oliver); **Nate Harling, Devils Lake** – (701) 662-3617 (Bottineau, Rolette, Towner, Cavalier, Ramsey, Pembina, Walsh, Grand Forks, Nelson); **Todd Buckley, Williston** – (701) 774-4320 (Divide, Burke, Williams, Mountrail, McKenzie); **Terry Oswald, Jr., Lonetree** – (701) 324-2211 (Sheridan, Wells, Eddy, Foster, Benson, Pierce); **Renae Heinle, Jamestown** – (701) 253-6480 (Stutsman, Barnes, Lamoure, Dickey, Sargent, Griggs, Cass, Richland, Ransom, Steele, Traill, McIntosh, Logan); **Ryan Huber, Riverdale** – (701) 654-7475 (McLean, Mercer, McHenry, Ward, Renville); **Todd Gallion, Lake Ilo NWR** – (701) 548-8110 (Dunn, Billings, Golden Valley); and **Jon Roaldson, Bismarck** – (701) 328-6308 (Grant, Morton and Sioux).

### PHEASANTS FOREVER FARM BILL BIOLOGISTS

**Rachel Bush, Jamestown** – (701) 252-2521 ext. 129 (Stutsman, Barnes, Lamoure); **Matthew Flintrop, Dickinson** – (701) 225-3811 ext. 118 (Stark, Hettinger, Billings and other western counties); **Matt Olson, Forman** – (701) 724-3247 ext. 114 (Sargent, Richland, Ransom, Dickey); **Jaden Honeyman, Hettinger** – (701) 567-2661 ext. 113 (Adams, Bowman, Slope and other western counties); and **Andrew Ahrens, Devils Lake** – (701) 662-7967 (Ramsey, Benson, Nelson).

### DUCKS UNLIMITED CONSERVATION PROGRAM BIOLOGISTS

**Matthew Shappell, Napoleon** – (701) 754-2234 ext. 3 (Emmons, McIntosh, Logan, Kidder); and **Jacob Oster, Turtle Lake** – (701) 448-2377 (McLean, Burleigh, Sheridan).

# MRS Walleye Tagging Study Underway

A multi-year walleye tagging study that will eventually include thousands of fish 12 inches and longer was initiated on the Missouri River earlier this spring.

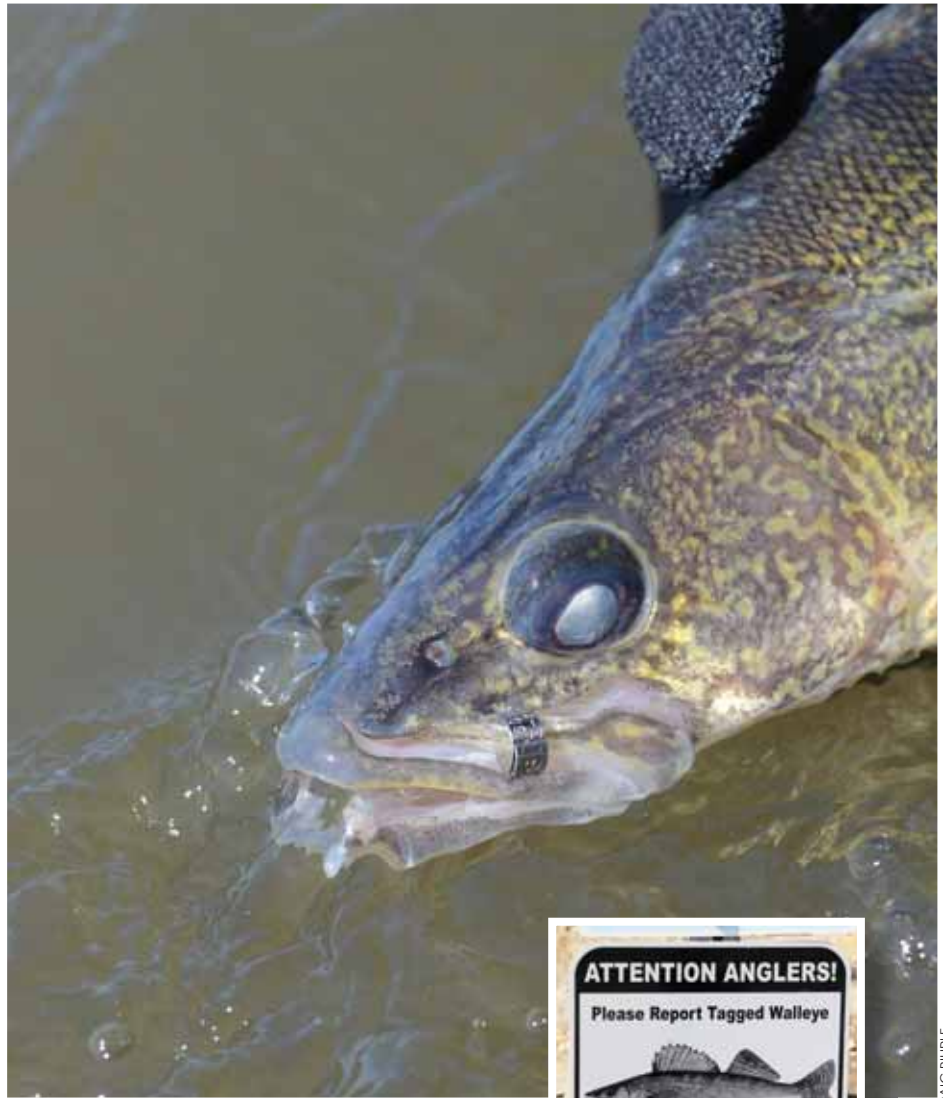
The study area is big, running from Garrison Dam in central North Dakota downstream to Lake Oahe Dam in South Dakota. It's being conducted by biologists and researchers from the South Dakota Game, Fish and Parks, North Dakota Game and Fish Department, and South Dakota State University.

**The study, which falls on the heels of the 2011 flood and a major decline in the forage base, is designed to assess walleye movements, mortality and what proportion of the walleye population is harvested annually by anglers.**

"The goal is to tag 10,000 walleye in the study area in the Dakotas per year," said Scott Gangl, Game and Fish Department fisheries management section leader. "Up to 4,000 of those fish will be tagged and released annually in the Missouri River and upper Lake Oahe in North Dakota."

The four-year study will target adult walleye and each will be fitted with a metal jaw tag stamped with a unique number to identify the fish, and a phone number to report the tag. "Anglers should treat tagged fish like any other fish they catch," Gangl said. "If they would normally harvest that fish, they should harvest it. If they would typically release it, they should release it. Anglers practicing catch-and-release can write the tag number down and report it, leaving the tag in the fish when released."

Anglers can report tags by calling the phone number found on tags, which, anglers should note, is a South Dakota phone number. Tag information can also be reported on the Game and Fish Department's website,



CRAIG BIHRLE

**The four-year study will target adult walleye and each will be fitted with a metal jaw tag stamped with a unique number to identify the fish, and a phone number to report the tag.**



CRAIG BIHRLE

gf.nd.gov, tag reporting page or by calling (701) 328-6300.

"When an angler does report a tag, we ask for the date the fish was caught, where it was caught, was the fish harvested or released, tag number and length and weight of the fish," Gangl said. "An angler who reports a tagged fish, along with their contact information, will be sent a letter providing some history on the fish, such as when and where it was tagged, how big it

was when tagged and so on."

Gangl said a small portion of the tags, just 5 percent, will offer a reward to anglers to encourage them to turn them in. These tags will be clearly marked "Reward."

**Reward tags need to be turned in to Game and Fish offices in Riverdale and Bismarck, or to a Game, Fish and Parks office in South Dakota.**



## Bighorns Show Record Lamb Recruitment

The North Dakota Game and Fish Department's spring bighorn sheep survey revealed a minimum of 297 bighorn sheep in western North Dakota. The 2012 count was second highest on record and 5 percent above last year's survey.

In total, biologists counted 87 rams, 156 ewes and a record 54 lambs. Not included are approximately 30 bighorn sheep in the North Unit of Theodore Roosevelt National Park.

Brett Wiedmann, Department big game biologist, said the northern badlands population was the highest on record, but the southern badlands herds declined slightly.

"Although adult rams and ewes were virtually unchanged from 2011, we were very pleased to see a record number of lambs recruited into the population, as well as a record recruitment rate of 38 percent," Wiedmann said. "Nearly all of the lambs we counted during last summer's survey survived the winter."

Game and Fish Department biologists count and classify all bighorn sheep in late summer and then recount lambs the following March to determine recruitment.

A bumper crop of lambs is indicative of a healthy population. However, Wiedmann added that this year's lamb numbers likely won't be reflected in increased hunting licenses for several years, as the total number of rams remains much lower than 2008, and the current age structure of rams is also much younger than what Game and Fish biologists would like to see.

"Consequently, we'll likely have to continue to be conservative with hunting pressure for a few years, but the future certainly looks promising," Wiedmann said. "Adult mortality was also low last winter, so we expect another good crop of lambs this spring."

Game and Fish has issued four bighorn sheep licenses for 2013, the same as 2012.



## Bighorn Auction License Breaks Record

North Dakota's 2013 bighorn sheep auction license sold for a record \$75,000 at the Midwest Chapter of the Wild Sheep Foundation annual meeting in Minnesota. The previous high was \$50,000 in 2007.

In addition, a 5 percent conservation fee for all auction licenses generated an additional \$3,750 from the sale of North Dakota's license.

North Dakota's auction license allows the winning bidder to pursue a North Dakota bighorn on a self-guided hunt.

Auction license proceeds are used to enhance bighorn sheep management in North Dakota.

## COMING IN JUNE



There are some dates to remember in June. North Dakota anglers are reminded of the free fishing weekend June 1-2.

Resident anglers that weekend may fish without a license, except for paddlefish. All other fishing regulations apply.

Also, the application deadline for the 2013 deer gun and muzzleloader season is June 5. Applicants can access the Game and Fish Department's website at [gf.nd.gov](http://gf.nd.gov) to submit a lottery application online, or to print an application for mailing. Paper applications will also be available at Game and Fish offices, county auditors and license vendors. You can also apply by calling (800) 406-6409.

## RED, BOIS DE SIOUX RIVER ANGLERS

Anglers fishing from shore along the Red and Bois de Sioux rivers are reminded of a licensing requirement that went into effect last year.

Anglers fishing from shore on the North Dakota side of the Red and Bois de Sioux rivers must have a valid North Dakota fishing license. Prior to 2012, either a North Dakota or Minnesota license was allowed.

However, anglers fishing from a boat or on the ice can possess either a valid North Dakota or Minnesota fishing license. Anglers should refer to the 2012-14 North Dakota Fishing Guide for additional information.



## JAMES RIVER BAIT RESTRICTIONS

Anglers and bait vendors should be aware of a regulation that prohibits taking of minnows or other aquatic bait from portions of Pipestem Creek and the James River.

Because record high flows in the James River in 2011 facilitated the movement of silver carp upstream into North Dakota, it is illegal to take live bait from all of Pipestem Creek below Pipestem Dam, and from the James River between the Jamestown Dam and the South Dakota border, including any tributaries up to the first vehicular bridge or crossing.

The 2012-14 fishing proclamation states “no live bait may be taken from any water body in North Dakota that is infested with aquatic nuisance species.” Silver carp is an aquatic nuisance species that can out-compete native and other game fish in large river systems.



## WALLEYE RESTRICTION IN SOME SOUTHEAST LAKES

Anglers fishing in southeastern North Dakota are reminded of a length requirement when fishing for walleye.

The 2012-14 fishing proclamation includes a 14-inch minimum walleye length restriction on six lakes in southeastern North Dakota – Alkali Lake, Buffalo Lake and Tosse Slough in Sargent County; and Lake Elsie, Lueck Lake and West Moran Lake in Richland County.

Anglers should refer to the 2012-14 North Dakota Fishing Guide for all fishing regulations.



## NASP State Tournament Results

More than 360 archers competed in the North Dakota National Archery in the Schools Program state tournament in Bismarck.

Jeff Long, Game and Fish Department NASP coordinator, said the event held in April continues to grow every year. “This year’s turnout was outstanding, especially considering we were on the verge of a nasty storm that hit statewide,” Long said, while noting the number of participants (362) was up 9 percent from last year.

The high school (grades 9-12) state championship team was from Griggs County Central, the middle school (grades 7-8) champs were from Hankinson and taking top honors in the elementary school (grades 4-6) division was Barnes County North.

**Overall male and female winners were Spencer Brockman of North Sargent and Lauren Moser of Medina.**

The top three place winners in each division were:

- High school boys – Brockman; James Nadeau, Dunseith; and Alex Irlmeier, Medina.
- High school girls – Lisa Buckhaus, Hankinson; Hunter Schroeder, Dunseith; and Ashley Brockman, North Sargent.
- Middle school boys – Race Kath, Hankinson; Logan Kensok, Griggs County Central; and Eric Horner, St. Mary’s.
- Middle school girls – Moser; Kate Loewen, Hankinson; and Hannah Willson, Barnes County North.
- Elementary boys – Dawson MCKeever, North Sargent; Ryan Zastoupil, Killdeer; and Andrew Lehman, Hankinson.
- Elementary girls – Desi Parsons, Griggs County Central; Hope Willson, Barnes County North; and Alicia Biewer, Hankinson.



**Instructor of the year was Rhonda Ferguson of Jamestown with Terry Steinwand, Game and Fish Department director.**

## Volunteers Recognized

Volunteer instructors for North Dakota's conservation education program were recognized earlier this year at the annual banquet held in Bismarck.

Instructor of the year was Rhonda Ferguson of Jamestown. Robert Haglund, Garrison, was honored for 20 years of service.

Ten-year service awards were presented to Jill Christensen, Valley City; John Gorman, Larimore; Jeff Kapaun, Valley City; Kathy King, Bismarck; Kevin Manock, Wahpeton; and Janice Nelsen, Beulah.

## EARTH DAY PROJECT

The North Dakota Game and Fish Department is once again celebrating Earth Day by sponsoring clean-up days on public-owned or managed lands throughout April and May.

Each member of a school, Girl Scout, Boy Scout, 4-H club or youth organization who participates in cleaning up public lands during these two months will receive a specifically designed conservation patch.

Last winter the Game and Fish Department sponsored a contest for students ages 6-18 to design a North Dakota Earth Day patch. Winners receiving a pair of 8x40 binoculars in the three age categories were Lindsey Dawson of Bismarck

(6-9), Lauren Foley of Bismarck (10-13), and Megan Griffin of Bismarck (14-18). Dawson's design was chosen the contest winner, and will be used on this year's Earth Day patch.

Groups participating in the Earth Day project are encouraged to take the following precautions to ensure safety: keep young people away from highways, lakes and rivers; and only allow older participants to pick up broken glass.

Interested participants are asked to contact Pat Lothspeich, Department outreach biologist, at (701) 328-6332 to receive a reporting form for their project.



*2013 Winner  
Lindsey Dawson, Bismarck,  
Overall Winner Age 6-9*



*Runner-up  
Lauren Foley, Bismarck  
Age 10-13*



*Runner-up  
Megan Griffin, Bismarck  
Age 14-18*

## STAFF NOTES



*Lara Anderson*

### Anderson New Website Editor

Lara Anderson of Bismarck was hired as the Game and Fish Department's website editor. Anderson earned bachelor's of science degrees in forestry/wildlife science from Virginia Tech and database analysis/computer programming from Metropolitan State University of Denver. Before coming to Game and Fish, Anderson worked as a computer and network specialist for North Dakota Parks and Recreation.



*Brooke Zimmerman*

### Zimmerman Joins Licensing Staff

Brooke Zimmerman of Mandan was hired as a Game and Fish Department licensing specialist. Zimmerman earned a criminal justice degree from Minot State University. Before coming to Game and Fish, she worked at North Dakota State Radio as a communication specialist before being promoted to assistant supervisor.

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Bismarck, ND 58501-5095  
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# back cast

By Ron Wilson



We're hiking public land, kicking deer droppings with the toes of our boots, ducking under low-hanging limbs and parting thick brush in our path with the breast stroke motion of a swimmer.

It's April 13 and my youngest, Jack, and I should be fishing, casting from shore, watching bobbers bob on choppy water or kicking around in float tubes in pursuit of whatever is biting. But we're not because the myriad of small and large lakes within driving distance of home are covered in ice, with little sign of going to slush.

Hope for the open water fishing season was seen in a couple of small wetlands we passed at 65 miles per hour on our drive out here. Just seeing open water, holding giant Canada geese that looked too big for their surroundings, provides some optimism. Then again, the National Weather Service in Bismarck is calling for a snowstorm on Sunday, the biggest by far of the season, which will further delay things.

*(Note: The weather folks, as we know, nailed it. Bismarck received more than 17 inches of snow on April 14, and higher snow totals were reported elsewhere.)*

We tell ourselves that we're doing more than just wandering around public land kicking deer droppings. We're hunting for sheds, antlers dropped by whitetail bucks weeks ago when temperatures were much cooler and spring was too far out to begin fantasizing about.

We've picked up sheds over the years, but all were found by accident, stumbled upon while doing something else. The last was in late September while hunting sharp-tailed grouse in Burleigh County. We were looking for a downed bird, eyes trained to the ground, when the antler, deposited in the grass

months ago by a young buck, appeared. Not long after, we found the bird, too.

But this day, finding a shed seems like a needle in a haystack venture, maybe because we are not that committed to it and easily distracted. My 9-year-old shed hunting partner, who has a thing for facts about U.S. presidents and asked me on the drive out here if I knew that "Woodrow Wilson was 'deaf' in one eye," is alternately looking for birds through binoculars and turning over rocks to see what's under them.

We flush two pheasants, a hen and a rooster, and despite a lot of sign, we've spotted the same number of live deer as sheds – zero.

No matter, it's a decent day for a hike and we continue down a game trail on a sidehill just to see what we can see. The wild turkeys spot us first and are on the move, heading quickly east. From 200 yards, we guess the lead bird as a hen as three smaller birds, her young ones, quickly follow along as if they're being towed by a string.

Like most people, I can identify the most conspicuous birds, turkeys being one of them. But on the whole, I'm an average birder at best, and spend some time looking in field guides to discern one species from the next.

When it comes to prairie wildflowers, I draw the line of familiarity at, say, the ball cactus and prairie crocus. It's the latter, an early blooming harbinger of spring that opens its flower during the day and closes at night, that I'm keeping an eye out for, but not having any luck finding.

Yet, this doesn't surprise me, considering there have been few signs weatherwise for days now announcing the changing of seasons.



CHRIS GRONDAHL

**RON WILSON** is editor of North Dakota **OUTDOORS**.



GAME AND FISH DEPARTMENT PHOTO

# A Look Back

By Ron Wilson

A concentration of anglers camping at a small North Dakota lake in spring is one of those things you don't often see nowadays.

The reason? Twenty years ago, North Dakota opened its waters to year-round fishing, which essentially spread out early fishing pressure over several weeks. Gone, for the most part on many state waters, are the days of having to share prime shore-fishing real estate with a bunch of other anglers.

Dating back at least into the early 1930s, fishing season for game fish on most state waters was closed for several weeks between mid-March and early May.

This photo was taken in 1972 on opening day at Camels Hump

Dam in Golden Valley County. At the time, Camels Hump was one of the state's newest trout waters. The lake was first stocked with rainbows in 1969 and opened to fishing in 1971.

By 1973, however, Game and Fish Department fisheries managers found yellow perch in their nets, blaming how they got there on misguided "cream can" stockers. The lake was chemically treated in 1975 and eradicated of unwanted fish species and reopened in 1977.

In 1972, the state record mark for yellow perch was tied twice and broken twice, settling it at just over 2 pounds, 4 ounces for a fish taken from Coldwater Lake. The largest Whopper walleye, taken that year from Lake Tschida, weighed 13 pounds, 9 ounces,

and the largest Whopper northern pike, a 29-pound fish, was taken from Lake Sakakawea.

The fishing outlook, reported in *North Dakota OUTDOORS*, for 1972 included: "People continually ask us how the fishing is going to be. They are naturally interested in what to expect when the season opens and expect us to know. We can make some predictions, tell where we believe we had winter-kill, but really cannot give a lot of help ... Then when we do brag about what to expect in an area, the weatherman and uncooperative fish foul us up. However, we do what we can to make your fishing successful ..."

That, no matter the year, hasn't changed much.

**RON WILSON** is editor of *North Dakota OUTDOORS*.