

OCCUPANCY AND USE

DAKOTA PRAIRIE GRASSLANDS SUPERVISOR'S OFFICE

Pursuant to Title 36 Code of Federal Regulations 261.50 (a) and (b), the following restrictions are in effect on the DAKOTA PRAIRIE GRASSLANDS. These restrictions are in addition to those enumerated in Subpart A, Part 261, Title 36, Code of Federal Regulations, and become effective when signed and will remain in effect until rescinded.

36 CFR 261.58 – OCCUPANCY AND USE:

1) When provided by an order, the following are prohibited: Hunting or fishing. [Title 36, 261.58(v)] (as specified in the order in regards to baiting)

For the purpose of this order, hunting big game over bait on National Forest System lands is prohibited. Hunting over bait is defined as the placement and/or use of bait(s) for attracting big game and other wildlife to a specific location for the purpose of hunting. Baits include but are not limited to grains, minerals, salts, fruits, vegetables, hay or any other natural or manufactured foods. The designation does not apply to the use of scents and lures, water, food plots, standing crops, or livestock feeds being used in standard practices.

Exemptions:

Pursuant to Title 36 CFR 261.50 (e), the following are exempt from this order:

1. Any person with a permit authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or fighting force in the performance of an official duty.

Done at Bismarck, North Dakota, this 2nd day of September, 2008.



DAVID M. PIEPER
Grasslands Supervisor
Dakota Prairie Grasslands

Penalty:

Violations of these Prohibitions are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. [16 U.S.C. 551, and 18 U.S.C. 3559 and 3571]

Notification:

A copy of this order shall be posted as prescribed under 36 CFR 261.51

Need and Enforcement Plan

Hunting over bait is also not allowed on all U.S. Fish and Wildlife Service national wildlife refuges and waterfowl production areas; all North Dakota state school lands; and all North Dakota state park lands.

The North Dakota Game and Fish Hunting Regulations state: Hunting big game over bait on Department wildlife management areas is prohibited. Hunting over bait is defined as the placement and/or use of bait(s) for attracting big game and other wildlife to a specific location for the purpose of hunting. Baits include but are not limited to grains, minerals, salts, fruits, vegetables, hay or any other natural or manufactured foods. The designation does not apply to the use of scents and lures, water, food plots, standing crops, or livestock feeds being used in standard practices.

The reasons stated for prohibiting bait in these areas include; Concentrations of animals around bait sites can facilitate the spread of diseases such as chronic wasting disease, tuberculosis, brucellosis, and others. Deer lose their wild character when they depend on food placed in bait piles, so they may have less chance of surviving winter after the hunting season ends and bait is no longer provided. Baiting can alter animal movement patterns and attract them to places where they cannot survive unusually harsh winter conditions after baiting stops. Baiting can create competitive situations among adjoining landowners or hunters, and may lead to situations on public land where one hunter will attempt to preempt the hunting rights of another. Baiting can lead to artificially high deer and elk numbers, resulting in localized destruction of browse and other natural food sources. Animals feeding at bait stations can attract and concentrate predators. Improper bait that is too high in starches and sugars can kill some animals. Some bait mixes are prone to developing molds and fungi that produce toxins that can cause lameness, reduced reproductive performance and even death in a variety of birds and mammals. Bait such as ditch hay or grain screenings can contain seeds that spread noxious weeds. Practices that the general public perceives as inappropriate, such as baiting in some places, can erode public support for hunting in general.

U.S. Forest Service Law Enforcement and Investigations will enforce the prohibited act of baiting on Forest Service lands. These areas include the Little Missouri National Grassland, Sheyenne National Grassland, Cedar River Grassland, Denbigh Experimental Forest, The Souris Unit, and the Grand River Grassland in South Dakota. This act will be accomplished through proactive patrols. The Law Enforcement Officer (LEO) assigned to the affected area, will identify areas in which baiting has occurred in the past, as well as areas in which baiting is likely to occur. The LEO will focus the enforcement during the hunting seasons as established by State regulations. The LEO will request assistance from the State's Wildlife Enforcement Officers, District's Forest Protection Officers, and other Forest Service employees and visitors.

The type of enforcement will be administered on a case by case basis. The individual case will determine if the LEO will issue a violation notice, a warning or take no action. The LEO will take proactive means of informing the public of the prohibition. This will be accomplished through individual contacts with hunters and other visitors. In addition, the LEO will assist the affected Ranger District if the seizure of baiting implements or materials is warranted.