



**BACKCOUNTRY  
HUNTERS & ANGLERS  
NORTH DAKOTA**

**TESTIMONY OF BROCK WAHL  
NORTH DAKOTA BACKCOUNTRY HUNTERS AND ANGLERS  
HOUSE BILL 1151  
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE  
MARCH 16, 2023**

Chairman Patten and Members of the Senate Energy and Natural Resources Committee

The North Dakota Chapter of Backcountry Hunters and Anglers opposes House Bill 1151 in both the amended and original versions. Both versions would strip authority from the North Dakota Game and Fish to implement their CWD Management Plan by prohibiting the Department from banning baiting practices in North Dakota.

While we do not have a stance regarding baiting ethics, we do have a stance on legislation or ballot initiatives that seek to restrict or control the ability of the wildlife professionals at the North Dakota Game and Fish to do their job. That job, according to state law, is managing the wildlife resource on behalf of the public, for current and future generations.

The North Dakota Game and Fish is an agency driven by wildlife professionals who are also North Dakotans that live, work, and hunt in North Dakota. Their mission is to ***“protect, conserve and enhance fish and wildlife populations and their habitat for sustained public consumptive and non-consumptive use.”*** We believe H.B. 1151 is in direct opposition to that mission.

The scientific analysis around the effects and impacts of baiting on disease transmission is well established. Baiting unnaturally congregates deer, shrinks home range size, increases home range overlap, increases face to face contacts, and condenses feeding areas up to thousands of times. Scientific studies around Bovine Tuberculosis and baiting have been conducted in Michigan, and epidemiological research suggests that baiting and feeding of deer enabled the TB outbreak in Michigan to persist and spread, and that declines in TB prevalence were associated with a ban on baiting and feeding in those areas. While a baiting study has not been performed specifically around CWD due to the limitations in feasibility and logistics of such a study, the science supporting lateral transmission of CWD amongst deer is strong and well documented. Increasing close contact beyond normal seasonal periods and intensifying that close contact between deer should be minimized as much as possible.

While we understand that this is a controversial issue, and it is always difficult to change long used practices, the public's deer resource must come first. We understand that baiting bans alone will not completely arrest the spread of this disease. Some natural spread will occur, deer do naturally congregate during winter, and some of those natural occurrences will never be a variable managers can control in wild animals. However, natural herding is a far cry from eating off the same proverbial, man made plate, day after day.

With that in mind we believe it is outright disingenuous to suggest that baiting practices are not in fact encouraging higher concentrations of deer for longer periods throughout the year and increasing disease transmission.



## **Article XI Section 27 of the North Dakota Constitution:**

**“Hunting, trapping, and fishing and the taking of game and fish are a valued part of our heritage and will be forever preserved for the people and managed by law and regulation for the public good.”**

Link - [Article XI - North Dakota Constitution](#)

With a contagious and 100% fatal disease on the landscape, one with the potential to do irreparable harm to our public resource, we ask how is allowing this practice in CWD zones **“preserving for the people”** or **“for the public good”**?

We also fail to see how allowing practices that artificially concentrate deer around high densities of food, where deer are repeatedly putting their mouth and snout on the same tiny piece of ground as other deer, is not a vector for disease.

The passage of this bill would not only abandon 12+ years of current baiting ban prescriptions, but it would also throw a wrench in millions of dollars of management activities that are direct efforts to decrease artificial congregations of deer and elk around ag producer’s feed storage. This program pays 100% of the costs of materials and cost shares labor. From 2009 through today, the Game and Fish has spent 4.3 million dollars on these exclusionary practices specifically targeted at cervids. These funds have resulted in the implementation of 464 hay yard projects during that time.

<b>Biennium</b>	<b>\$ Spent</b>	<b>Hay Yard Projects</b>
<b>2009-11</b>	<b>\$1,068,000.00</b>	<b>2009: 43</b>
<b>2011-13</b>	<b>\$851,000.00</b>	<b>2010: 28</b>
<b>2013-15</b>	<b>\$253,000.00</b>	<b>2011: 94</b>
<b>2015-17</b>	<b>\$276,935.00</b>	<b>2012: 25</b>
<b>2017-19</b>	<b>\$689,339.00</b>	<b>2013: 17</b>
<b>2019-21</b>	<b>\$471,910.00</b>	<b>2014: 18</b>
<b>2021-23</b>	<b>\$699,528.00</b>	<b>2015: 3</b>
		<b>2016: 4</b>
<b>Since 2009</b>	<b>\$4,309,712</b>	<b>2017: 82</b>
		<b>2018: 27</b>
		<b>2019: 25</b>
		<b>2020: 24</b>
		<b>2021: 6</b>
		<b>2022: 44</b>
		<b>2023: 24</b>
		<b>Total = 464</b>



Current restrictions are bans on baiting practices where CWD is found. That is the compromise to the statewide bans that were proposed by the department in 2009. An effort led by the ND Game and Fish that the Stockman's Association and Farmers Union supported.

CWD was found just months after that legislative assembly, and now the Game and Fish has 13 years invested directly into its management. This bill would represent a significant change of direction for management of this disease within our state. Management that could be viewed as some of the most effective in the country based on our prevalence.

Hunters and this legislature should be helping the Department combat this disease, not taking essential tools away. We advocate for more political and social support for the department, especially in getting buy-in from producers dealing with concentrated deer and elk issues in the winter.

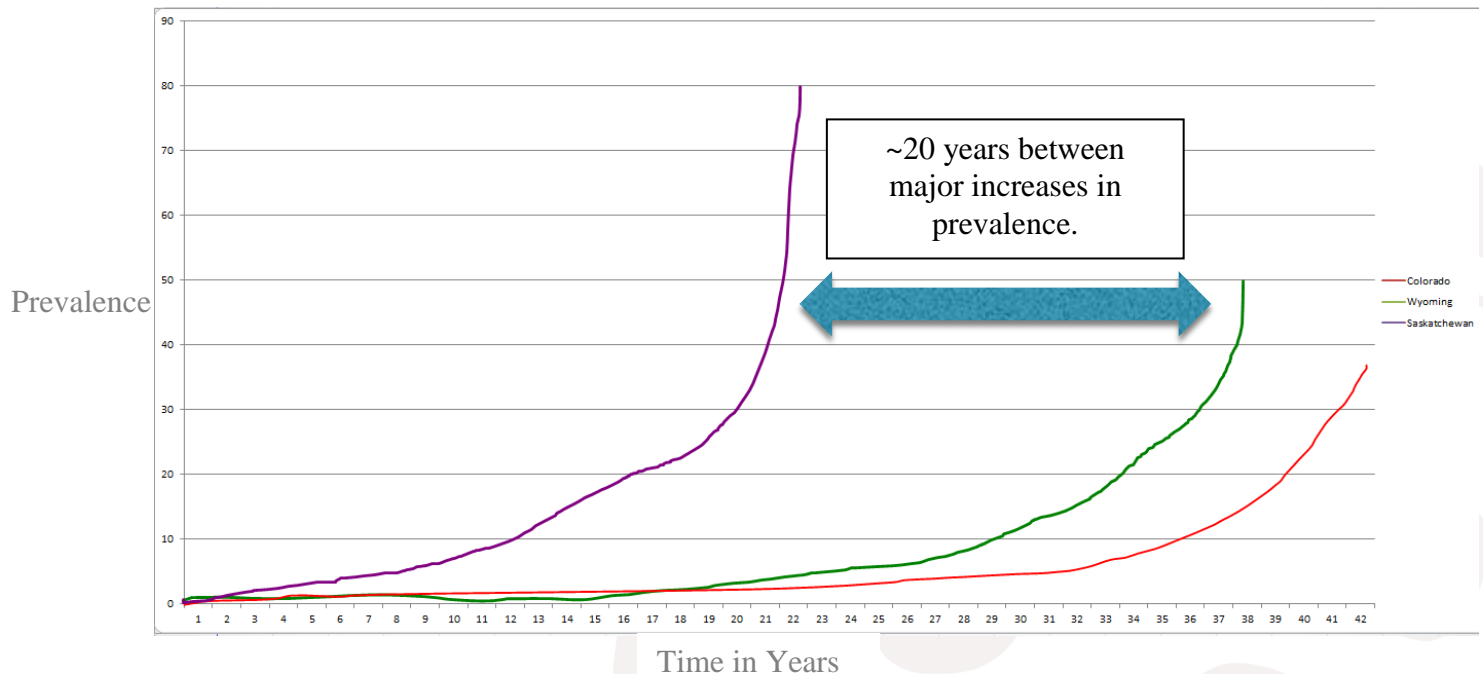
Additionally, We have some direct comparisons that support the idea that whatever we're doing here has been more effective than those states and provinces that chose not to ban baiting practices.

The state of Texas has registered 449 positives in only 10 years of CWD being on the landscape. Saskatchewan, also registered a few hundred positives over their first 12 years with the disease. That is in comparison to North Dakota's 70 positives over its first 12 years with the disease.

In fact, Saskatchewan has had CWD on the landscape for a full 22 years. They lead the world in prevalence rates and they reached that milestone faster than any state or province on record.

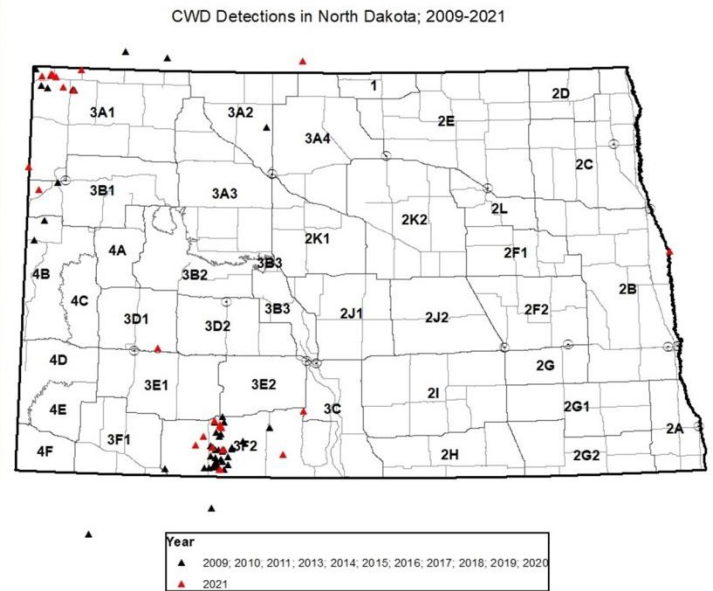
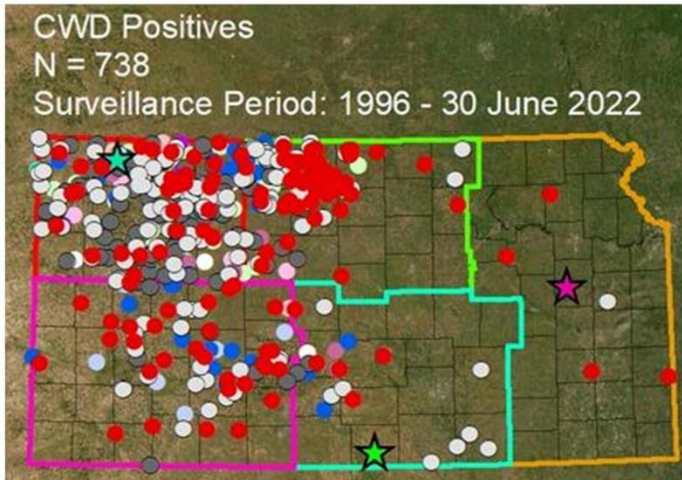
Colorado has had CWD for 42 years, Wyoming for 38 years, baiting is banned in both, Saskatchewan passed both states in CWD prevalence in just 22 years.

Wyoming's most infected herd sits at around 50% prevalence. Colorado, around 35-40% prevalence. Meanwhile, Saskatchewan's worst infections are 70-80% prevalence according to Saskatchewan's 2022 published reports.



North Dakota CWD since 2009 (Baiting Bans) = 70 Positives

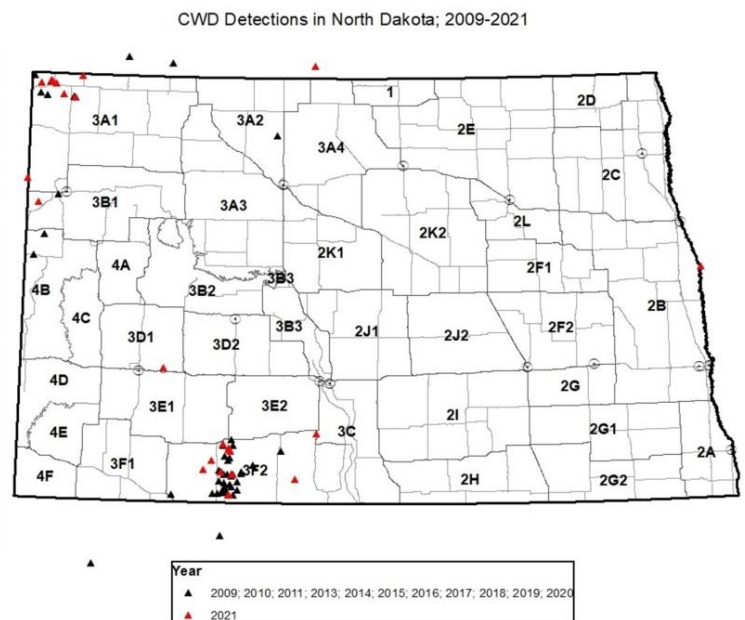
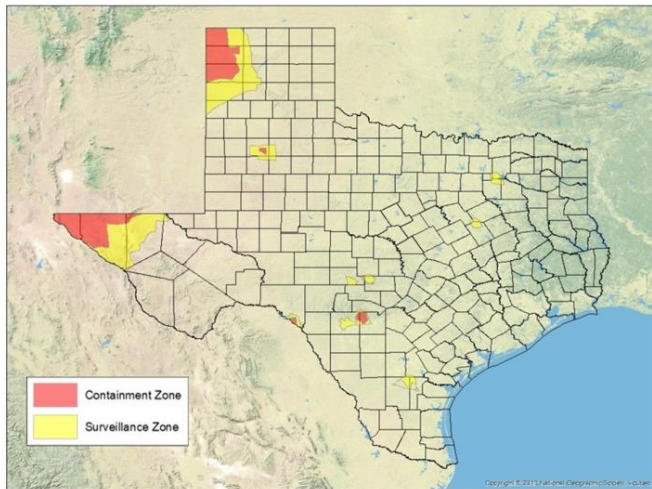
Kansas CWD since 2005 (No Baiting Bans) = 738 Positives



#### CWD in Texas and North Dakota

North Dakota after 12 years with CWD (Baiting Bans) = 70 positives

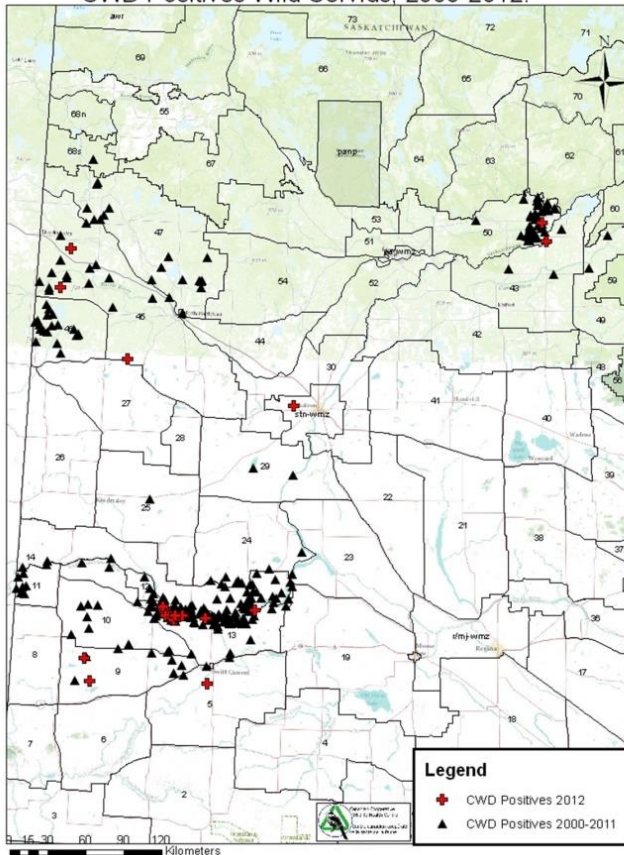
Texas after 10 years with CWD (No Baiting Bans) = 449 positives



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CWD Positives Wild Cervids, 2000-2012.

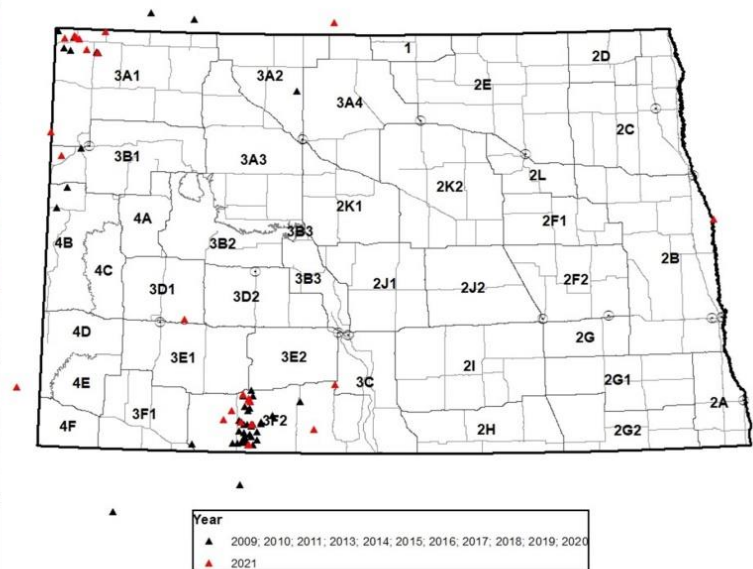


The First 12 years of CWD in Saskatchewan and North Dakota

North Dakota (Baiting Bans) = 70 positives

Saskatchewan (No Baiting Bans) = A few hundred positives

CWD Detections in North Dakota; 2009-2021



## South Dakota vs Saskatchewan

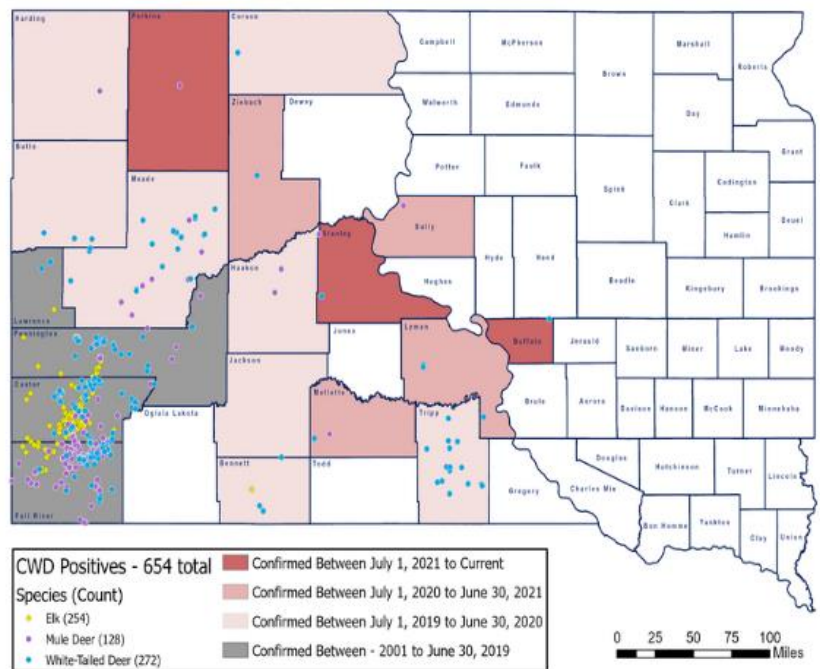
**South Dakota bans baiting statewide.**

CWD has been in South Dakota's wild herds since 2001, with no gaps in surveillance funding like Saskatchewan, who's had the disease for **1 year longer**.

In nearly the identical amount of time with the disease in the wild as Saskatchewan (21 years vs 22 years), South Dakota has only 25% of the total recorded positive cases that Saskatchewan has recorded (2,500+).

Chronic Wasting Disease Positives in South Dakota

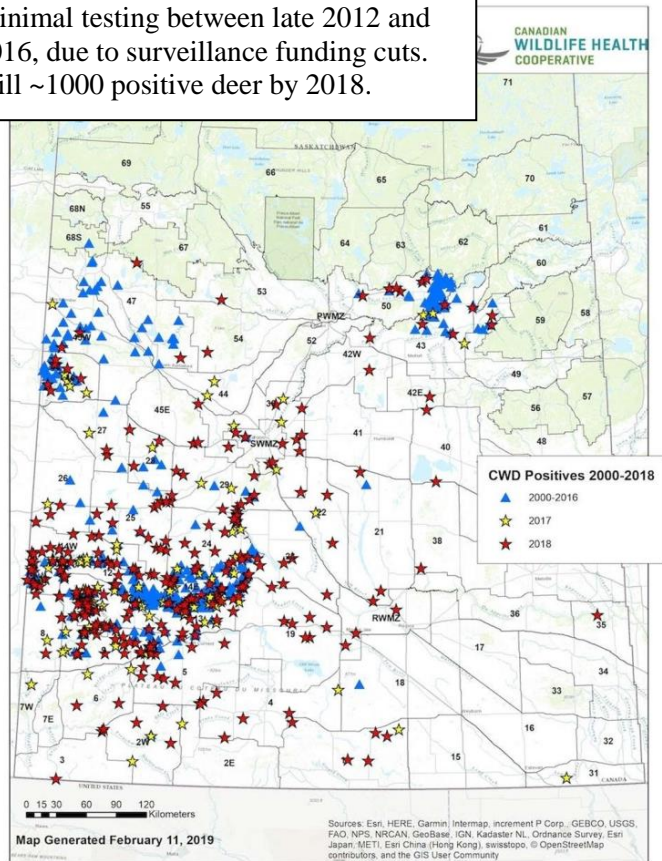
2001 - February 16, 2022



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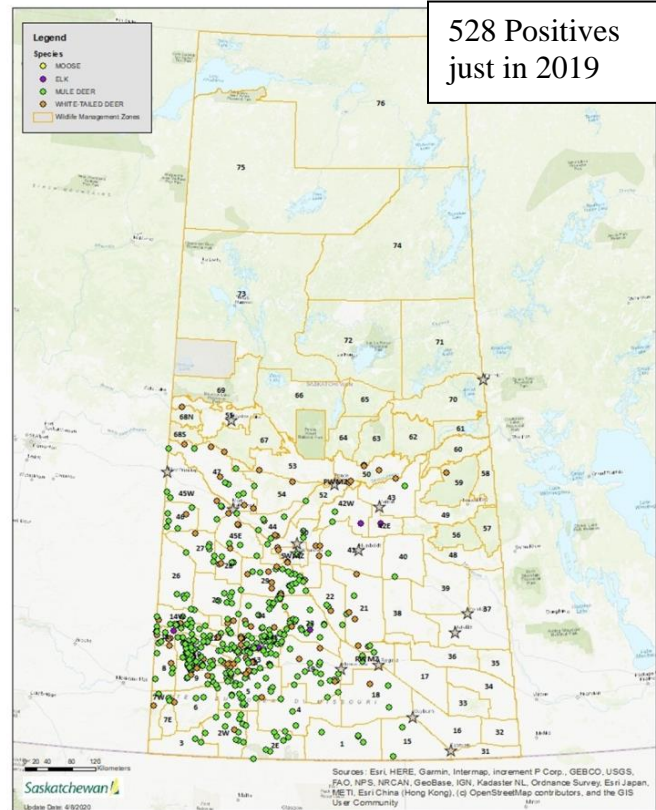


Minimal testing between late 2012 and 2016, due to surveillance funding cuts. Still ~1000 positive deer by 2018.

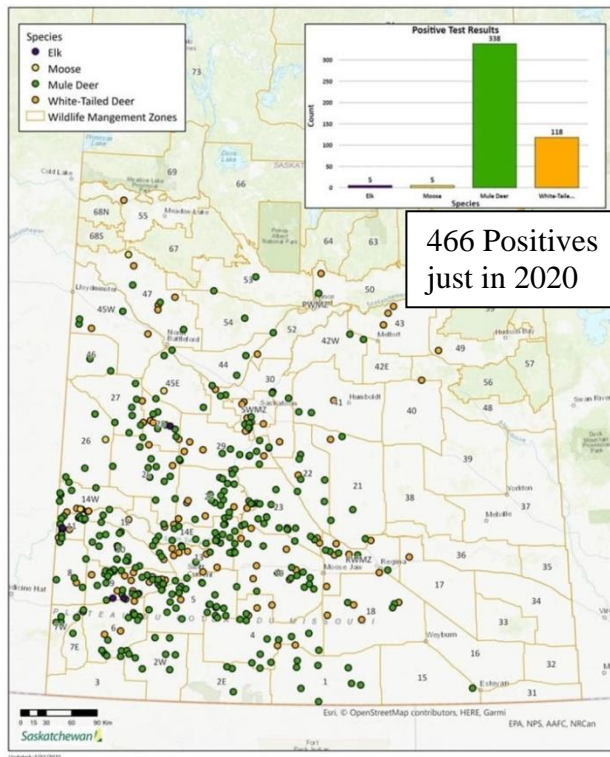


## Chronic Wasting Disease 2019 Positive Test Results

528 Positives just in 2019

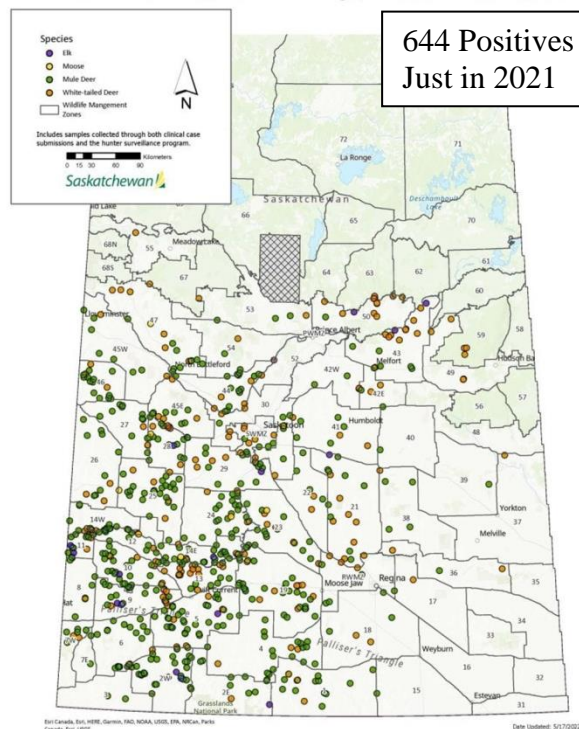


## 2020-21 CWD Hunter Surveillance Program Positive Test Results



## 2021-22 CWD Surveillance Program Positive Test Results

644 Positives Just in 2021



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**This is not the same...**



**As this...**



**or this...**



Deer defecating within a foot of bait  
block buried in the snow



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**We CAN stop  
this....**



**We can't stop this...but they are obviously not the same.**

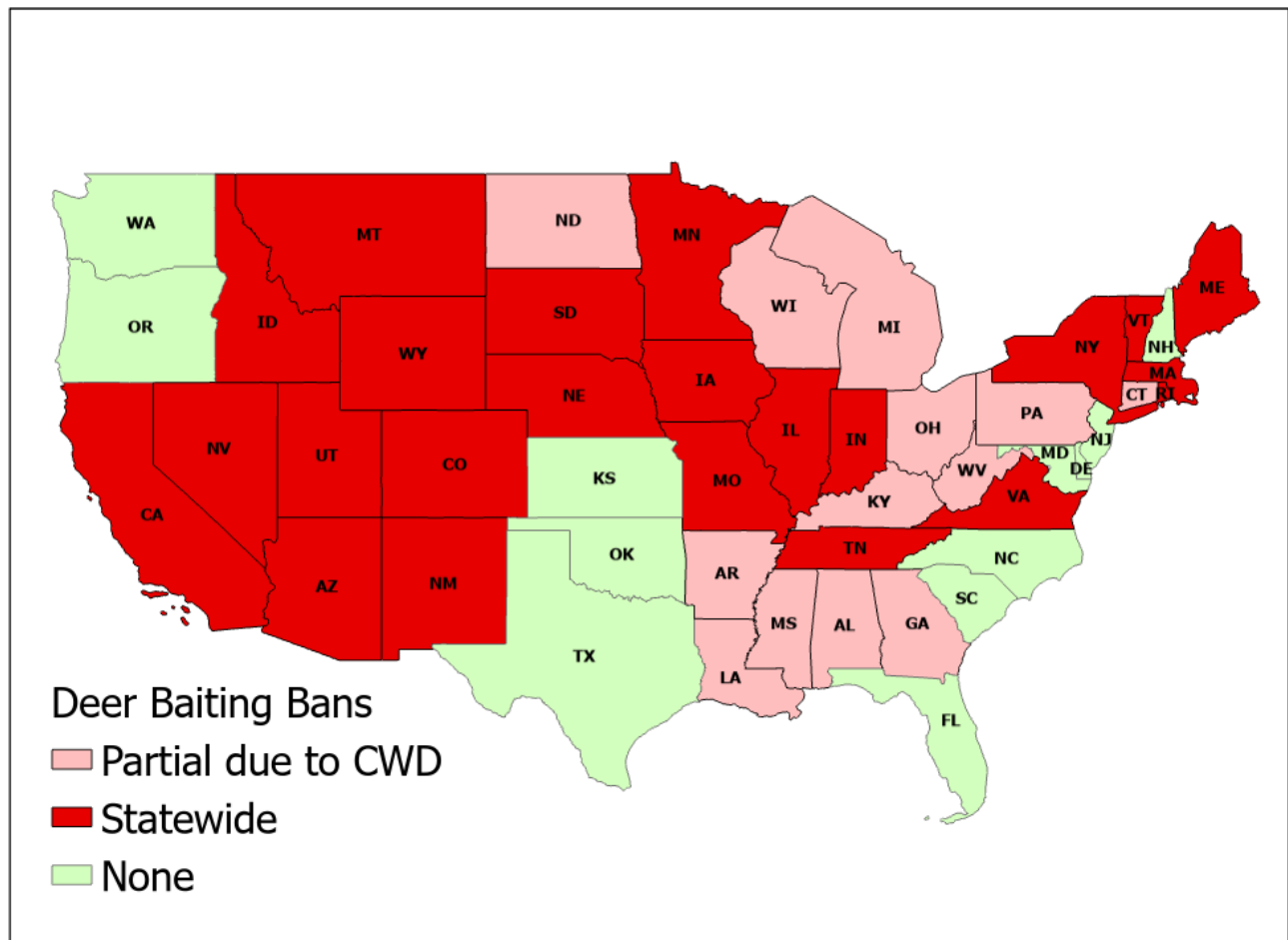


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# 36 states have statewide bans or partial baiting bans. 12 of 13 partial baiting bans are due to CWD management.

\*All information came from State Game and Fish Agency Regulations



\*All states ban baiting on federal or state managed lands



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The bill proponents do not speak for all hunters. The hunting practices of one user group do not take priority over what is beneficial for the entire public deer resource and therefore, the public good. This bill would be counterproductive to over a decade of work already invested by the North Dakota Game and Fish to slow the spread of this disease. This bill is not in the best interest of the deer held in public trust, or current and future generations who are beneficiaries of that trust.

The North Dakota Chapter of Backcountry Hunters and Anglers finds H.B. 1151 to be in direct violation of the North Dakota constitution, North Dakota statute, the North American Model of Wildlife Conservation, the mission of the North Dakota Game and Fish, and a breach of the public trust doctrine that all wild deer in North Dakota belong to.



**Brock Wahl**

**Chairman**

**North Dakota Chapter of Backcountry Hunters and Anglers**

**20.1-01-03. Ownership and control of wildlife is in the state - Damages - Schedule of monetary values - Civil penalty.**

The ownership of and title to all wildlife within this state is in the state for the purpose of regulating the enjoyment, use, possession, disposition, and conservation thereof, and for maintaining action for damages as herein provided. Any person catching, killing, taking, trapping, or possessing any wildlife protected by law at any time or in any manner is deemed to have consented that the title thereto remains in this state for the purpose of regulating the taking, use, possession, and disposition thereof. The state, through the office of attorney general, may institute and maintain any action for damages against any person who unlawfully causes, or has caused within this state, the death, destruction, or injury of wildlife, except as may be authorized by law. The state has a property interest in all protected wildlife. This interest supports a civil action for damages for the unlawful destruction of wildlife by willful or grossly negligent act or omission. The director shall adopt by rule a schedule of monetary values of

Link - <https://www.ndlegis.gov/cencode/t20-1c16.pdf>

**CHAPTER 20.1-16  
INTERSTATE WILDLIFE VIOLATOR COMPACT**

**20.1-16-01. Interstate wildlife violator compact.**

The interstate wildlife violator compact is entered with all states legally joining the compact, in the form substantially as follows:

**ARTICLE I - FINDINGS, DECLARATION OF POLICY, AND PURPOSE**

1. The participating states find that the following provisions apply:
  - a. Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
  - b. The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, ordinances, regulations, and administrative rules relating to the management of such resources.
  - c. The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.
  - d. Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances, regulations, and administrative rules of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

Link - <https://www.ndlegis.gov/cencode/t20-1c01.html>



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