



Senate Energy and Natural Resources Committee  
Testimony in opposition of SB 2211

North Dakota Game and Fish Department  
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Chairman Kreun and members of the Senate Energy and Natural Resources Committee, my name is Stephanie Tucker and I am the Game Management Section Leader and Furbearer Biologist with the North Dakota Game and Fish Department.

We have several concerns with this bill, but first I wanted to give you some background information. Night hunting of raccoons has long been allowed in North Dakota because of the tradition of baying them in trees with specially trained dogs at night. And we have had a night hunting season for coyote and fox since 1991, which usually begins in late-November and runs through mid-March. More recently in 2011, the legislature expanded night hunting to include beavers due to conflicts with landowners.

By and large, the majority of night hunting activity in North Dakota is for coyotes. We have always limited the night hunting season for coyotes to the time of year when their fur is prime and there are no conflicts with other popular hunting activities, such as deer gun season.

Beginning in 2016, we began allowing the use of new technologies like night vision and thermal imaging equipment during the night hunting season for coyote and fox. Then, with the passing of HB 1412 during the last legislative session, opportunity was also expanded to allow the use of artificial lights, such as red or green spotlights.

But these changes have not come without controversy, as we have received public comments from many individuals who were opposed to expanding night hunting by allowing these new technologies because they believe it goes beyond fair chase. Other hunters are concerned that the addition of night hunting equipment increases pressure and further educates the animals, reducing overall hunting success.

Now please allow me to briefly discuss our concerns. First, this legislation allows night hunting of six additional furbearer species for which night hunting is currently not allowed. Some of these species, such as mountain lions and bobcats, simply do not have robust enough populations to warrant expanded hunting opportunities.

Next, shooting a coyote outside of the prime fur season is a waste of the fur resource that could otherwise be harvested during the time of year when they have some value. If a person wishes to

shoot a coyote at night because of depredation concerns to livestock or pets, the legislature has already given people that flexibility in NDCC 20.1-07-04.

Another concern of ours relates to when day hunting is appropriate versus night hunting. Currently, day hunting of coyote, fox, raccoon, and beaver is allowed year-round because of their traditionally abundant populations and high probability of conflict with livestock producers and homeowners. However, to avoid conflicts and enforcement challenges, we do not allow night hunting of coyote and fox until after deer gun season closes and most other big game hunters of elk, moose, and pronghorn, are no longer afield. If this bill passed, we would need to close even day hunting of coyote during these big game hunting seasons to continue avoiding conflicts and enforcement challenges with legal versus illegal night hunting activities.

And finally, we are concerned expanded night hunting opportunities would lead to increased mortality of protected species for which we do not have any hunting seasons. As an example, about a year ago we received reports of a mountain lion in/near a small town in southeastern North Dakota. Some experienced night hunters met one of our department's wildlife professionals at the scene to look for the animal. The hunters were equipped with night vision and after identifying the alleged mountain lion with a night vision scope, the search party decided to shoot the mountain lion for public safety concerns, which they did. Upon approach, the hunters and wildlife professional realized that the animal was in fact a fox, not a mountain lion. Under normal daylight conditions, it's unlikely a ten-pound fox would have been mistaken for a 100-pound mountain lion. Therefore, we are not confident that night hunters will be able to positively discern the difference between even more closely resembling species such as a bobcat, as opposed to a protected Canada lynx, or a mink, as opposed to a protected American marten, or even a skunk, as opposed to a protected fisher.

In summary, this bill proposes expanding night hunting from just the prime fur season of a few widely distributed furbearers, to any hunted furbearer during any time of the year. This legislation has the potential to create significant conflicts with other hunting seasons. Not to mention it would create a significant enforcement burden to our game wardens who would have to increase patrols to 24-7, 365 days a year.

For these reasons Chairman Kreun, the Department respectfully requests a DO NOT PASS on SB 2211.