



TESTIMONY OF KEITH MARK
FOUNDER/PRESIDENT OF HUNTER NATION

RE: HB 1151

January 18, 2023

Mission, KS

On behalf of Hunter Nation and its thousands of members nationwide, I want to thank the North Dakota House Energy and Natural Resources Committee for giving me the opportunity to provide the following written testimony. Hunter Nation was founded to be the united voice protecting the American Hunter, our sport, our lifestyle, and our heritage, while standing for the principles of God, Family, Country, the Outdoor Lifestyle, and our Nation's Constitution. We have been involved in many policy fights across the nation, always in support of the American Hunter. We are testifying today in support of HB 1151, that states in part: "The department may not issue rules or adopt a policy or practice prohibiting the baiting of deer for lawful hunting."

As you consider the merits of HB 1151, Hunter Nation reminds this committee that in 2000, by an overwhelming 77% of the vote, North Dakotans supported The North Dakota Right to Hunt, Trap and Fish Referendum that stated in part, "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..." Therefore, any law or regulation must keep that constitutional guarantee in mind.

Hunter Nation contends the 2022-2023 Chronic Wasting Disease Proclamation that states in part: “It shall be unlawful for an individual to hunt big game over bait or place bait to attract big game for the purpose of hunting deer in deer units ...” (Thereafter, some specific units are listed that are defined on a map with arbitrary boundaries.) violates this constitutional guarantee. The proclamation is neither based on proven science, nor does it protect the public or hunter safety.

Although there may be some good intentions behind the proclamation, it fails both scientific and common-sense testing. Rest assured, Hunter Nation understands and agrees that CWD is an issue among whitetail deer and that it is transmissible among deer. Thus, if we start from a position of preventing transmission of CWD, or any contagious disease, management practices should seek to isolate all deer from contact with any other deer. Obviously, that is unsustainable even to the most germ-aware, good intentioned, among us. If we look at deer that range within the entire state of North Dakota, we must accept that deer that are part of the North Dakota herd are free to associate with other deer as they choose. Then, no matter the county, zone, or property deer are on at this moment, they are certainly able to readily associate with any other deer in North Dakota. The difficult thing with CWD is that it can be spread in deer feces, urine, saliva and secretions, and the misfolded protein can persist for years in the environment. Since CWD has already been confirmed in North Dakota deer, and deer defecate and urinate in the woods, CWD is also likely found in the soil in North Dakota. Therefore, CWD can be found in the dirt, whether deer are baited or not.¹ There is no way to prevent deer from eating dirt for minerals, which they do, or from browsing on foliage, or any food source, that has contact with deer urine or other deer bodily fluids.

¹ “Discovery of CWD Prions in Soil Adds Piece to Deer Disease Puzzle” by Scott Gordon. Published May 22, 2018, WisCONTEX.

Additionally, all of us that have spent any time in the deer woods know that deer are naturally social animals. Deer constantly lick and groom each other for multiple reasons. Deer groom one another to remove external parasites, like ticks, from each other. They also groom to provide relief from the annoyance from hippoboscidae, known as a Keds, a biting fly that comes from Aisa. Grooming also maintains social bonds. This behavior is usually instigated by a dominant deer and then subordinate deer participate. Mothers lick fawns, including their tarsal glands and anal areas.² All deer participate in licking each other and engaging in nose-to-nose contact. This is a constant, daily activity.

Although deer are herd animals, studies have proven that deer are not exclusive to just one herd and can range many miles per day. In one research study, a deer traveled nearly three hundred (300) miles, eight and one half (8 ½) miles per day, in just over three weeks. The deer's movement was not restricted by a major river, railroad tracks or interstate highways.³ Obviously, he was not constrained by arbitrary boundaries drawn on a map, crossing both property lines and game zones.

Research also proves that as deer travel, they interact with deer from other herds, and they participate in the same social interactions.⁴ No arbitrary proclamation will prevent that. This God-created interaction will continue whether North Dakota prohibits deer baiting for hunting or not. Deer travel is unimpeded by property line or game zone. As they travel, they interact with other deer and perform daily grooming and other close contact social behaviors.

² "Field Talk: A field guide to whitetail communications" uncredited. Published 2006, Whitetails Unlimited.

³ "The Buck Stops Where?" by Jon Roberts, Joshua Millspaugh, Kevyn Wiskirchen, Jason Sumners, Jason Isabelle, Barbara Keller, and Robert Montgomery. Published June 8, 2021, Science News.

⁴ "Social affections and contact patterns among whitetail deer in disparate landscapes: implications for disease transmission" by Eric Schaubert, Clayton Nielsen, Lene Kjaer, Charles Anderson and Daniel Storm. Published March 27, 2015, by the Journal of Mammology.

Therefore, allowing or denying deer baiting based on arbitrary lines on a map that deer readily cross over is not only without logic, it is not based on any scientific principle.

There are other issues that Hunter Nation would ask this committee to consider as part of its consideration of HB 1151. Hunting is a quintessential American pastime ingrained in our culture. From the Native Americans to the early settlers, from the men who fought for independence to the adventurers who explored new frontiers, hunting has played an unmistakable role in building and growing our nation. As our nation recovers from an unprecedented pandemic and faces social upheaval and a polarizing culture war that continues to rage, America's outdoor heritage and our country's fundamental values are under attack more than ever. The unique character and strong, rugged individualism of the American hunter is needed now more than ever. Any policy or legislation that hurts the recruitment or retention of hunters, is not only bad for the future of hunting, it is bad for the future of America. Our nation has seen a steady decline in hunting license sales since the mid-1980's, except for a small spike during the Covid pandemic. Cayla Bendel, North Dakota Game and Fish Region 3 Coordinator, attributes most of the blame for the decline in hunting license sales to an aging hunter and a decreased interest from younger people.⁵ Considering that the North Dakota Game and Fish Department relies entirely on license sales and federal excise tax, this is a trend that needs to be considered and taken seriously. No new hunters mean a certain extinction of hunting and the American Hunter. As it is the American Hunter that funds our conservation efforts, agencies like North Dakota Game and Fish will cease to exist. This will lead to the demise of the North American Model of Conservation and to the severe detriment of all species, game or otherwise. North Dakota and America need more hunters, not less.

⁵ "North Dakota sees continued decline in fishing; hunting interest for non-residents is up" by Makenzie Huber. Published in The Bismarck Tribune, October 30, 2021.

Unnecessary laws, like the arbitrary deer baiting ban, hurts the recruitment and retention of hunters.

Several factors should be considered when analyzing the recruitment of new young hunters. Hunting is competing with the fast-paced social media world and a society that demands immediate results. What once had to be researched in a library, can now be found in seconds online. Any law or regulation that makes gaining access to hunting, or impedes the success of a hunt, without just reason, is anti-hunting, and it should not be adopted. Some that oppose baiting say it creates killing and is not hunting. Who are they to impose their ethics on other legal North Dakota hunters? Every deer that is harvested in North Dakota, no matter the means or method, is killed. When biologists and other trained professionals complete accurate population studies, the key is that North Dakota deer hunters harvest the surplus number of deer to make room for the new fawns that arrive as part of God's miraculous renewable resources plan. It shouldn't matter if the method used is rifle, muzzleloader, cross bow, compound bow, or traditional archery equipment. As long as the hunter obtains the proper license and permit, hunts at the proper time and place, during the prescribed season, it should be legal. The key is to promote a successful harvest. Using a particular weapon or method doesn't make a hunter better or more ethical. The same is true with baiting or scent. Isn't the goal to make a clean kill so we can put pure organic protein on our family's supper table? Isn't a twenty-yard shot more makeable than a two-hundred-yard shot? Isn't a young hunter likely to enjoy his time afield with close encounters and success as opposed to no encounters and diminished chances of success? The questions are rhetorical as the answers are obvious! If baiting aids in a successful harvest, especially because there is no data that banning baiting prevents the spread of CWD, it should be permitted.

From a commonsense perspective, we can all agree the 2022-2023 deer baiting ban only applies to hunting over bait. If we are basing our decisions on sound science principles, are we to believe that close contact of deer around a food source only spreads CWD if there is hunting involved? Again, science does not support such an incredulous position. Yet some say the decision is based on science. They are not telling the truth.

There are many potential ulterior motives. Some may have the misguided impression that if they can prevent deer baiting in their zone, then they have a better chance of keeping deer on their property. However, these individuals ignore deer movement studies, one of which I previously referred to! Some have the belief that real hunters don't need bait. Do real fishermen fish with a bare hook? Some say the amount of bait should be limited. Will they next want to regulate how big a worm can be used when fishing? These are the same people that sow discord among the hunting community by pitting gun hunters against bow hunters, bow hunters against cross bow hunters, high fence against no fence, traditional weapon against modern weapons, everyone against trappers, hound hunters, predator hunters and baiters. In the end, anti-hunting groups will never succeed in destroying our perfect hunting lifestyle. If we lose it, we will do it to ourselves. What a shame!

Lastly, Hunter Nation is opposed to unelected bureaucrats imposing wrong, immoral, cumbersome, or anti-hunting regulations on the American Hunter. This is an issue that should be addressed by the elected members of the North Dakota legislature. This should not be partisan. This should not be done by unelected bureaucrats. This should not be decided behind closed doors. This should be based on science, facts, data, and reason. This bill should not die in committee but must be moved to the House floor for a vote.

Respectfully submitted,

Keith Mark

Founder/President of Hunter Nation

