



House Energy and Natural Resources Committee  
Testimony on HB 1260

North Dakota Game and Fish Department  
Casey Anderson, Wildlife Division Chief  
February 2, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Casey Anderson, Wildlife Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in support of HB 1260.

This bill was introduced at the request of the Department. There are really three parts to this bill. First, the Department is seeking clear authority to enter into habitat improvement and creation agreements with private landowners that do not require access. North Dakota has seen its wildlife habitat decrease significantly in the last decade. The Department feels strongly that it must reach beyond the PLOTS program to deliver habitat onto private lands. The Department has a proven and long track record of working with private landowners and habitat management programs. We see this as an opportunity to supplement the PLOTS program, not replace it. Habitat development along with hunting access will remain the primary focus for the Department, but we will be more flexible and will be able to provide assistance to a new group of landowners willing to develop and enhance habitat on their lands.

The loss of CRP, land management decisions, urban expansion and many other reasons have led us to this point (attached CRP pheasant harvest and deer lottery). The Department is looking to expand its efforts on private land by incorporating habitat programs for private landowners that will benefit everyone without requiring access. Many landowners want to do habitat work and allow people to hunt but not necessarily everyone anytime, as PLOTS landowners are willing to do. Also, by having more habitat on the landscape, which creates more robust and resilient wildlife populations, many publicly accessible areas will benefit as we all know wildlife have little use for boundaries and readily move across them. The Department is also looking at the future of wildlife populations and with the ever-growing list of species petitioned to be put on the US Fish and Wildlife Service threatened and endangered species list, the Department has a responsibility to attempt to work to ensure those species don't require listing, for the benefit of all North Dakota's citizens and landowners. The PLOTS program still has good interest and will continue to contribute to more habitat and access in North Dakota, but many opportunities exist outside this program to benefit North Dakota's wildlife. Many funding opportunities exist and will be sought out to do this work to limit the amount of hunting license dollars used for these programs. Some license sale dollars may be used to match these opportunities to qualify for the funds and stretch dollars even further. Partners will have a very important role in many of these projects to maximize the benefits of this effort.

The second part of this bill would help streamline the Department's ability to carry out the duties of the private lands program, specifically signing agreements with landowners. As we move to a more paperless environment, allowing private land program managers to authorize agreements simplifies the process. Currently, now only the Director or Deputy Director is authorized to sign agreements. The Department is looking to streamline the agreement process and has in place a very rigorous policy and guidelines for checks and balances of agreements. We are working toward using electronic signatures and our Private Lands staff who administers the program would be able to finalize agreements and increase efficiency for landowners and the overall program by allowing for this signature change. After seeing the final language of this bill, the Department would ask for one clarifying amendment on line #22 of the bill. We ask that the words "land access" be removed so section 17, k. of NDCC 20.1-02-05 reads as follows:

"17. k. Granting authority to program managers to carry out the duties of the program including signing for, negotiating, and renewing agreements and leases."

Lastly, this bill would allow the Department to improve elk management and deal with issues surrounding elk in North Dakota. Our elk population in the state are doing well and even expanding in some areas. The opportunity to harvest an elk is a once in a lifetime opportunity for the general hunter. However, as elk populations grow, the Department is starting to document and expect some localized issues with elk and especially elk damage on crops. When this occurs, there are very few ways the Department can help alleviate this depredation. This issue is most often a product of too many elk in a very localized area, not necessarily too many elk in North Dakota. The only way to reduce the numbers of elk in a meaningful way is to harvest cows. The Department does offer antlerless elk licenses through the lottery and has always allocated all available antlerless tags. However, success rates can be low on antlerless elk harvest, under 50% in most units. The Department has been in contact with numerous landowners on how to get ahead of this and maintain the unique elk opportunity in North Dakota and the tolerance for elk on a private land setting. Since 2011, the Department has allowed for an early august antlerless elk season for these particular problem situations and the use of this season by landowners has increased. This early antlerless elk season requires the landowner to call the Department and request the antlerless season be opened on their property, or property they lease for agriculture and control hunting on. Once approved by the Director, the landowner can allow antlerless license holders to hunt on these requested properties. In 2022 nine landowners used this option, which is the highest number since its inception. This season has been successfully used by landowners, and hunters have been able to harvest cows and even at some level haze elk out of these areas. With this bill's language, an option that is being explored by the Department would be to directly incentivize the use of this early season. By working with landowners having elk issues and making sure some level of access and/or harvest on elk is occurring, while at the same time getting increased harvest with the landowner earning an antlerless elk tag because they are using hunters to help with the issue.





