

Chairman Porter, House Energy and Natural Resources Committee members, my name is Wyatt Thompson. I am testifying today in favor of SB2137. I will be talking about some of the question marks I have as a sportsmen and landowner of the departments experts and their science on this bill.

3F2 is the hunting unit where CWD was first discovered in North Dakota in 2009. It is made up mostly of Grant and Sioux counties.

After CWD was discovered in the unit in 2009, a hunting restriction was placed over supplemental feed. According to press releases from the Game and Fish, between 2009 and 2022 there have been 90 CWD positive hunter killed deer in North Dakota. 55 of these 90 hunter killed CWD positives have come from 3F2. This is 61% of all positive hunter killed deer that have occurred in North Dakota during this timeframe. Between 2019 and 2022 (I excluded the data from 2023 because in what was released to the press by the department it doesn't say how many positives came from each unit), 10 years after the hunting restriction was put in place, a large spike occurred. During that 4-year time frame from 19-22, 76.4% of all the positives that have occurred in 3F2 were found. Please keep in mind that this 4-year window was 10 years after the hunting restriction was put in place. Let me ask you, did this HUNTING restriction put in place by the department really slow down the spread of CWD in this unit or does this spike after 10 years cast a shadow of doubt that the restrictions did not slow down the spread, given the big spike the from 2019-2022?

After this 4-year uptick, the department then decided to move their key surveillance area to another part of the state. The opposition and "experts" from the department will stand up here and show power points from other states like Wisconsin or Colorado, our neighbors to the north in Saskatchewan, or collard deer studies where the deer is caught, tested and

even if it comes back positive is dumped back into the wild, which for how CWD is touted by the experts seems very irresponsible, but in all reality, the department had the perfect data collection point right here in North Dakota, and after this home grown data did NOT fit their agenda (the uptick came 10 years after the hunting restriction was put in place), they abandoned it and shifted their focus to data from elsewhere.

My next reason that I am in support of this bill is I came down to Bismarck in 2023 to testify in favor of HB 1151, and we listened to members of the department tell the house energy and natural resources committee to follow the “science” and listen to the experts. Just a couple short months after the experts were in committees and on the legislature floor saying to trust us and follow the science, they did not ban 2 units that fell within their 25 miles of a positive criteria. Then this previous year in 2024 they decided not to ban 3 more units in the northeast corner of the state, again ignoring their “best available science” that the department themselves puts forth. This is the second time that the department has moved away from their own science and protocols after pleading for people to follow them. Does this make it science and fact, or does it make it opinion. Why is the department able to pick and choose when to follow it, while asking the public to always trust it.

The last point that I would like to make today is on the topic of culling. In an open records request to the ND Game and Fish Department, the question was asked **what is the Number of tags (percentage) that are allocated in each unit for CWD culling per year for the past 10 years.** The response was as follows.. “We do not allocate tags specifically for "CWD culling." Numerous factors influence license numbers. We rely on aerial surveys to estimate our deer population, although these surveys are dependent on adequate snow cover, therefore, are not always possible every year. Because of this, we also rely on trend and index data collected which is derived from hunter surveys and harvest data. These include hunter observation data (number of deer seen per

hour of hunting effort during first weekend of rifle season), harvest density index, and success rates. In addition, we take into account extrinsic factors such as winter weather and disease outbreaks. We also consider social factors such as hunter comments, depredation issues, and social tolerances in regards to too few/too many deer, hunting pressure/competition, etc. We generally error toward a more liberal license allocation where CWD is established, as hunter harvest is a documented way to control prevalence and spread, but that is one of numerous factors taken into account.”

This is the most bureaucratic response possible to say “we use sportsmen for culling in CWD units” without actually saying it. The 2 units with the highest prevalence rates in the state are 3f2 and 3a1. I touched on the numbers from 3f2 earlier, and 3a1 has popped up more recently in the last few years, and also has a hunting restriction in. In the habitat summit from a few weeks ago a lady with the department stood behind a podium with the map I gave you on the screen and said this and I quote.. “if you’re wondering about those 2 units in green, this is where CWD is endemic in our deer herd, and we’re purposefully keeping deer licenses high in those units to try and slow the spread of the disease.” The department uses sportsmen to cull the deer herd, all at the cost of future opportunities of sportsmen.

In 2019 the department culled 52 deer from south of Williston because of 1 deer, the only deer in North Dakota history, that has died due to CWD. This deer was found dead and then tested positive so they consider this a death due to CWD. This culling was viewed so negatively by the sportsmen of North Dakota that it was the last time that the department did a culling themselves. Not one of those 52 deer came back positive, and the department disposed of the meat in a landfill. Now they use the sportsmen of North Dakota to do their dirty work for them. The department is using the sportsmen to over harvest deer in 3f2 and 3a1, the 2 units on that map in green. Every other unit in the state has seen tag numbers decline, minus those 2 that have increased by 20% in 3a1 and 112% in 3F2. 3F2 has such a surplus of tags they have left over,

over the counter tags. This is not managing wildlife through those things stated above like aerial surveys and hunter surveys, this is sportsman over harvesting to cull for the department and has removed more future opportunities than CWD has done in 27 years of testing in the state.

According to an article from the ND Game and fishes magazine, testing for CWD started in north Dakota in 1998 with sick and suspected animals. Even with the entire state still open to hunting over supplemental feed, it took 11 years for them to find their first positive. Since then, the units that have had baiting banned the longest in the state are the ones with prevalence rates increasing almost every year. Hunting over supplemental feed in north Dakota does not spread CWD at a rate that is worth being scared of, and the departments Hunting restriction over supplemental feed has shown it has done little to slow down CWD in 3a1 and 3f2.

In an article ran in the Grand Forks Harold just a couple weeks ago by Doug leier, an out reach biologist at the North Dakota Game and Fish department quoted Kevin Kading as saying “We recognize that many people care deeply about wildlife and it can be difficult to watch nature play out, but feeding operations, good intentions and all, can actually do more harm for wildlife than good.”

People do care deeply about the wildlife in North Dakota and it can be difficult to watch nature play out whether it be about supplemental feeding or CWD, but good intentions, even by the “experts” can do more harm then good for wildlife, especially when a department doesn’t follow their own “best available science.

I would like you to please consider a DO PASS vote on SB2137.

Thank you and I will stand for any questions.