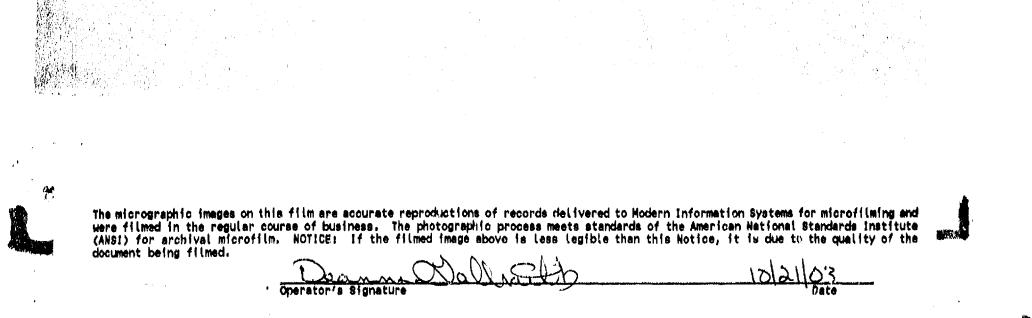


18 Contract

# 2003 SENATE NATURAL RESOURCES

SB 2273



1

WERE AND

4

4

### 2003 SENATE STANDING COMMITTEE MINUTES

#### **BILL/RESOLUTION NO. SB 2273**

Senate Natural Resources Committee

Conference Committee

Hearing Date 2-6-03

Tape Number	Side A	Side B	Meter #
1	X		39.1 - end
		X	0.0 - 12.4
		X	31.9 - 34.1
Committee Clerk Signatu	re ani	+ James	
	()		······

Minutes:

ł

-

<u>Senator Thomas Fischer</u>, Chairman of the Senate Natural Resources committee opened the hearing on SB 2273 relating to the designation of trout lakes.

All members of the committee were present.

Senator Dick Dever of District 32 introduced SB 2273 stating he sponsored the bill at the request of some serious trout fisherman.

**Rep. Ron Carlisle** of District 30 testified that this bill has brought to the table the trout fisherman and the Game & Fish Department in regards to the issue.

**Bob Olheiser** a retired trout fisherman testified in support of SB 2273. Trout fishing in North Dakota has been traditionally small pond with small catch. There are trout fisherman in the state who have fished world class and would like this opportunity to so the same in the state. They has been some discussion with the Game & Fish about this development but not much has happened. With the introduction of SB 2273, discussion are now seriously happening. No promises have

อากมากรรณที่ และเราะหว่างที่สมัยสุขสารณ์แหว่างและประวัติประการสารแก่งการสารแก่สารแหล่งสารสีที่สารสมัยสารสีที่สา

The microgrephic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and users filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Page 2 Senate Natural Resources Committee Bill/Resolution Number SB 2273 Hearing Date 2-6-03

been made but if certain lakes in North Dakota can be designated as trout lakes. Game & Fish will help develop these lakes. He is confident the Game & Fish is sincere and maybe this bill could be dropped. If need be this could then be looked at again next session.

<u>Senator Michael Every</u> asked if there were specific lake in mind for these stocked trout lakes.

**Bob Olheiser** stated that there are three lakes and the trick is to let the trout stay in the lake long enough to be able to grow large.

Terry Steinwand, Chef of the fisheries for the North Dakota Game & Fish Department testified in opposition to SB 2273 (See attached testimony). He asked for a do not pass so that work can begin on an honest effort to develop some trout lakes.

Bill Pheifer representing the North Dakota Chapter of The Wildlife Society testified in opposition to SB 2273 (See attached testimony).

Mike Donahue representing the United Sportsmen of North Dakota and the North Dakota Wildlife Society testified they are neutral on SB 2273.

Tom Abrahamson of the North Dakota Sportfish Congress testified in opposition of SB 2273 (See attached testimony).

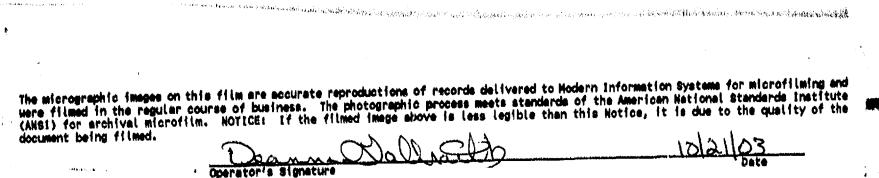
Testimony submitted from <u>Harold Neameyer</u> of the Cass County Wildlife Club in opposition of SB 2273 is attached.

Senator Ben Tollefson closed the hearing on SB 2273.

Tape 1, Side B, 31.9 - 34.1

Senator Thomas Fischer opened discussion on SB 2273.

All members of the committee were present except Senator John Traynor.



Page 3 Senate Natural Resources Committee Bill/Resolution Number SB 2273 Hearing Date 2-6-03

Senator Stanley Lyson made a motion for a Do Not Pass of SB 2273.

Senator Joel Heitkamp second the motion.

Roll call #1 was taken indicating 6 YEAS, 0 NAYS A 1 ABSENT OR NOT VOTING.

Senator Heitkamp will carry SB 2273.

-----

Senator Fischer closed the discussion on SB 2273.

home and a construction a position of the large a section of the large and the large and the section of the state of the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

0 Operator's Signature

1.15

### FISCAL NOTE Requested by Legislative Council 01/22/2003

Bill/Resolution No.: SB 2273

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-200	3 Blennium	2003-200	5 Biennium	2005-200	7 Biennium
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

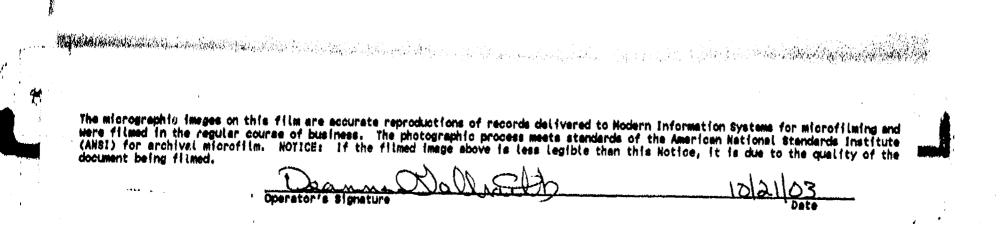
200	1-2003 Bienr	nium	200	3-2005 Bienn	lum	200	5-2007 Blenn	ium
		School			School			School
Counties	Cities	Districts	<b>Counties</b>	Cities	Districts	Counties	Cities	Districts

2. Narrative: identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No significant fiscal impact.

- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
  - A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.
  - B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.
  - C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the blennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	01/22/2003



Senate   Senate Natural Resources   Committee     Check here for Conference Committee   Legislative Council Amendment Number
Legislative Council Amendment Number     Action Taken   Do Not Press     Motion Made By   Mon Seconded By   Mutkany     Senators   Yes   No   Senators   Yes     Senator Thomas Fischer   V   Senator Michael A. Every   V     Senator Ben Tollefson   V   Senator Joel C. Heitkamp   V     Senator Stanley W. Lyson   V   V   V
Action Taken   Do   Not   Pess     Motion Made By   Myzen   Seconded By   Multicare     Senators   Yes   No   Senators   Yes     Senator Thomas Fischer   V   Senator Michael A. Every   V     Senator Ben Tollefson   V   Senator Joel C. Heitkamp   V     Senator Stanley W. Lyson   V   Senator Stanley W. Lyson   V
Action Taken   Do   Not   Pess     Motion Made By   Myzen   Seconded By   Multicare     Senators   Yes   No   Senators   Yes     Senator Thomas Fischer   V   Senator Michael A. Every   V     Senator Ben Tollefson   V   Senator Joel C. Heitkamp   V     Senator Stanley W. Lyson   V   Senator Stanley W. Lyson   V
Motion Made ByMyznSeconded ByMittanySenatorsYesNoSenatorsYesNoSenator Thomas FischerVSenator Michael A. EveryVSenator Ben TollefsonVSenator Joel C. HeitkampVSenator Layton FreborgVSenator Stanley W. LysonV
SenatorsYesNoSenatorsYesNoSenator Thomas FischerVSenator Michael A. EveryVSenator Ben TollefsonVSenator Joel C. HeitkampVSenator Layton FreborgVImage: Comparison of the senator Stanley W. LysonImage: Comparison of the senator stanley W. Lyson
SenatorsYesNoSenatorsYesNoSenator Thomas FischerVSenator Michael A. EveryVSenator Ben TollefsonVSenator Joel C. HeitkampVSenator Layton FreborgVImage: Comparison of the senator Stanley W. LysonImage: Comparison of the senator stanley W. Lyson
Senator Thomas FischerSenator Michael A. EverySenator Ben TollefsonVSenator Layton FreborgVSenator Stanley W. LysonV
Senator Thomas FischerSenator Michael A. EverySenator Ben TollefsonVSenator Layton FreborgVSenator Stanley W. LysonV
Senator Ben TollefsonVSenator Joel C. HeitkampSenator Layton FreborgVSenator Stanley W. LysonV
Senator Layton Freborg Image: Constant of the senator stanley W. Lyson
Senator Stanley W. Lyson

If the vote is on an amendment, briefly indicate intent:

international construction of the construction of the construction of the construction of the figure of the figure

ŧ

و ولكان

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANS1) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

1012 ۵3 Operator's Signature

Burn Same Sugar

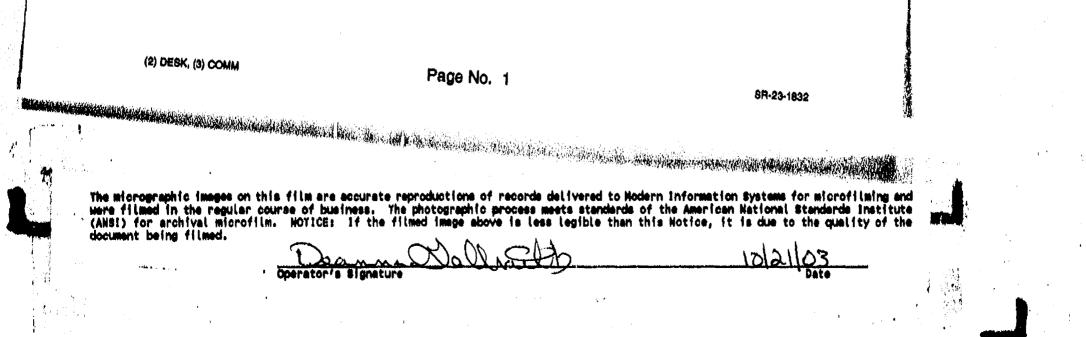
Connection Contraction . We des manifester and an antipation of the state of the st

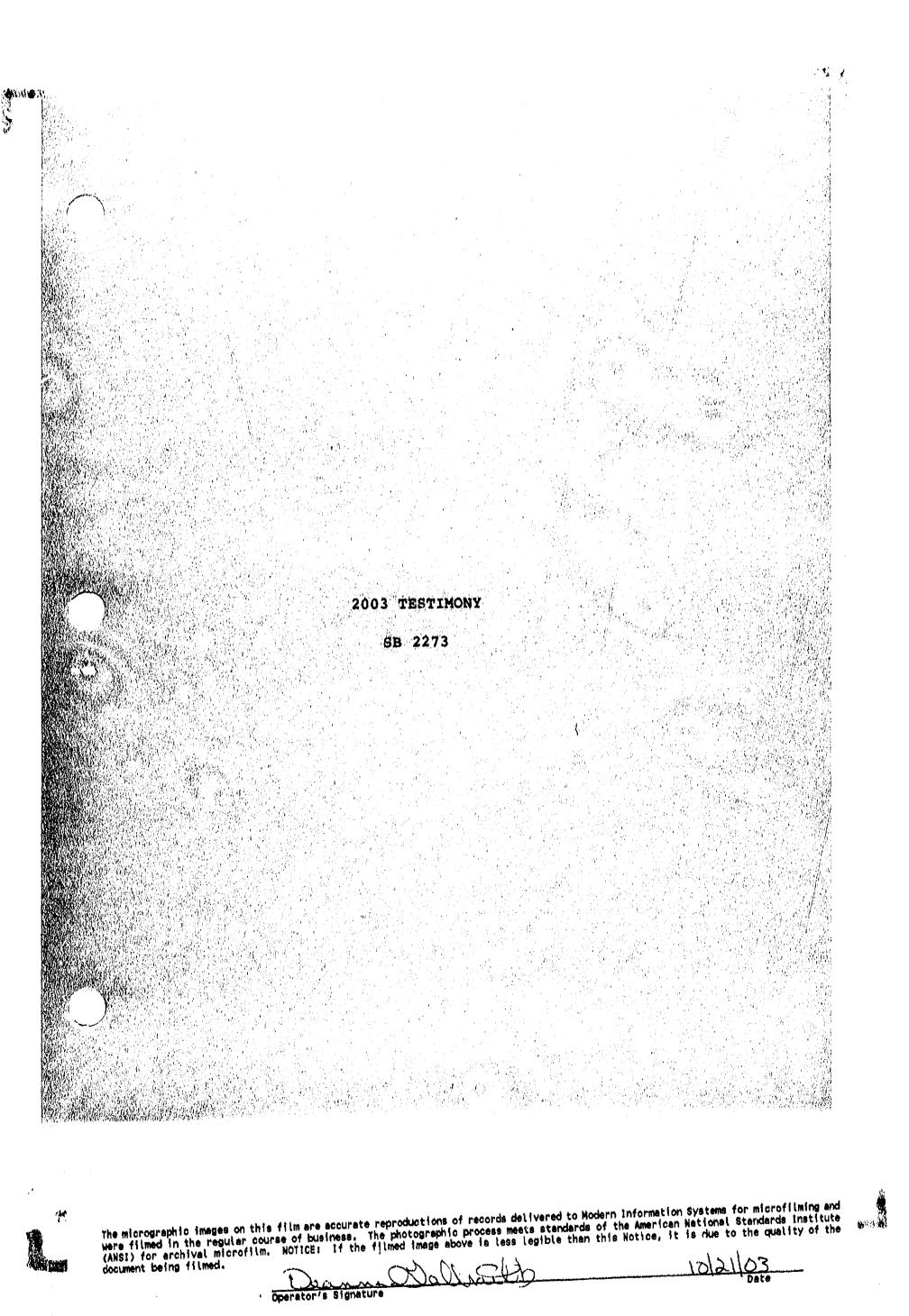
# **REPORT OF STANDING COMMITTEE (410)** February 6, 2003 12:27 p.m.

Module No: SR-23-1832 Carrier: Heitkamp Insert LC: . Title: .

# REPORT OF STANDING COMMITTEE

SB 2273: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.





2. **201** 

### NORTH DAKOTA GAME AND FISH DEPARTMENT SENATE NATURAL RESOURCES COMMITTEE TESTIMONY ON SB 2273 February 6, 2003

The thought behind this bill is probably not bad but we're not sure the expectation can be met. I won't go into any great detail on the challenges associated with meeting the expectation but will generically address them.

The parameters that will constrain our ability to produce quality trout lakes are water quality, illegal introductions, local angler acceptance, and mortality. Trout production and quality trout fishing is dependent upon adequate habitat. Water quality in many small North Dakota lakes has deteriorated and adequate habitat for trout has declined. We stock approximately 50 lakes across the state with trout and plan to do so well into the future. But the ability of those lakes to consistently produce quality trout has been compromised.

Many people are simply not enamored with trout. We've had the experience of dealing with those who don't like trout management in local lakes and subsequently stock their favorite species, usually perch. This leads to competition for food and trout eventually are the losers. Some notable examples of where this has occurred is Fish Creek Dam in Morton County, Velva Sportsman's Pond in Ward County, Mooreton Pond in Richland County, McGregor Dam in Williams County and the list goes on. The point is that unless local angler desires are met and they agree with stocking a particular species and a management scheme, they will illegally stock the species they desire with less than desirable results.

It also must be realized that there is some mortality associated with catch and release fishing. The literature states hooking mortality for rainbow trout caught on artificial flies ranges from 6 to 11 percent. For illustrative purposes only, let's assume that 50 trout are caught and released by

-

The micrographic images on this film are accurate reproductions of records delivered to Nodern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. December 25 Signature an angler in a given day. If we use the lowest mortality figure of 6%, that would still amount to 3 fish dying from hooking mortality; the same number as the average angler can legally possess under current regulations.

All of this being said, Director Hildebrand and I met with a group of trout enthusiasts this past Tuesday evening to discuss this bill in particular and our trout management in general. After some discussion we agreed to review a list of 21 lakes across the state that currently or historically contained trout to assess the potential for meeting the expectations of trout anglers. We agreed to meet again in late March to reduce the list to a reasonable level, discuss management options, and determine how the information would be relayed to the general angling public. This information will be taken to spring Game and Fish Advisory Board meetings and possibly local angler meetings to determine acceptance. No promises were made by either Director Hildebrand or me other than to complete the process and do what we can to fulfill their expectations while still providing an acceptable fishery for the general angling public. We believe this process and subsequent implementation will accomplish similar results as this bill.

Mr. Chairman and members of the Senate Natural Resources Committee, I respectfully request that you give this bill a 'do not pass' recommendation.

The micrographic images on this film are accurate reproductions of records delivered to Nodern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

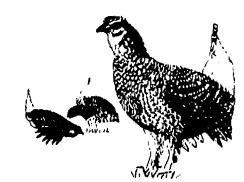
ي ، و حف

North Dakota Chapter

4**\$**\$\$8

# THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



### TESTIMONY OF BILL PFEIFER NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE ON SB 2273, FEBRUARY 6, 2003

### MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes SB 2273.

Fishery and wildlife management is not an exacting science. Experience, theories, principles, trends, and raw data are combined to arrive at the highest probability of success in managing any specie of wildlife. However, conditions such as specie behavior, habits, migrations, reproduction, and the climate are not under the wildlife managers control, hence, it's not an exacting science.

A bill of this nature is usually generated by a special interest group wishing to advance its cause. That's well and good intentioned but excludes most of the factors needed in making the best biological wildlife management decision.

A bill which states what the director "must" do and also dictates detailed management plans without taking into account the many variables needed to make a sound decision would be poor legislation.

Decisions affecting wildlife management must remain the responsibility of the game and fish department, not the legislature. Special interest groups should certainly discuss their interests with the game and fish department but should not have the prerogative to dictate those terms. Therefore, The Wildlife Society opposes SB 2273 on the basis that all management decisions should remain with the game and fish department, but should include input from all available sources.

### Dedicated to the wise use of <u>all</u> natural resources

A SALE AND A

- 16 4 . . .

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and Mare filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

### NORTH DAKOTA SPORT FISH CONGRESS SENATE NATURAL RESOURCES COMMITTEE TESTIMONY ON SB2273 February 6, 2003

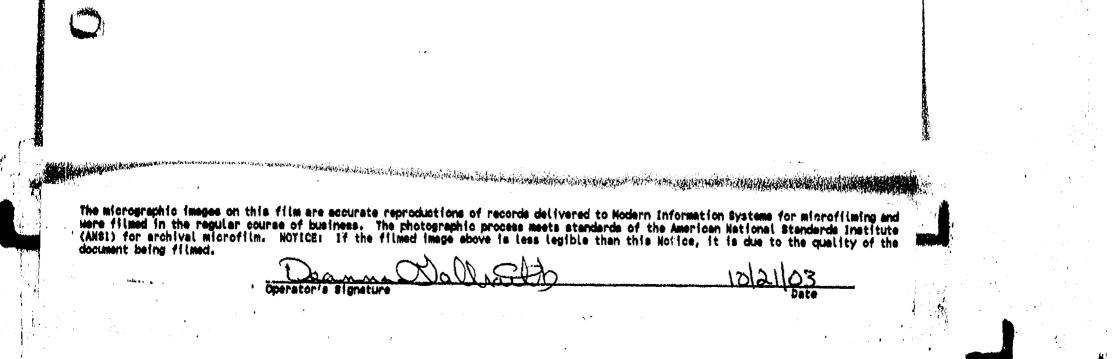
We feel that this is a special interest bill. If we pass this bill, soon we will have other groups insisting on special lakes for Muskie, Bass or other fish. This would be hard to manage!

We believe that the Game and Fish Department and the local anglers can work together to create a better quality of fishing. We don't believe we have to force the Game and Fish Department to do something that is not in the best interest of all North Dakota anglers.

We urge you to give this bill a 'DO NOT PASS' recommendation.

使你们是我的Miles

They part





- 4 -

Cass County WILDLIFE CLUB Box 336 Casselton, ND 58012



## **TESTIMONY OF HAROLD NEAMEYER CASS COUNTY WILDLIFE CLUB** PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE ON SB 2273, FEBRUARY 6, 2003

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club is strongly opposed to SB 2273 because we feel it would be much better to let the biologists do their work and select the best method to provide for better trout fishing. This bill also dictates the limit on trout, which should be the job of the fishery staff.

This plan would seem to dictate killing all other fish to make room for trout. This would seem to effect more non-trout fishing than is justified.

The big question is - does this bill do the best job for the most people - we think not.



Constraints and the second seco

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Idnatur