

2009 SENATE NATURAL RESOURCES

SB 2351

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2351

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 12, 2009

Recorder Job Number: 9313

Committee Clerk Signature



Minutes:

Senator Lyson opens the hearing on SB 2351, relating to the feeding of big game and hunting big game over bait. All committee members were present.

Senator Olafson introduced the bill (see attached testimony #1).

Dr. Steve Schmitt, wildlife veterinarian for the Michigan Department of Natural Resources, spoke in favor of the bill (see attached testimony #2). I will be talking about the impacts of deer feeding and baiting as they relate to disease.

Jesse Vollmer, Assistant State Veterinarian with the State Board of Animal Health, testified in favor of the bill (see attached testimony #3).

Greg Link, Assistant Chief of the Wildlife Division for the Game and Fish Department, spoke in favor of the bill (see attachment #4).

Senator Lyson we have an unusual winter and we have deer in every farmstead. What would your organization do to try and keep the deer away from the domestic animals?

Greg Link replied that is very true and we have also seen a lot of congregating of wildlife. We do not want to see it and we discourage it. We have the tools to try and prevent it. There will

always be some of it going on and we can only control some of it. The baiting and feed exasperates that situation year round.

Senator Lyson my constituents are saying that their farmsteads are full and they are hauling hay out to the fields to keep the deer out of their farmsteads. What is your reaction to that?

Greg Link if someone is putting out feed to keep animals off their farmstead; they just need to talk to us and make us aware of the situation. The provisions of the bill allow for that.

Senator Triplett Do you have the authority to prohibit baiting and if so why haven't you already prohibited it by administrative rule making?

Greg Link replied through the governor's proclamation that authority probably exists when it talks about the manner of take. It really only addresses the act of how you take game, not the feeding and congregating of wildlife for observational purposes.

Senator Triplett how would you organize hunts for handicapped people while responding to your concerns about baiting if the bill was passed?

Greg Link we worked close with Senator Olafson on the amendment and how to take a reasonable approach in helping the disabled. The Game and Fish Department already has many provisions and aspects that we allow for disabled people. We felt that by limiting to those organizations who work with the severely disabled hunters we can still provide the hunting opportunities for them.

Senator Erbele how will you tell the difference between unintentional baiting and intentional?

Greg Link the burden is fully on us to try and determine that person's intention.

Senator Erbele there are some wildlife groups or organizations that feed wildlife, especially pheasants which attracts deer also. Do they do that with your permission?

Greg Link yes, that would be wildlife management under the direction of the Game and Fish Department. These groups or organizations are providing food for birds and not the purpose of feeding deer and we understand this.

Senator Hogue the previous speaker testified that the risk of spreading disease doesn't matter on how much bait is being used. Do you have any information on how much of a difference it makes if someone uses chronic baiting or just puts bait out once in awhile?

Greg Link I don't have any specific information that I can reference, but through experience I know that once an animal finds a good deal they quickly learn to go back. Putting it out once in a while might help a small bit, but you are still exposing those animals and the threat of spreading disease is still there.

Woody Barth representing North Dakota Farmers Union, spoke in favor of the bill (see attached testimony #5).

Julie Ellingson, representing the North Dakota Stockmen's Association, spoke in favor of the bill (see attached testimony #6).

Senator Triplett Can you describe what you think livestock producers, in this state, are doing to keep deer away from the places where they feed their cattle?

Julie Ellingson our members have utilized some tools that are provided by the Game and Fish Department, such as a deer proof hay fence. They have also requested some assistance and would like to see some management programs be put in place to help keep them separated.

Seth Bauer, student at Simile Middle School, testified in favor of the bill (see attached testimony #7).

Clarence Bina, representing the United Sportsmen of North Dakota, spoke in opposition to the bill (see attached testimony #8).

Senator Triplett did your board survey the membership to get a consensus before making this recommendation?

Clarence Bina yes, in 2006 they conducted a survey and one of the questions was on the support of baiting deer and the membership responded by 49% favoring the banning of baiting and 51% were in opposition. We completed a new survey on February 10. One of the questions asked if they approved SB 2351 and they responded by 50% in favor, 47 % in opposition and 3% were either neutral or didn't respond.

Lynn Kongsli, Land owner and outfitter, spoke in opposition to the bill (see attached testimony #9).

Ron Yeager, Sporting Chance, I have come in today to ask for a reasonable accommodation. For the past few years we have taken people crossbow hunting for deer. Many of these people have to use a feeder or limited bait site. When we use a feeder it is typically 5 gals of corn or less and the deer are fed the day of the hunt. We are trying to limit their migration on a game trail to allow those hunters with limited range of motion to get a shot. We do not support the bill in its present form. I think you could limit the amount of feed to 5 gallons. I think people with permits to use a crossbow should be allowed to use a feeder. If the bill does pass in its present form I would ask that you reduce the fine to a class C misdemeanor. I would seriously consider paying a fine on this if we could take these individuals out hunting.

Senator Triplett the amendment in which you haven't seen yet takes organized hunts for disabled people out of the statute. Assuming that we pass this bill would that take care of your opposition of the bill?

Ron Yeager are they allowing disability groups to hunt over bait piles?

Senator Triplett it would just leave the Game and Fish Department able to allow this as a tool to help the disabled hunters.

Ron Yeager I guess I couldn't support that unless I knew what the director was proposing. If we can continue to use feeders on the day of the hunt I could, but I don't know what they are proposing so I can't agree to it.

Christopher Jorde, self rancher, spoke in opposition to the bill (told a personal story). If this bill goes forward in its present form it does nothing for my situation. I put up a deer fence provided by the Game and Fish Department and it worked great, but what about the birds that can fly into the fence? For this reason I want to recommend an amendment to change the bill to ban the baiting and feeding of all big game and all birds. (see attachment #10).

Kitt Kenschak, a ND native and avid hunter, spoke in opposition to the bill (see attached testimony #11).

Kay LaCoe, Bismarck, spoke in opposition to the bill (see attached testimony #12).

Larry Schneider, Landowner, spoke in opposition to the bill. There are phones out there with cameras on them so the Game and Fish Department have eyes and ears out in the fields. Our wildlife is under tremendous stress. I have talked to landowners in Tappen, ND who have 200 head of deer in their yards. It is unfitting that these landowners have to feed these animals for 11 months out of the year, but 1 month out of the year you can't touch them because you would be doing something illegal. If you call the Game and Fish Department because you have a problem with wildlife on your property they are going to tell you to let nature take its course. The land owners in ND do everything they can to help keep these animals alive and if it wasn't for us we would have even fewer animals survive this winter.

KariAnn Butrock spoke in opposition to the bill (see attached testimony #13).

Leland Goodman spoke in opposition to the bill (see attached testimony #14).

Jim Redlin (see attached handouts #15) Senator Olafson introduced an amendment and by adopting the amendment and allowing Game and Fish to use bait in certain circumstances

goes against what the purpose of the bill. Dr. Schmitt said we should be consistent. The guys at Outfitters would be very supportive in allowing a specific volume amount of bait. In Michigan, 51% of their state is for baiting and in Wisconsin 49% are for it and in North Dakota 2% support it. Passing a law against baiting is not going to stop disease. I live along the South Dakota border and their deer have chronic waste disease. Nothing stops deer from walking across the line or from getting into feed plots.

Seth Kasper, sixteen year old with sporting chance, testified in opposition to the bill (see attached testimony #16).

Adam Kongsli, Towner ND, In order to spread the disease you must first get it. If we can stop the disease from entering North Dakota, we should be able to stop it from spreading. I plan to get my guiding license this spring but if the bill passes without being amended I won't be getting it because it would be pointless. More than likely I will end up having to leave the family ranch to pursue other work outside the state. The deer congregate during hard times like these are it is hard for them to find food through all the snow. They become weak and their immune systems drop, making them more prone to disease. If they get it now it will spread like wildfire.

Ray Barchenger I have attended some of the Game and Fish Department meetings to try and get as well versed as I could. I heard a lot of "what ifs, maybes, possibly could spread" but you cannot get hard facts. If we had the disease in our area how quickly could that spread by baiting? No one knows. If we knew the hunters would be in support of banning it. We have to look at the facts. The Game and Fish Department said all the states around us don't allow baiting, but yet we are the only state that doesn't have disease. The other states have not banned baiting completely either. We do not need to draw these deer out of their natural

habitat and we shouldn't. We should limit the amount of bait to 5 gallons. I know this is hard for the Game and Fish Department to regulate but they can do it. I recommend a do not pass.

Mike Neeham, member of the Disabled Veterans of North Dakota, testified in opposition to the bill (see attached testimony #17).

Tom Silbernagel testified in opposition to the bill (see attached testimony #18).

Jason Enget- Sporting Chance, without baiting I could not hunt. By using bait I had the chance to harvest a deer last year. Please do not pass this bill.

Due to the time limit on the testimony some people were not able to speak. A copy of each written testimony and emailed testimony has been attached.

Senator Lyson Closed the hearing on SB 2351.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2351

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 13, 2009

Recorder Job Number: 9459

Committee Clerk Signature



Minutes:

Senator Lyson Opens the discussion on SB 2351. The Game and Fish Department has agreed to come in and answer some questions.

Senator Freborg does the Game and Fish Department leave standing crop on their lands?

Greg Link yes we do. It is a common practice for us to leave standing crop on our food plot land.

Senator Freborg if individuals, according to the bill, left a food plot they would be breaking the law.

Greg Link absolutely not. If you look at the language of the bill it excludes food plots. We would prefer people to do. It is habitat practice that we would encourage people to do. We have funded programs to help people to do that.

Senator Freborg I feed pheasants from a feeder. If someone shoots a deer eating from there what happens then?

Greg Link the burden of proof is to prove that you did that with the intent to harvest a deer.

There are ways to exclude big game from feeders for pheasants, such as panels. Even if you didn't do that we would have to show that it was your intent all along.

Senator Lyson Can you tell me the difference between the fields you leave crop on and when a farmer rolls out a hay bale?

Greg link again the food plot is excluded in the bill. If the individual is unrolling the hay for agriculture purposes it is fine. We again have to determine the intent.

Senator Pomeroy what is the rule in North Dakota for testing cattle coming into the state?

Greg Link that is not my area, but I work closely with the Department of Health. From what I know, if a herd comes from a disease free state not every cow has to be tested. If the herd comes from a diseased state the whole herd has to be tested.

Senator Pomeroy where is that testing done?

Greg Link the testing would be done by the local vet and various labs. It depends on what state the cattle are coming from.

Senator Schneider in a map we were given yesterday it showed how Wisconsin split up their state into areas and allowed so much bait per area. Is there any wisdom in giving the Game and Fish Department the authority to outlaw baiting everywhere in North Dakota, but permitting it to regulate it in some counties or would you prefer an outright ban?

Greg Link if we got that authority we would ban it all. Every piece of scientific evidence, scientists in this area and every disease expert has told us to not to mess around.

Senator Hogue has the department made any effort to tell how many sites are out there where deer are congregating in large numbers? I know that could be a lot but the trouble I am having with this bill is in my mind where ever there are cattle feed lots or people putting out grain and feed there are large numbers of deer congregating. I think it would be use to know whether outlawing baiting would be useful at all. If you outlaw baiting, how many sites are left and does that make a difference?

Greg Link Humans gather just like deer. But humans do not eat off the same platter day after day. By baiting we are asking those deer to come in and eat off the same platter time after time. They exchange their saliva, secretions and they urinate in that area also. When you compare it to congregations in fields there is not comparison. It doesn't matter the amount of bait you put out. The USDA study showed that a bait pile keeps the bacteria alive and these deer eat off this day after day.

Senator Hogue there is different types of baiters used. For example, there are drip-like feeders where the animal has to lick a nozzle to get any food. Are these any more harmful?

Greg Link yes definitely. These types of feeders make the deer lick the same spot which makes the contact and spread of disease more likely.

Senator Hogue if the Game and Fish Department had a choice between leaving the law as is or putting a limit on the amount of bait that could be used which would you chose?

Greg Link we would choose to keep the law as is. If we go with a volume metric whether it be time, distance, amount we have done nothing. It is not solving anything and it will just take time away from other projects.

Senator Olafson, I want to respond to Senator Pomeroy's question about the risk posed by importation of livestock. It is a major concern and I am also doing a significant amount of work on that concern. I am getting an appropriation from the House Appropriation committee to get a full time employee working under the board of animal health to provide for greater oversight and enforcement of our animal health importation requirements. We do have importation requirements in place and they vary from state to state. I have also facilitated discussions between the State board of Animal Health and our highway patrol as a result in the month of February there will be an in-service for our motor carrier officers. In this time the State Board of Animal Health will be educating them and asking them for help in the oversight of our

importation requirements. It will also be done for our regular troopers in April. I am working on that aspect. You heard the country's expert tell us that is was a bad idea to allow for regulation on the amount of bait to be used. Please listen to the experts.

Senator Lyson closed the discussion on SB 2351.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2351

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 13, 2009

Recorder Job Number: 9470

Committee Clerk Signature



Minutes:

Senator Lyson opens the discussion on SB 2351.

Senator Hogue moves a Do Not Pass on SB 2351.

Senator Freborg seconds the motion.

Senator Triplett everyone who testified seemed to agree that baiting in the large sense was a bad practice. We heard people say they didn't want this because game and fish ought to be doing a better job of enforcing it now and helping people fence out deer from their feed lots.

Those are other tools that can and should be used, but it is not necessarily a reason to say we shouldn't have this tool in the toolbox to prevent the disease issue and such. I think we should give this bill a little bit of a chance. I think we usually try to make the bills as good as we can so I would appreciate the opportunity to put the disabled amendment on it before we vote on it.

Senator Hogue I move to withdraw my motion.

Senator Triplett I move to adopt amendment .0501.

Senator Pomeroy seconds the motion.

Senator Triplett it is a small encounter to the overall intention to the bill, but I think it is such a small amount that it really is in a different category then. I think it is a reasonable consideration for disabled people.

Senator Freborg are they not now baiting?

Senator Triplett I believe they are yes.

Senator Lyson this amendment allows baiting specifically for the disabled.

Senator Freborg I understand that, but are they not already baiting?

Senator Triplett yes.

Senator Freborg if we kill the bill they can still bait.

Senator Triplett that is true, but I would like the bill to be in as good as shape as possible.

Senator Hogue I am opposed to the amendment. As Senator Triplett pointed out it is contrary to what we heard from the Game and Fish Department and from Dr. Schmitt and other witnesses of the bill. One message they tried to make clear to us is that it doesn't matter what the quantity is any amount of bait is harmful. We shouldn't amend the bill to say 5 gallon buckets or any amount is ok. Any amount is harmful to the idea that we are going to spread disease. I will acknowledge that the handicapped have disabilities that make it much harder for them to successfully hunt. If the object of the bill is to stop the spread of disease exempting one group is contrary to the concept of the bill. For that reason I am opposed to the amendment.

Senator Triplett this isn't an all out exemption for disabled to do it as they please. The exemption on line 15 says for organized hunts for the disabled which may be permitted by the director" so they are talking about grouping things with the Game and Fish Department organizing it. I would think they would organize it so they cleaned up after the day. The notion is to get a deer to stop over the bait so they can take a shot at it and then clean it up.

The amendment failed on a vote of 3 to 3.

Senator Hogue moves a Do Not Pass on SB 2351.

Senator Freborg seconds the motion.

The bill received a Do Not Pass on SB 2351 on a vote of 4 to 3.

Senator Lyson closed the hearing on SB 2351.

Sen. Olafson

90408.0501
Title.

Prepared by the Legislative Council staff for
Senator Olafson

February 6, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2351

Page 1, line 9, after the second "bait" insert "and feed"

Page 1, line 11, after "baiting" insert "and feeding"

Page 1, line 15, after "department" insert "or organized hunts for the disabled which may be permitted by the director"

Renumber accordingly

Date: Feb 13, 2009

Roll Call Vote #: #1 2351

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate _____ Natural Resources _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Sen. Triplett Seconded By Sen. Pomeroy

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman		/	Senator Jim Pomeroy	/	
Senator David Hogue, Vice Chairman		/	Senator Mac Schneider		
Senator Robert S. Erbele	/		Senator Constance Triplett	/	
Senator Layton W. Freborg		/			

Total (Yes) 3 No 3

Absent _____

Floor Assignment _____

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

failed

Date: Feb 13, 2009

Roll Call Vote #: #2 2351

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate _____ Natural Resources _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Sen. Hogue Seconded By Sen. Freborg

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy		/
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider		/
Senator Robert S. Erbele	/		Senator Constance Triplett		/
Senator Layton W. Freborg	/				

Total (Yes) 4 No 3

Absent _____

Floor Assignment Sen. Hogue

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

REPORT OF STANDING COMMITTEE (410)
February 13, 2009 1:12 p.m.

Module No: SR-29-2657
Carrier: Hogue
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2351: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2351



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Stanley W. Lyson
District 1
1608 Fourth Avenue West
Williston, ND 58801-4127
slyson@nd.gov

COMMITTEES:
Judiciary
Natural Resources, Chairman

January 27, 2009

Dr. Stephen M. Schmitt, DVM
Michigan Department of Natural Resources
Wildlife Disease Laboratory
4125 Beaumont Road, Room 250
Lansing, MI 48910-8106

Dear Dr. Schmitt:

I am writing to invite you to present testimony to the Senate Natural Resources Committee of the North Dakota Legislative Assembly regarding Senate Bill No. 2351, which relates to the feeding of big game and hunting big game over bait. The hearing date has been tentatively scheduled for February 12, 2009.

We will provide you with additional information regarding the hearing as the meeting date approaches. Under North Dakota Century Code Section 54-05.1-02, an individual invited by the chairman of a standing committee of the Legislative Assembly to appear before the committee to provide information is exempt from the definition of a lobbyist. Therefore, it will not be necessary to register as a lobbyist with respect to your testimony regarding Senate Bill No. 2351.

Thank you for your willingness to provide information regarding the bill. Please feel free to contact me if you have any questions.

Sincerely,

Senator Stanley W. Lyson
Chairman
Senate Natural Resources Committee
SWL/AL

Senate Bill 2351

Testimony of Senator Curtis Olafson

I am introducing Senate Bill 2351 for two reasons:

1. The practice of baiting and/or feeding of big game significantly increases the risk of disease transfer and that increased risk threatens our domestic livestock industry and our wildlife resources. I am trying to protect both. A disease outbreak could also threaten the financial resources of our state by creating the necessity of spending millions or even tens of millions of dollars in public resources to try to control and eradicate the outbreak.
2. I have received complaints from many constituents who tell me that they are being denied their fair and equitable access to our wildlife resources when other people are baiting. Our wildlife resources do not belong to any individual on whose property they happen to be standing. They are a public resource and all of our citizens should have equal access to that resource when they are hunting or viewing our wildlife.

I am not introducing the bill out of any concerns over ethics or sportsmanship. Those issues are a matter of opinion and I will leave that debate for others.

As you hear the testimony on this bill, I would respectfully suggest that the most important thing that you should do is to focus in on the science behind the bill. The preponderance of scientific evidence strongly supports the intent and purposes of the bill. The opponents of this bill will try very hard to deflect your attention away from the science because they know that they cannot refute it. John Quincy Adams said "Facts are stubborn things." The science behind this bill is overwhelming, and it is consistent. I would also ask you to pay close attention to another truth that will become self-evident as you listen to the testimony today. The proponents of this bill are concerned about the greater public good. The opponents are concerned about their own self-interests. After hearing the science behind the disease threat, if you are not concerned for our domestic livestock industry or our wildlife, you ought to be concerned for our taxpayers. The cost of fighting disease outbreaks is astronomical in states where major outbreaks have occurred, including our neighboring state of Minnesota.

Baiting and feeding of our wildlife has become widespread in this state and has become part of the culture in many areas. It will not be easy for those who have become immersed in that culture to change, but that change must be made for the greater good of all of our citizens. In my corner of the state, some people who are involved in feeding and baiting are dumping multiple truckloads of bait and feed, including sugar beet waste, grain screenings and cull potatoes.

I would like to give you a preview of the arguments you are going to hear in opposition to this bill. One of the first protestations you will hear from opponents is that this bill violates their private property rights. Private property rights are not absolute and we already limit many activities on private property for the greater public good. Some examples of that would be that you can't burn a pile of old tires; you can't spread a few hundred gallons of waste oil on your farm driveway to keep the dust down; you can't

bury half-used containers of pesticides on your property; you can't drain water from your land and send it onto your neighbor in any old way you choose. Those are activities that were commonly done at one time, but we as a society now prohibit those types of activities on private property, and there is a standard and a measure by which we limit those types of activities. And the standard is that when your activities begin to threaten the livelihood and/or the property value of your neighbor, or they threaten the environment or our natural resources, we prohibit those activities for the greater public good. The activities which this bill will prohibit fall precisely within those parameters.

Another argument you will likely hear is that those who feed deer are actually doing a service to the domestic livestock industry by feeding them away from the domestic livestock and limiting the interaction between the two groups and limiting depredation of livestock feed supplies. While that sounds reasonable on its surface, there are several flaws in that argument. The frequency of interaction between the groups is directly related to population levels and altered wildlife behavior, and artificial feeding can significantly increase the birthing rate of whitetail does and can alter wildlife behavior.

In one study done in Michigan, the first finding is no surprise. A deer herd that was artificially fed contained a much higher fawn to doe ratio than a herd that was not artificially fed. What was really interesting is that the artificially fed herd produced a much higher percentage of female fawns while the herd that was not fed produced a male fawn ratio of over 70%.

A story that was told to me by a rancher from the north central part of the state illustrates perfectly and simply how wildlife behavior is altered by artificial feeding. He had never had deer in his cattle feed yard until one winter day two small fawns were trying to access the feed he had placed for his beef calves. He felt sorry for them, assuming they might be orphaned, but he didn't want them in direct contact with his calves. He began feeding them every day in his yard in an area away from his calves, and soon the fawns became quite tame and became accustomed to being fed, much like his domestic beef calves. Spring came, the fawns left and he forgot about them. The next winter, two does came down the ranch driveway, and each had two fawns in tow. They went to the exact spot where he had fed the two fawns the previous winter and stood there showing no fear, and appeared to be waiting for their handout. The rancher quickly did the math: last winter there were two—now there are six. In ten years, he wondered, how many hundred would I have in my yard? Artificial feeding of deer to keep them away from livestock and feed supplies is a short-term solution that eventually creates an ever-growing long-term problem.

You may also hear that guides and outfitters will be put out of business if this bill passes. If that is true, then why do guides and outfitters have thriving businesses in every state bordering North Dakota when every one of those states prohibits hunting over bait? Guides and outfitters are found all over the North American continent despite the fact that the majority of the continent prohibits baiting.

You may also hear the argument that deer congregate together naturally in the winter anyway, so why should we worry about baiting and feeding? First, we can't control what happens when wildlife behaves naturally in the wild, but we can control what happens when we engage in artificial feeding in a way that

increases the risk of disease transfer. Secondly, artificial feeding produces a much higher incidence of the risk of body fluid exchange than occurs when deer are grazing and foraging in a more natural manner. That is why food plots are much safer than bait and feed piles. With food plots or unharvested crops, wildlife grazes more naturally off the ground, and is dispersed in a wider pattern.

You will likely hear requests for a volumetric exception. You will be told that a 5 gallon pail of bait is not a disease risk and "a little bit of baiting is okay." Listen carefully to the science that documents the disease risk when a feeding site becomes more concentrated. The more concentrated the bait pile, the more frequent is the incidence of nose-to-nose contact and the risk of body fluid exchange. A "little bit of bait" is like being a "little bit pregnant." Either you are or you aren't.

You may also hear the argument that we don't need to prohibit this in code because the Game and Fish Department already has the authority to issue an order prohibiting baiting and feeding. This is a very important issue for our state and we as a Legislature should step up and take the action that is clearly indicated by science and the experience of other states.

One of the concerns that has been expressed in the development of this bill is that it could create some lost opportunities for seriously disabled hunters. I have drafted a friendly amendment for your consideration to address that concern. The amendment would give the Game and Fish department the authority to permit organized hunts for the disabled. I offer that amendment for your consideration.

I began my presentation by asking you to focus on the science. In order to justify their opposition, the opponents to this bill will have no choice but to try to convince you that the science is wrong, or it is irrelevant, or that you should just ignore it. As you listen to the two opposing points of view, I would suggest to you that you should very carefully consider the worst-case scenarios if either side is wrong. So, what if I and all of the country's most preeminent experts on the issue of the disease threat posed by baiting and feeding are wrong? What is the worst-case scenario? The answer is that hunters will have to go back to hunting the way it used to be. They will have to spend some extra time and effort to enjoy the great sport of hunting. And, the wildlife will have to go back to grazing and foraging naturally as they did for thousands of years before man begin to think that he was smarter than Mother Nature. If I am wrong, that is the worst-case scenario. But, what if they are wrong? What is the worst-case scenario? The answer is that if they are wrong, baiting and feeding could be the causative factor in spreading disease and causing a major outbreak which could result in serious economic consequences for our domestic livestock industry and our taxpayers, and would result in a wholesale eradication of hundreds or even thousands of wildlife in a wide area surrounding an outbreak. As you decide on your vote, I would respectfully request that you consider which possible worst-case scenario concerns you the most.

I urge you to support a Do Pass recommendation for Senate Bill 2351.

ALABAMA
ARKANSAS
FLORIDA
GEORGIA
KANSAS
KENTUCKY
LOUISIANA
MARYLAND
MISSISSIPPI
MISSOURI
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OHIO
PUERTO RICO
SOUTH CAROLINA
TENNESSEE
VIRGINIA
WEST VIRGINIA

SOUTHEASTERN COOPERATIVE WILDLIFE DISEASE STUDY



DEPARTMENT OF POPULATION HEALTH
COLLEGE OF VETERINARY MEDICINE
THE UNIVERSITY OF GEORGIA
ATHENS, GEORGIA 30602-4393

TELEPHONE
(706) 542-1741

FAX
(706) 542-5865

February 6, 2009

Senator Curtis Olafson
13041 84th Street NE
Edinburg, ND 58227

Subject: Wildlife Health Implications of Baiting and Feeding Deer

Dear Senator Olafson:

As per your telephone inquiry last week regarding wildlife health issues associated with baiting and supplemental feeding of deer, this letter is intended to provide input on wildlife health aspects of this and other "highly artificial deer management activities" that have become more popular within the private sector. The information in this letter has been provided on previous occasions to SCWDS member state wildlife agencies and to other organizations requesting input. Additionally, a manuscript on this subject was published in 2005 and a copy of it is included with this letter to provide you with more information on the subject.

The deer management activities categorized as "highly artificial" include: 1) baiting and supplemental feeding of deer and other cervids, 2) translocation of captive cervids, including both native and exotic species, 3) construction of and hunting within high fence enclosures, and others. As you know, often these activities are not done independently of each other. For example, imported animals may be released within an enclosure where they are supplementally fed and hunted over feeding stations or other bait sources. Unfortunately, each of these private sector activities has been demonstrated on one or more occasions to be the root cause or a significant contributing factor in disease problems involving wild native cervids.

As background, the Southeastern Cooperative Wildlife Disease Study based at the College of Veterinary Medicine, The University of Georgia has a 52-year history of diagnostic, teaching, research, and service activities on wildlife health issues. To date we have been fortunate enough to not have had to deal with bovine tuberculosis (TB) in wild deer in any of our 16 member states and until 2005 we could say the same thing about chronic wasting disease (CWD), which now is known to occur in West Virginia. Based on interactions with wildlife and animal health colleagues in states where these and other diseases have occurred, there clearly are risks that can be addressed.

Senator Curtis Olafson
February 9, 2009
Page 2

A critical risk factor that should be addressed in a comprehensive deer disease prevention plan is supplemental feeding and/or baiting, which artificially congregate wild animals that normally are dispersed. There is more than adequate information available to conclude that these practices enhance risk of disease transmission, especially of bovine TB. In fact, scientists and wildlife agencies with substantial experience dealing with these diseases are consistent in pointing out these increased risks. The establishment of TB in whitetails in Michigan's Lower Peninsula and of brucellosis in elk in the Greater Yellowstone Ecosystem is widely regarded to be primarily due to extensive artificial feeding (and baiting in the case of Michigan). In addition to congregating normally dispersed animals and facilitating the transmission of infectious agents through direct contact and/or contamination of a feeding site with the disease agent, supplemental feed and bait may also contain toxins. Studies at our laboratory have shown that corn used as bait may be moldy and accumulate aflatoxin, a potent fungal toxin, to levels associated with disease processes in deer and wild turkeys.

Like several other risk factors associated with disease problems in wildlife, baiting and feeding should be controlled in comprehensive disease prevention programs. Baiting and feeding also may be prohibited in disease control programs, although such bans are much more effective at preventing the introduction and establishment of disease when compared to attempting to manage disease in wild populations after it has become established. There are few proven techniques available to wildlife managers and animal health officials attempting to control disease in free-ranging populations, and when technically feasible, such disease control methods may not be affordable or acceptable to the public. Wildlife disease control programs can be expected to be long-term undertakings that require considerable investments of fiscal and human resources, and there is no guarantee of success.

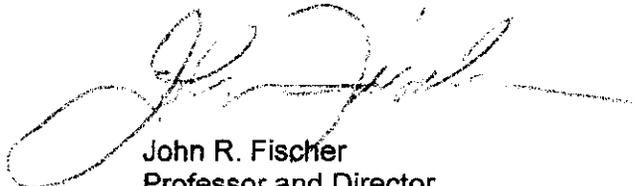
It is our firm belief at SCWDS that disease prevention is the most efficient and effective strategy to combat wildlife diseases with the potential to markedly impact populations of wildlife, or to impact the health of humans and domestic animals. A key to prevention is to reduce or eliminate those risk factors that can be controlled; baiting/supplemental feeding and other highly artificial practices are controllable risk factors. Given the potential devastation that CWD, bovine TB, or other diseases could have on highly valuable wildlife resources, it is critical that every possible action be implemented to prevent their introduction, establishment, or spread. Based on experience gained over five decades of work in the wildlife disease field at SCWDS, we believe that such actions are imperative if wildlife, domestic livestock and poultry, and human populations are to be safeguarded from unnecessary disease risks.

Senator Curtis Olafson
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Page 3

From the perspective of managing wildlife health, the optimal choice is to focus on maintaining and managing native wild populations under natural conditions. Although diseases routinely occur under natural conditions, they usually are diseases with which the host has successfully existed over evolutionary time and they do not represent the health risk potentials that new agents or new conditions pose. This general view of altered disease risks and patterns is not an original from SCWDS, but it is the same concept recognized for emerging disease problems of humans, domestic animals, and wildlife on a large scale.

I hope that this information is helpful assistance to you in evaluating the complexities of this broad issue. We are glad to provide what we believe is science-based input on this issue. If you have questions regarding any parts of this letter, or require additional information, please contact me.

Sincerely yours,



John R. Fischer
Professor and Director

JRF:com

CC: Mr. Terry Steinwand
Mr. Randy Kreil
Mr. William F. Jensen
Mr. Greg W. Link
Mr. Daniel M. Grove

Science Behind the Concerns of Baiting/Feeding

Influence of Baiting/Feeding on Disease Transmission

- Dr. Davidson, assistant director of the Southeastern Center for Wildlife Disease Study (SCWDS) at the University of Georgia has stated "... science knows more than enough about the transmissible disease to realize we must not artificially concentrate wildlife." "A key to prevention is to reduce or eliminate those risk factors that are controllable and live animal importation, supplemental feeding, baiting, and the other highly artificial practices are controllable risk factors." "Based on experience gained over several decades of work in the wildlife disease field at SCWDS, we believe that such actions are imperative if wildlife, domestic livestock and poultry, and human populations are to be safeguarded from unnecessary disease risks." (Davidson and Fischer 2003¹).
- Bait and feed piles provide a situation where partially consumed feed, contaminated with saliva or nasal secretions from diseased animals, can then be consumed and spread the disease to other non-infected deer (Miller et al. 2003², Palmer et al 2001³ and 2004⁴).
- USDA research has shown that the bacteria responsible for causing TB can remain infectious for more than 17 weeks in frozen feed (this study terminated at 120-days with *M. bovis* bacteria still viable (Palmer and Whipple 2006⁵).
- USDA research has also shown that *M. bovis* can be transmitted from deer to cattle through sharing of feed (Palmer et al 2004⁶).
- Researchers in Michigan have documented that face-to-face contact of deer was highest when using 5 gallon piles of corn. They also noted that up to 35 different deer may visit a 5 gallon bait site within a one hour period. The conclusion from this research was that any amount of bait can be expected to sustain and spread diseases like TB, but smaller quantities of certain foods (e.g., corn) tend to aggravate the problem (Garner 2001⁷).
- Michigan researchers have also determined that the practice of feeding deer to maintain the population at artificially high levels resulted in the dependence of deer on domestic feed sources during the winter which increased the contact of deer and domestic cattle (Miller 2006⁸). This increased contact can lead to increased potential for transmission of disease.
- Recent research has shown that prions, the agent for spreading Chronic Wasting Disease (CWD) are shed in the feces of animals during the asymptomatic phase of infection (Safar et al 2008⁹). Shedding during this time means that an apparently healthy animal could be shedding prion contaminated feces into the environment. This knowledge combined with the research showing

the persistence of prions (up to 2.2 years) in the soil (Miller 2004¹⁰) means that an area where animals are artificially concentrated (i.e. a bait pile or feeding station) may act as a reservoir for the spread of prion diseases (CWD).

Cost Associated with Disease Outbreaks in Wildlife Populations

- Once established in wildlife populations the cost of dealing with disease for both hunters and the general tax payer quickly escalates. Between 1994 and 2002, Michigan spent in excess of \$250 million in an effort to control bovine tuberculosis (TB) in their deer herd, with an estimated annual cost to producers of \$15 million for testing (Toso 2002¹¹).
- In Wisconsin, efforts to control Chronic Wasting Disease (CWD) have topped well over \$32 million since 2001.
- Since 2005, the estimated cost of controlling TB in the northwestern Minnesota cattle and deer herd (60 miles from the North Dakota border) has now exceeded \$10 million for testing cattle and another \$3 to \$5 million for testing and removal of deer.
- Current economic losses from brucellosis are estimated at \$10 million annually (Frye and Hillman 1997¹²). Transmission of brucellosis to cattle, apparently due to infected elk dispersing from feedgrounds in northwestern Wyoming, has resulted in Idaho and Montana losing their brucellosis Class-Free status in 2008.

Concerns Regarding Deer Harvest Success Rates

- In Wisconsin a baiting ban decreased archery hunter success (0.3 antlered deer per sq. mile), but resulted in an increase in firearm antlered deer harvest (0.6 deer per sq. mile). The net effect of a statewide baiting ban in Wisconsin (2002), with other variables held constant, was an increase in the harvest by 3 antlerless deer per sq. mile (Van Deelen et al. 2006¹³). Rudolph et al. (2006¹⁴) reported similar results in Michigan.
- "Baiting tends to increase archery harvest while decreasing firearms harvest" (Van Deelen et al. 2006¹³). Other management tools, such as Supplemental Antlerless-only Firearm Seasons (SAFS) are much more efficient at controlling deer numbers (Van Deelen et al. 2006¹³).

Feeding Impact on Population Growth

- If supplemental feeding is conducted in a manner that provides a healthy ration that does not cause grain overloading, the productivity of deer herd can dramatically increase. In addition to increasing the birth and survival rate of fawns born, the sex ratios can become dramatically skewed towards female fawns. For example, in research reported by Verme and Ullrey (1984¹⁵),

using controlled feeding experiments, the fecundity rate (average number of female fawns born per adult doe) can increase three-fold between those adult does on a low-nutritional plane diet versus those on a high-nutritional plane diet.

As a result, under these sorts of supplemental feeding programs deer herds can rapidly expand. There are a number of studies that show this same increase in fecundity for mule deer (Robinette et al. 1957¹⁶), red deer/elk (Clutton-Brock et al. 1982¹⁷) and other ruminants.

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²Miller, R.A., J.B Kaneene, S.D. Fitzgerald, and S.M. Schmitt. 2003. Evaluation of the influence of supplemental feeding of white-tailed deer (*Odocoileus virginianus*) of the prevalence of bovine tuberculosis in the Michigan wild deer population. *Journal of Wildlife Diseases* 39(1):84-95.

³Palmer, M. V., D. L. Whipple. and W. R. Waters. 2001. Experimental deer-to-deer transmission of *Mycobacterium bovis*. *American Journal of Veterinary Research*. 62(5): 692-696.

⁴Palmer, M. V., W. R. Waters, and D. L. Whipple. 2004. Shared Feed as a Means of Deer-to-Deer Transmission of *Mycobacterium bovis*. *Journal of Wildlife Diseases*. 40(1): 87-91.

⁵Palmer, M. V. and D. Whipple 2006. Survival of *Mycobacterium bovis* on Feedstuffs Commonly Used as Supplemental Feed for White-tailed Deer (*Odocoileus virginianus*) . *Journal of Wildlife Diseases* 42(4): 853-858.

⁶Palmer, M. V., W. R. Waters, and D. L. Whipple. 2004. Investigation of the transmission of *Mycobacterium bovis* from deer to cattle through indirect contact. *American Journal of Veterinary Research*. 65(11): 1483-1489.

⁷Garner, M.S. 2001. Movement patterns and behavior at winter feeding and fall baiting stations in a population of white-tailed deer infected with bovine tuberculosis in the northeastern lower peninsula of Michigan. Ph.D. Dissertation, Michigan State University.

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⁹Safar, J. G., P. Lessard, G. Tamguney, et al. 2008. Transmission and detection of prions in feces. *Journal of Infectious Diseases*. 198(1):81-89.

¹⁰Miller, M. W., E. S. Williams, N.T. Hobbs, L. L. Wolfe. 2004. Environmental sources of prion transmission in mule deer. *Emerging Infectious Diseases*. 10(6): 1003-1006.

¹¹Toso, M.A. 2002. Deer Baiting and Feeding Issues in Wisconsin. Position Paper of the Wisconsin Deer Hunters Association. 7 pp. Retrieved March 11, 2004 from Wisconsin Deer Hunters Association Web site: <http://www.wideerhunters.org/articles/baitingissue.html>.

¹²Frye, G.H., and R.R. Hillman. 1997. National Cooperative Brucellosis Eradication Program. In K.J. Raedeke et al. 2002 Chapter 9: Population Characteristics. Pages 449-491. *North American Elk Ecology and Management*. D.E. Toweill and J.W. Thomas eds. Smithsonian Institution Press. 962pp.

¹³Van Deelen, T.R., et al. 2006. Relative Effects of Baiting and Supplemental Antlerless Seasons on Wisconsin's 2003 Deer Harvest. *Wildlife Society Bulletin* 34(2):322-328.

¹⁴Rudolph, B.A., et al. 2006. Regulating Hunter Baiting for White-Tailed Deer in Michigan: Biological and Social Considerations. *Wildlife Society Bulletin* 34(2): 314-321.

¹⁵Verme, L. and D. Ullrey. 1984. Physiology and Nutrition pages 91-118 in "White-tailed Deer Ecology and Management" ed. L.K. Halls. Wildlife Management Institute. 870 pp.

¹⁶Robinette, W.L., J.S. Gashwiler, J.B. Low, and D.A. Jones. 1957. Differential mortality by sex and age among mule deer. *Journal of Wildlife Management*. 21(1): 1-16.

¹⁷Clutton-Brock, T.H., F.E. Guinness, and S.D. Albon. 1982. *Red Deer: Behavior and Ecology of Two Sexes*. University of Chicago Press. Chicago, IL. 378pp.

#13.

February 1, 2009

Senator Curtis Olafson
13041 84th St. NE
Edinburg, ND 58227

Dear Senator Olafson:

In 2007, I had the privilege to receive an elk license from the State of North Dakota. This license was for the split season. During the later season there was at least six inches of snow making hunting difficult. In the area where I was assigned to hunt, much of the land was posted with no trespassing signs, On this land piles of sugar beets were dumped to feed the deer and elk. I feel that the practice of baiting the animals ruined the hunt (not just for me but for many hunters that came from other areas of North Dakota to hunt here). To my knowledge, there was only one elk shot in our area during the later season.

I called the North Dakota State Game and Fish Department to find out the legality of baiting the deer and elk. I was informed that there is no law against this practice.

I can think of another instance to enforce my stand against baiting the deer and elk. In November 2001, a false 911 call was received at the Pembina County Sheriff's office. While officers were responding to the 911 call, two men were busy stealing two truck loads of corn from the Hensel Elevator to use as bait for deer. The men were later caught and prosecuted at considerable expense to Pembina County.

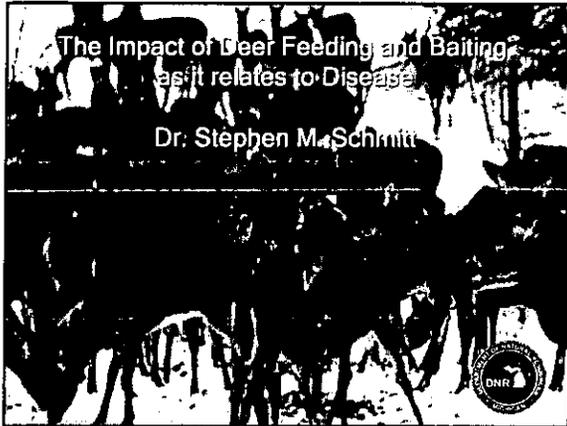
Please consider making a law to ban the practice of baiting deer and elk.

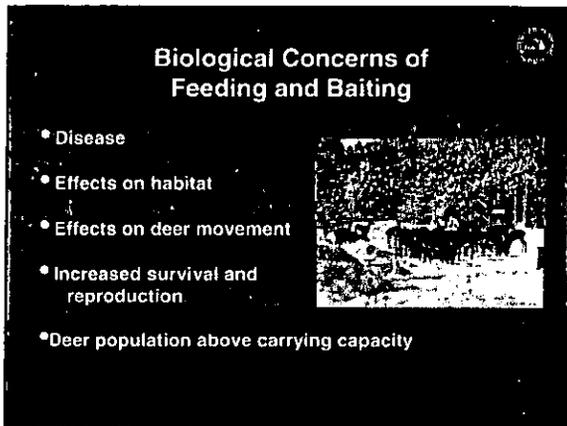
Thank you.

Sincerely,


Joe Martindale
Retired Pembina County Sheriff

Dr. Steve Schmitt
Feeding & Baiting, 2009







Political Issues

- Public Perception
- Fair Chase



Economic Issues

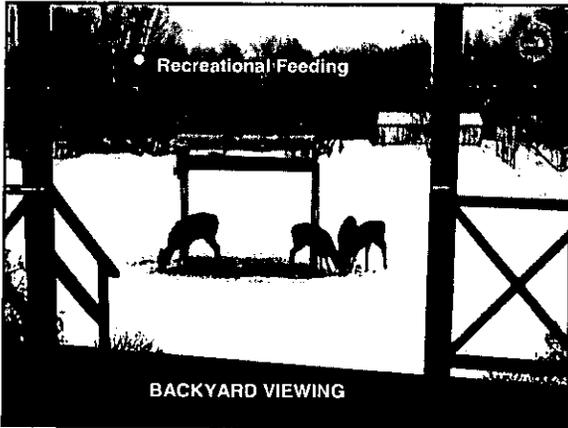
- \$50 million spent on deer feed and bait products annually in Michigan
- Cost of having disease

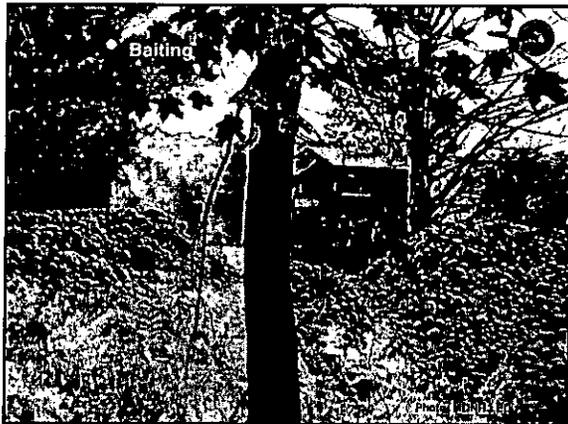


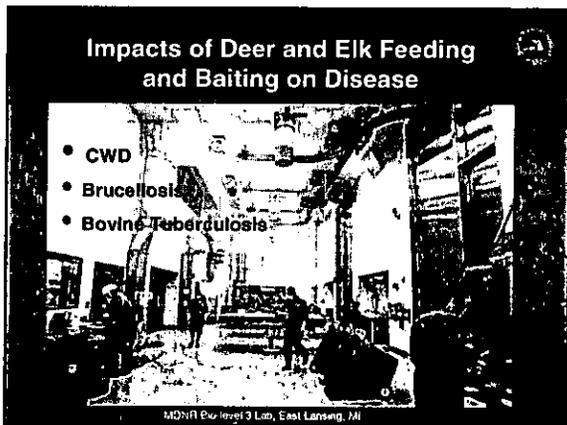
• Supplemental Feeding

OVER-WINTER SURVIVAL









CWD: Transmission

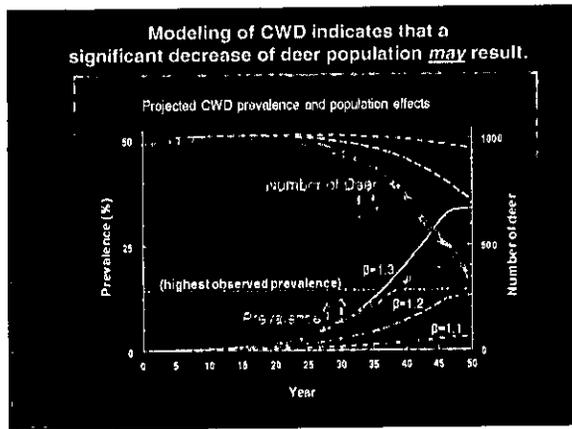
Direct or indirect contact via saliva, feces, (possibly) urine. . .

Concentrating animals increases transmission.

- Captivity
- Baiting and feeding

Environmental contamination





Lions and Prions and Deer Demise

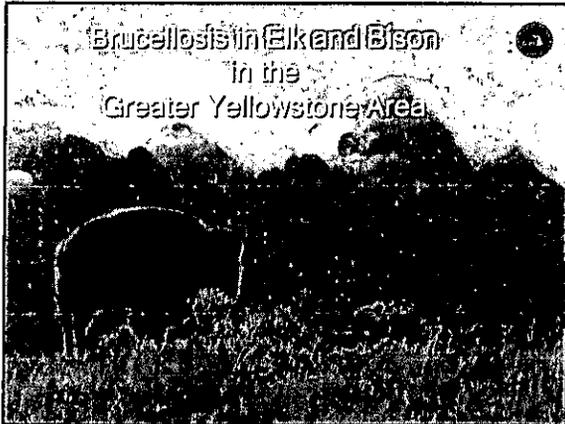
Michael W. Miller¹, Heather M. Spurgeon², Lisa L. Wolfe¹, Fred G. Oberlander¹, Brent L. Hovner¹, Charles H. Southwick¹, Paul M. Luber¹

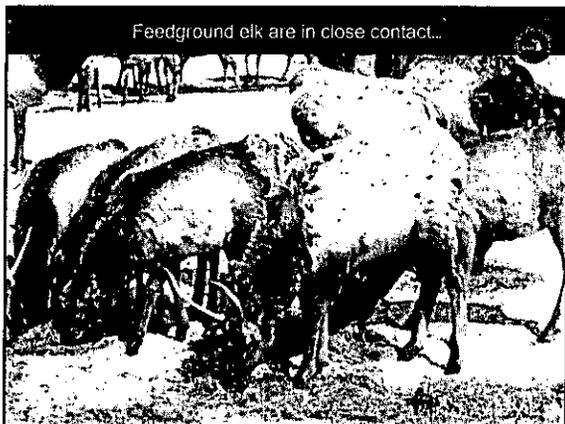
Abstract

Background: Chronic wasting disease is a prion of sheep and cervids, causing disease of several species in the deer family. . .

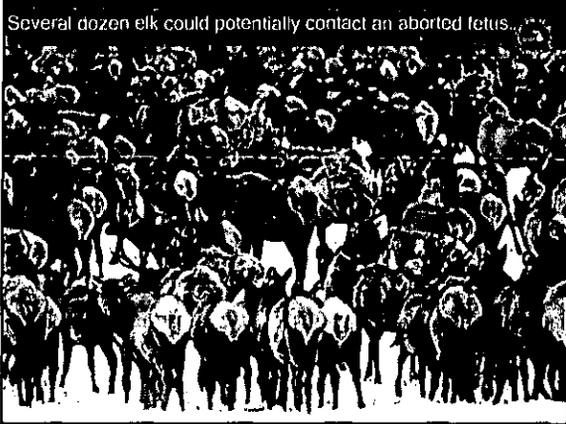
Methodology/Principal Findings: Using a cohort study design, we found that mean infection at population level and number of deer . . .

- The paper suggests that CWD is the plausible cause of a marked decline in a local mule deer population in Colorado.
- The emergence of CWD over the last two decades or more, has coincided with a 45% decline in estimated deer abundance despite ample habitat and protection from hunting by humans.

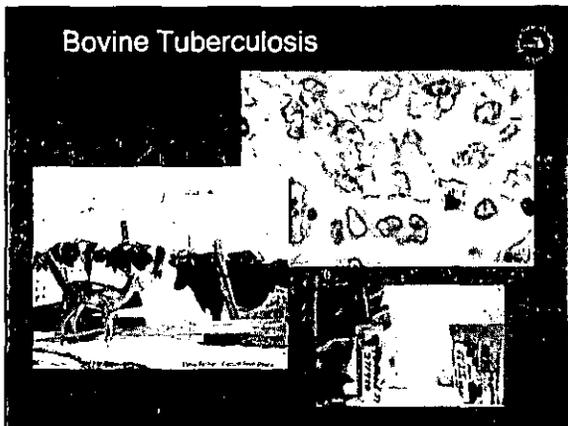


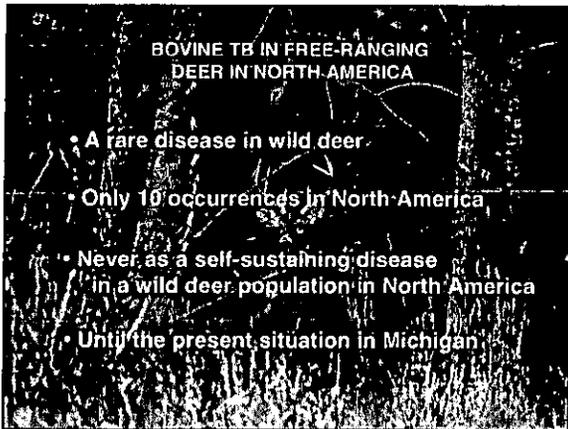


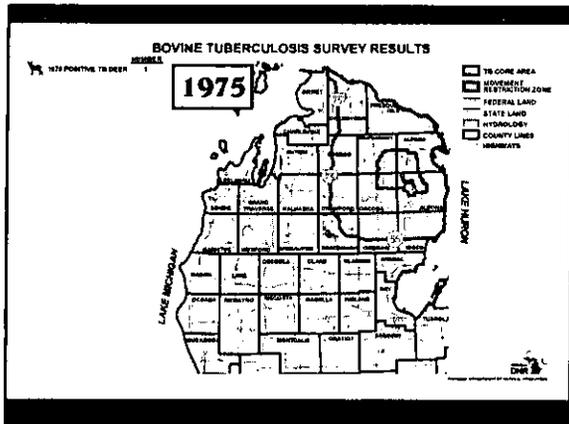






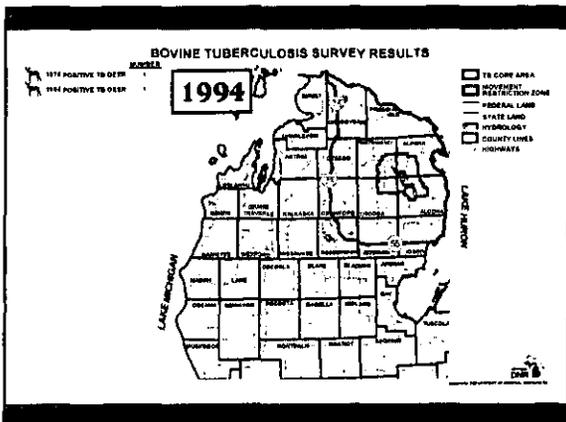






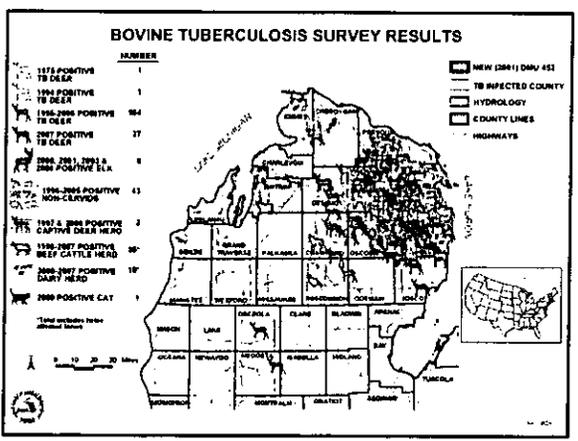


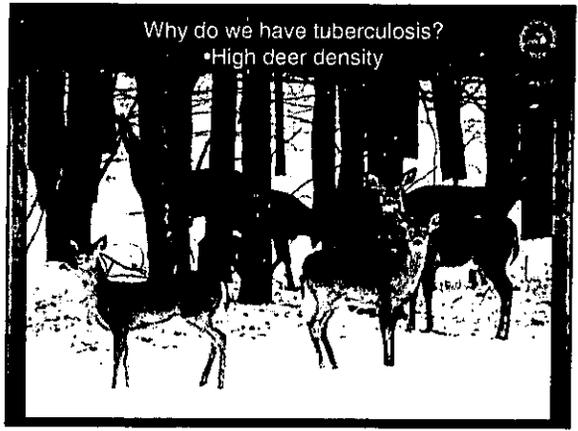


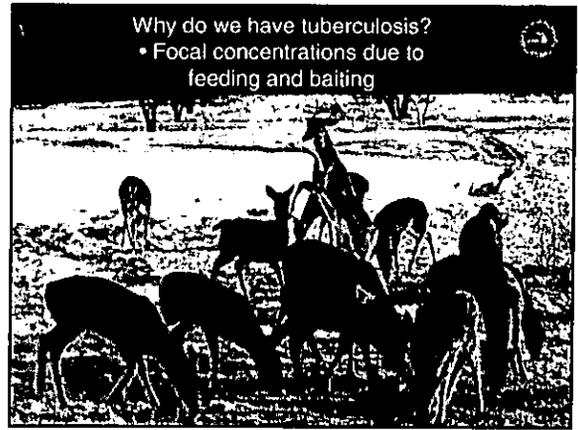


Michigan White-tailed Deer Surveillance

Year	Grand Total
1975 & 1994	2
1995	403
1996	4,966
1997	3,720
1998	9,057
1999	19,486
2000	25,858
2001	24,278
2002	18,100
2003	17,302
2004	17,302
2005	17,302
2006	17,302
2007	9,315
2008 positives & suspects	16,135
Grand Total	178,043

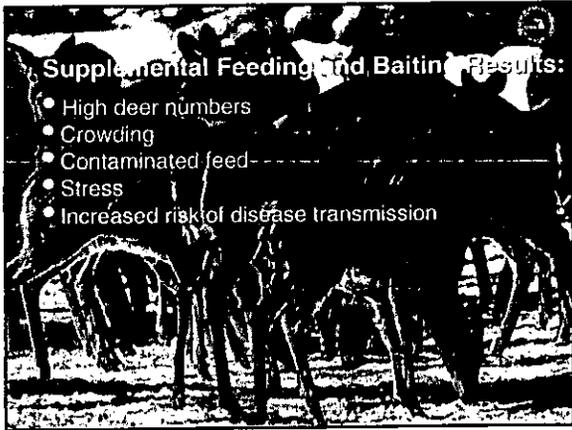






Supplemental Feeding and Baiting Results:

- High deer numbers
- Crowding
- Contaminated feed
- Stress
- Increased risk of disease transmission



Survival of *M. bovis* on Feeds

Diana L. Whipple
Mitchell V. Palmer
Bovine TB Research
USDA/ARS/NADC, Ames, IA



Microbiologist Diana Whipple (left) and animal caretaker Katy Lutz offer treats to a white-tailed deer being used to study tuberculosis in its wild counterparts.

USDA United States Department of Agriculture Agricultural Research Service 

Survival of *M. bovis* on feeds commonly used to feed and bait deer

Feeds

- Alfalfa hay
- Shelled Corn
- Sugar beets
- Apples
- Carrots
- Potatoes



Survival of *M. bovis* on Feeds

Conclusions

- *M. bovis* survives on all feeds at 75° for 7 days.
- *M. bovis* survives on all feeds except carrots at 46° for at least 12 weeks.
- *M. bovis* survives on all feeds at 0° F for at least 12 weeks.



Positive *M. bovis* cultures at MDCH.

Indirect transmission of bovine TB between deer and cattle

Mitchell V. Palmer
Bovine TB Research
USDA/ARS/NADC, Ames, IA



Mitch Palmer drawing a blood sample

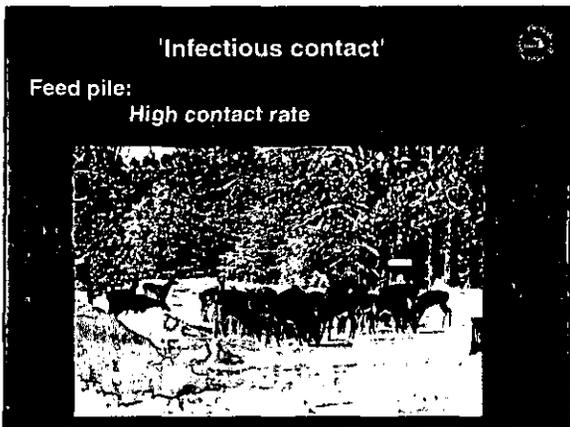
USDA United States Department of Agriculture Agricultural Research Service

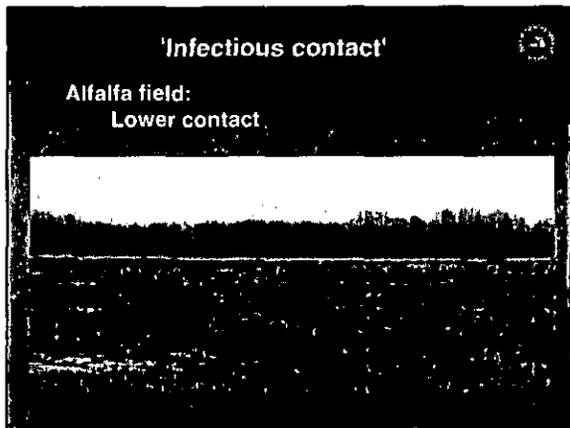


Indirect transmission of bovine TB between deer and cattle

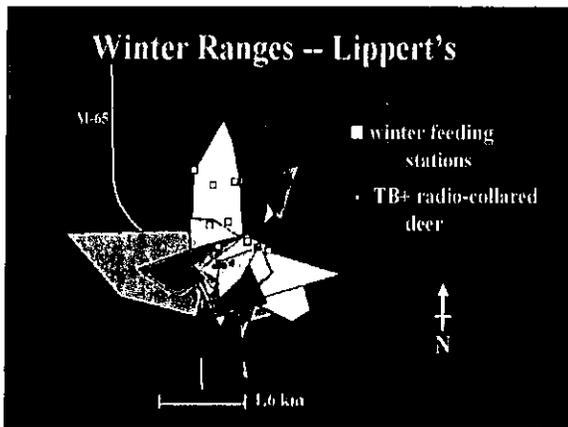
- Move feed from pen of infected deer to pen of non-infected deer and non-infected cattle.
- Deer to deer - non-infected deer became infected.
- Deer to cattle - non-infected cattle became infected.

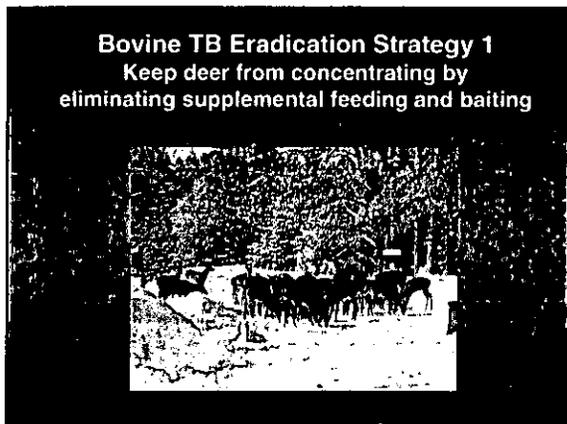


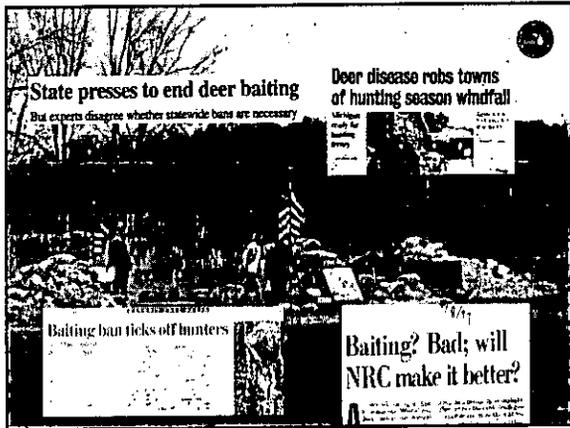


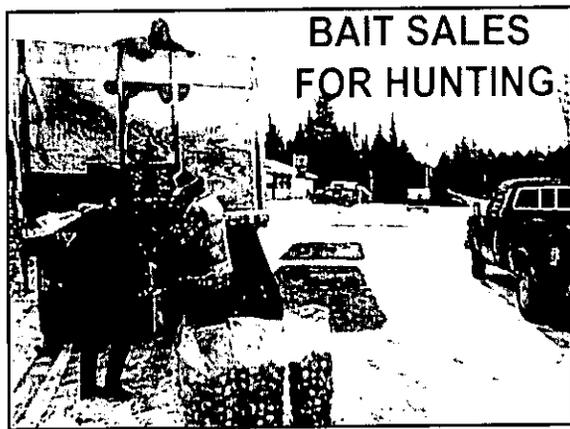




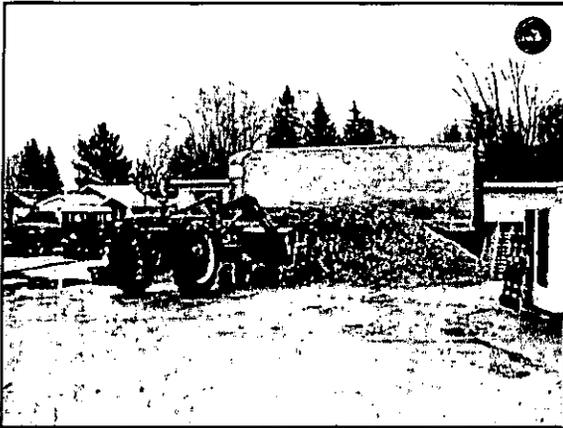










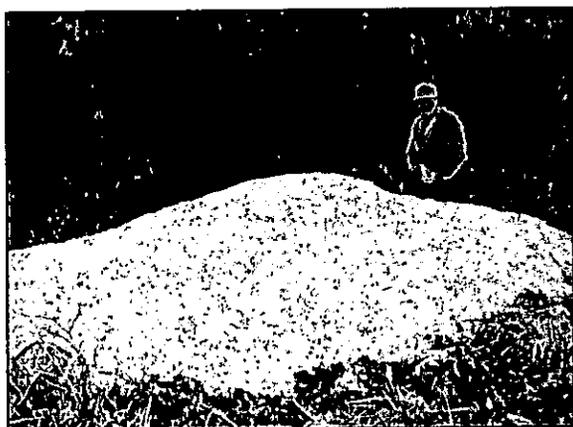


Baiting Regulation History

- May 1996:**
Voluntary restrictions on baiting in the TB core area
- May 1, 1998:**
Bait limited to 5 gallon limit in TB restriction area only (Portions of 61 of NE counties)
- July 8, 1999:**
Baiting banned East of I-75 & North of M-65
- June 9, 2000:**
Baiting banned in any county having confirmed TB positive deer
LP limit = 2 gal. LP limit = 5 gal
- October 1, 2001:**
Baiting reduced in DNU 452 to 1 gallon per day (Oct 1–Nov 30)
- June 8, 2002 to 2007:**
No Bait in 7 NE counties (Alcona, Alpena, Crawford, Montmorency, Cassida, Oshtemo, Presque Isle)
Remainder of the state – bait not to exceed 2 gallons

Current Regulations - 2009







Alternative Feeding Strategies and Potential Disease Transmission in Wisconsin White-tailed Deer

Thompson et al. 2006.

Results

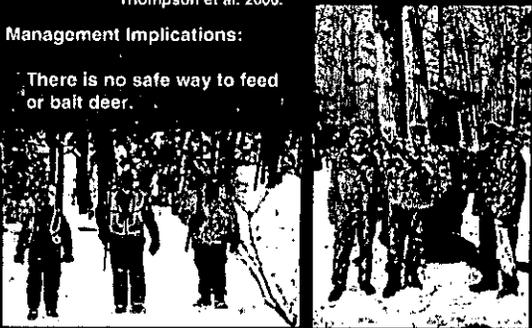
- "Supplemental feeding increased deer concentration at feeding sites and poses greater risk for direct and indirect disease transmission than does natural foraging."
- "Repeated use of feeding areas poses long-term risk for indirect transmission of resilient disease agents (e.g. CWD) that may persist in food, fecal matter, or soil."
- "Our results indicated that restrictions on feeding quantity would not mitigate the potential for disease transmission."
- "Our findings suggest that no feeding strategy (including restrictive feeding) appears to reduce the potential for disease transmission substantially."

Alternative Feeding Strategies and Potential Disease Transmission in Wisconsin White-tailed Deer

Thompson et al. 2006.

Management Implications:

There is no safe way to feed or bait deer.



Feed or Bait on Landscape

If restrict bait to 5 gallons per day:

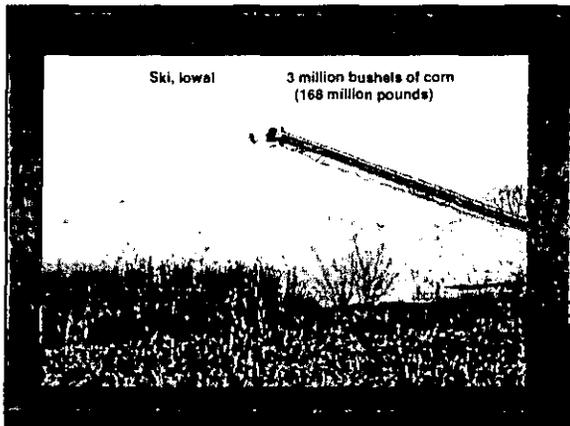
5 gallons X 7 pounds / gallon = 35 pounds

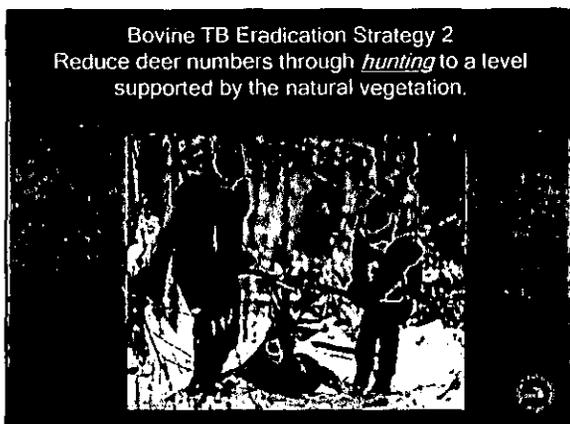
35 pounds X 90 day deer hunting season = 3,150 pounds
or 1 1/2 tons of bait

In Michigan, if 300,000 hunters bait:

3,150 pounds X 300,000 hunters =
945 million pounds or 472,500 tons of bait

potentially placed on the landscape.







Cost of bovine TB in free-ranging deer herd in Michigan

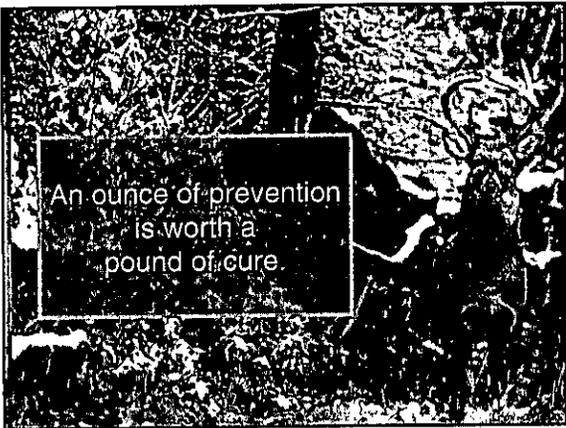
- Annually, \$10 million in lost cattle sales to other states.
- Annually, \$25 million lost revenue for local businesses in Northeastern Michigan because of bovine TB in deer (motels, restaurants, gas stations, etc).
- Increased regulations for cattle industry in Michigan.

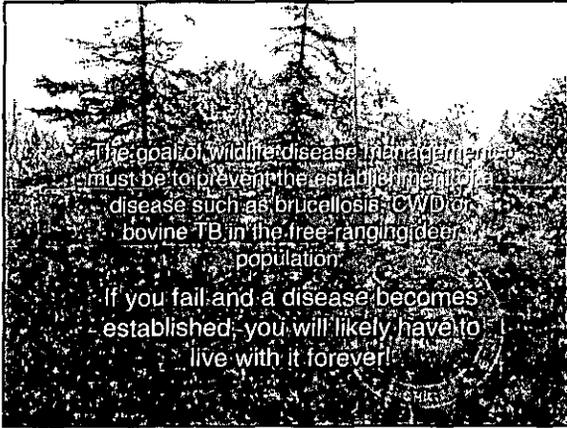


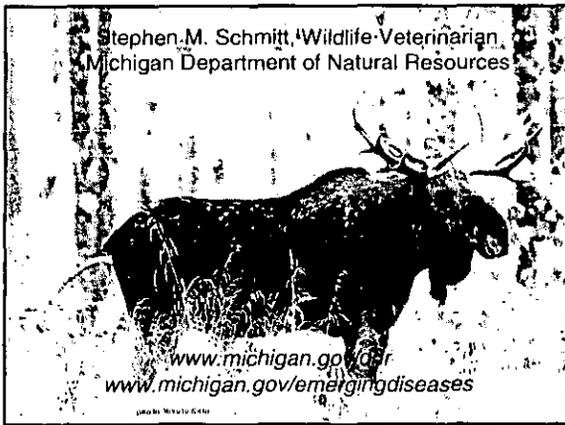
Cost Comparisons

- Wisconsin - \$35 million for CWD eradication.
(CWD was first identified in Wisconsin on February 20, 2002)
- Minnesota - \$75 million for bovine TB eradication
(since the 2005 discovery of bovine TB)









Roger Johnson
AGRICULTURE COMMISSIONER

Dr. Susan Keller
STATE VETERINARIAN

Dr. Beth Carlson
DEPUTY STATE VETERINARIAN

Dr. Jesse Vollmer
ASSISTANT STATE VETERINARIAN

Nathan Boehm Mandan
PRESIDENT, DAIRY CATTLE

Paula Swenson, Walcott
SECRETARY, SHEEP

Dr. Charlie Stoltenow, Fargo
CONSULTING VETERINARIAN



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**Testimony of Jesse L. Vollmer, DVM
Assistant State Veterinarian
Senate Bill 2351
Senate Natural Resources Committee
Brynhild Haugland Room
February 12, 2009**

Chairman Lyson, members of the committee, I am Jesse L. Vollmer, Assistant State Veterinarian with the State Board of Animal Health, and I am here today to testify in support of SB2351.

The State Board of Animal Health is required by NDCC § 36-01-12 to control, suppress and eradicate disease in domestic animals and nontraditional livestock. This is a process that is akin to putting pieces together in a puzzle. We have a nidus of Tuberculosis infection roughly 140 miles north of the border in Riding Mountain National Park. They have an endemic problem in the elk herd there. We also have a nidus of Tuberculosis in northern Minnesota roughly sixty miles east of our border, where over 20 positive white tailed deer have been identified in the past three years. We are dealing with a Tuberculosis slaughter trace back in the southwestern part of our state of which the source of the positive animal has not yet been identified, and may never be. We have a nidus of Brucellosis roughly 350 miles west of us in the Greater Yellowstone area. There is Chronic Wasting Disease present in wild deer, elk, and moose populations that come one to two counties closer every year from the southwest. Deer and elk are wild ruminants; most diseases that affect cattle also affect wild ruminants (Foot and Mouth Disease, Bovine Viral Diarrhea, Johne's disease, Leptospirosis, etc.) We have, we think, been lucky in the past and dodged the "bullet" in dealing with many of these disease issues.

The Canadians have documented elk that have moved from Riding Mountain National Park to North Dakota and back. Deer have been documented to travel over one hundred miles in North Dakota. Minnesota claims that in their northwest area, does only move two miles from their point of birth and bucks ten miles. The Minnesota data is taken from a 1956 study. Those testifying on behalf of the North Dakota Game and Fish department can more thoroughly address this issue. Minnesota did not finish most of their mitigation efforts until late this fall. Unfortunately, the horse may have already left the barn. We do not want to be in that position also. Disease transmission is a matter of opportunity; a pathogen must come in contact with a susceptible host. The amount of pathogen and the contact time of the host are important. Contact time needed to cause disease differs with the agent involved. Most of what we are talking about will deal with the Mycobacterium diseases, because they are so insidious and have extremely long incubation periods. To top that off, according to one study by Whipple and Palmer in 2006, the Mycobacterium can persist in the environment for at least four months (112 days was as long as the study was carried out) and even longer in the case of Johne's disease. The artificial concentration of deer, as a result of feeding, starting earlier in the year, makes the opportune time for disease transmission longer regardless of the disease causing agent.

In the Minnesota risk assessment (pages 63 to 65); it states there are three effective ways to contain tuberculosis. The first is to control the movement of domestic livestock (this is being addressed in our state by HB1009). The second is to control the movement of wildlife (what we are here today trying to accomplish) and the third is to consider the movement of hay and other fomites. The analysis also demonstrated that deer dispersal may extend beyond the boundaries of the proposed MA zone. The animals most likely to have dispersed are young deer, fawns and yearlings. Also in the assessment (page 66) it suggests that not enough samples have been collected outside of the MA zone to detect disease. It cannot be demonstrated that enough testing has been done outside of the zone to conclusively determine an absence of disease. The point is that we are not out of the woods yet with regard to the Minnesota issue.

In the livestock industry we condition our animals to come for food. Cows and feeder calves get up and come to the trough when the feed wagon tractor/loader tractor is started. Cows on pasture do the same when cake is presented; it is commonly referred to as "cake trained" in the livestock industry. It is somewhat disturbing when one sees this same behavior in deer when the

trip is intended to feed the cattle. If the cost to us were the same to go to the all-you-can-eat buffet versus going to the supermarket, going home, cooking, cleaning up after cooking, and then doing dishes after supper without a dishwasher, most of us would likely go to the all you can eat buffet. Deer are no dummies, they do the same.

The North Dakota State Board of Animal Health will likely support and encourage the North Dakota Game and Fish Department to pursue a scorched earth policy in dealing with wild ruminants in an area should one of these diseases be diagnosed. One of the major concerns the Board has had with the way a state nearby handled the disease eradication situation are the limited numbers of deer and elk tested to date.

Our state has been very proactive in preventing, controlling, and eradicating diseases when we have identified them. We have a chance to be proactive here today. This is only one piece of the puzzle. Our other option is to plod along as we have been, "cry havoc and let loose the dogs of war" (a Shakespeare quote is in order this time of year) and then pick up the chips where they may fall. This option will lead to someone from the State Board of Animal Health standing before you as I am today, except they will be asking for tens of millions of dollars to pick up the chips we still hope to be able to prevent from falling. For these reasons I urge a do pass on SB2351.

Thank you and I will answer any questions I can at this time.

Testimony on SB2351 – Prohibition on Baiting and Feeding for Big Game

Senate Natural Resource Committee
February 12, 2009

Much as a patient looks to their physician for an honest assessment of their physical health and well-being, we at the Game and Fish Department are tasked by the citizens of our state with looking out for the health and well-being of our state's wildlife resources. A patient has the prerogative to disregard his physician's best advice. However, this in no way releases the physician of his responsibility to deliver and prescribe a course of action most likely to promote the patient's good health and reduce the chance of illness. Much like the physician, it is our responsibility to ensure the wellness of our state's wildlife and reduce the potential threat of disease. We have the responsibility to bring attention to those things that may negatively impact the well-being of our wildlife resources. We realize our prescription will cause some short-term pain but we know it is essential for the long-term gain. We do not want to put additional constraints on our big game hunters or take away something they enjoy. However, in the name of disease prevention and the greater overall good of the wildlife, domestic livestock, and the public, we need to support this bill.

A patient does not want his physician to rely on his feelings, values, or intuition as the basis for his recommendations. Instead the patient expects the physician to use the experience gained from his years in the field, the latest research findings, and the knowledge and expertise of his profession and peers. That is what is expected of the Game and Fish Department, as well.

Experience: From our own experience, we know supplemental feeding or baiting of big game animals overrides natural dispersal and quickly teaches, conditions, and habituates deer to rely on this hand-out. Rather than forage for natural browse, deer and their off-spring will come from many miles away to take advantage of easy food sources. This congregating of deer from great distances and exposing them directly to the bodily fluids of deer coming many miles from the opposite direction is a perfect opportunity to spread transmissible diseases should any one of these animals be previously infected. An example of the effects of long-term winter feeding is the elk on the feeding grounds in Jackson Hole, WY. A high prevalence of brucellosis throughout the Greater Yellowstone Basin is the unintended product of man's best intentions. In 1997, economic losses from brucellosis were estimated at \$10 million annually (Frye and Hillman 1997). Transmission of brucellosis to cattle, apparently due to

infected elk dispersing from feed grounds in northwestern Wyoming, has resulted in Idaho and Montana losing their brucellosis Class-Free status in 2008. Wyoming lost this status in 2004.

The level of baiting has increased in North Dakota over the last ten years. If we don't address this issue now, the baiting trend will likely continue to grow and its potential to spread disease and affect deer distributions will only be more significant in future years. People want to bait for one reason - it makes it easier to kill deer. However, experience has shown we don't need baiting to hunt and effectively harvest deer. You'll hear from opponents of this bill that the deer harvest will crash without the use of baiting. We do not believe that is true. The net effect of a statewide baiting ban in Wisconsin (2002), with other variables held constant, was an increase in the harvest by 0.3 antlerless deer per sq. mile (Van Deelen et al. 2006). Rudolph et al. (2006) reported similar results in Michigan.

Since 2005, we have anxiously watched Minnesota battle a TB outbreak, first in cattle and then in deer, in an area only 60 miles from our state border. Because of our dire concern, both ND Game and Fish and ND Board of Animal Health personnel travelled to Minnesota to attend public meetings which the Minnesota agencies were conducting to brief the public and gather input. I've attended a lot of contentious meetings in my career, but never more so than those. After coming to the realization of the true death-grip the disease had on their economic futures, the same public, which two years earlier resisted agency efforts to sample for the disease and protested the preventative restrictions the state was imposing, now accused the agencies of not doing enough and demanded that they "pull out all the stops" to eradicate this disease. Our take home message was clear: do your homework upfront, inform your public, reduce densities, initiate preventative measures, conduct routine surveillance, and put contingency plans in place to respond quickly if and when you detect a disease.

I've recently asked our counterparts in Minnesota to provide a summary of the time, energy, and dollars expended by their agencies to address this issue. I've included their information in my written testimony but I'll give you just a few figures here. To date, the Minnesota Board of Animal Health has spent \$6.7 million, the Minnesota DNR \$1.7 million, and USDA \$68 million. That's over \$76 million and it doesn't include costs incurred by producers themselves. Over 1,500 deer in a 15-mile radius zone were killed by sharp-shooters, aerial gunners, and landowners in addition to nearly 4,000 taken by hunters during seasons. In addition to the contracted sharp-shooters, a total of 50 DNR staff members invested 3,000 regular hours and 1,300 overtime hours in the removal operation in 2008 (that's our entire Wildlife Division, basically a third of our agency). The job is still far from complete.

Research Findings: Bait and feed piles provide a situation where partially consumed feed, contaminated with saliva or nasal secretions from diseased animals, can then be consumed and spread the disease to other non-infected deer (Miller et al. 2003, Palmer et al 2001 and 2004).

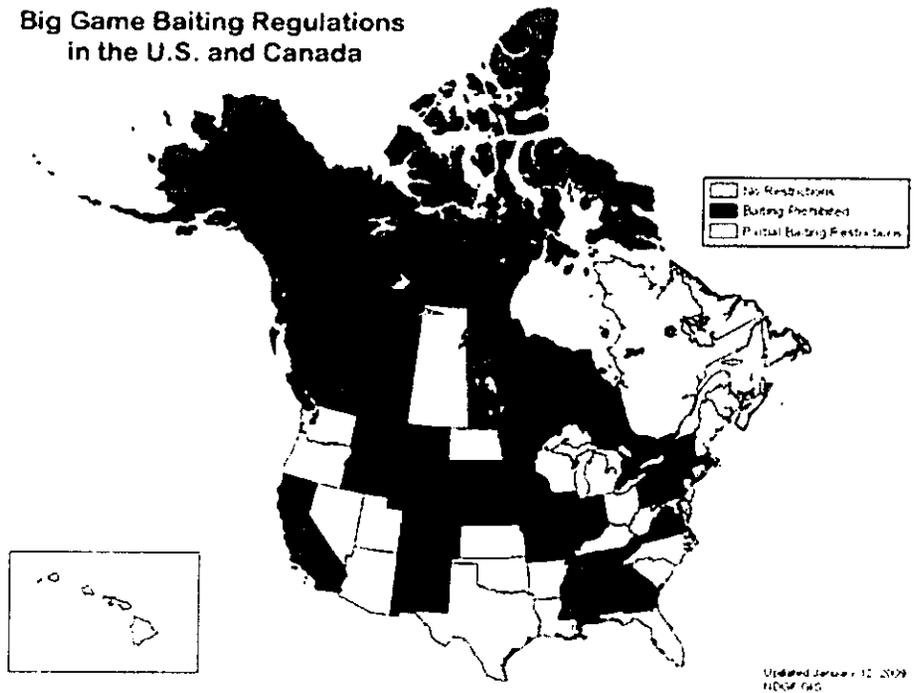
USDA research has shown that the bacteria responsible for causing TB can remain infectious for more than 17 weeks in frozen feed (this study terminated at 120-days with bovine tuberculosis bacteria still viable (Palmer and Whipple 2006).

Researchers in Michigan have documented that face-to-face contact of deer was highest at 5 gallon piles of corn. They also noted that up to 35 different deer may visit a 5 gallon bait site within a one hour period. The conclusion from this research was that any amount of bait can be expected to sustain and spread diseases like TB, but smaller quantities of certain foods (e.g., corn) tend to aggravate the problem (Garner 2001). Yes, deer naturally congregate where they find food whether it be a standing corn field, a food plot, or any other natural food source but the level of exposure at a small bait site is drastically magnified; hence, the reason why a volumetric restriction on baiting would not address our concerns.

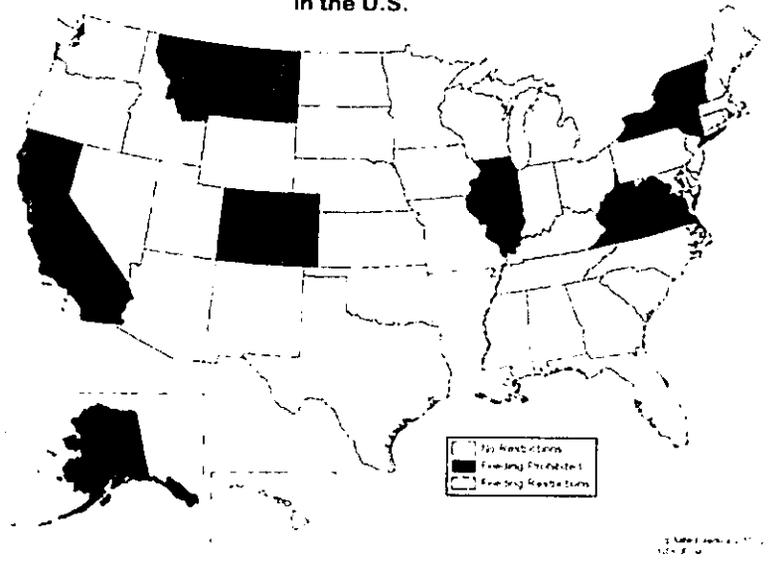
Professional Expertise: Dr. Davidson, assistant director of the Southeastern Center for Wildlife Disease Study (SCWDS) at the University of Georgia has stated "... science knows more than enough about the transmissible disease to realize we must not artificially concentrate wildlife." "A key to prevention is to reduce or eliminate those risk factors that are controllable and live animal importation, supplemental feeding, baiting, and the other highly artificial practices are controllable risk factors." "Based on experience gained over several decades of work in the wildlife disease field at SCWDS, we believe that such actions are imperative if wildlife, domestic livestock and poultry, and human populations are to be safeguarded from unnecessary disease risks (Davidson and Fischer 2003).

As I conclude this testimony, I will once again return to the patient-physician relationship. I've touched on just some of the pieces of experience, research, and professional expertise upon which we've based our support for this bill. It would be irresponsible of us to ignore this information and not provide our honest recommendation. You, the legislature, and the people of this state have every prerogative to heed or disregard this advice. In the end, it is your resource and it's your decision but we highly recommend you give SB2351 a DO-PASS.

Big Game Baiting Regulations in the U.S. and Canada



Big Game Feeding Restrictions in the U.S.





STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO.

FILE NO.

February 10, 2009

Greg Link
100 N. Bismarck Expressway
Bismarck, ND 58554

Dear Mr. Link,

As requested, this letter is meant to summarize MN's experience with bovine tuberculosis (TB) in NW MN and the impact it has had on the MN Department of Natural Resources (MN DNR).

TB was first discovered in cattle operations in northwestern MN in 2005. Since 2005, a total of 12 cattle herds have been identified as TB positive in NW MN, all of which have been depopulated. Surveillance of wild white tailed deer in the area has since identified a total of 24 TB positive deer, all found within five miles of an infected farm.

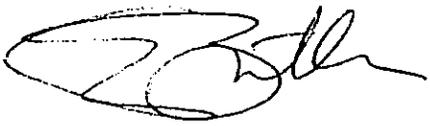
In response to the discovery of TB positive cattle herd, MN DNR developed a surveillance zone, which encompassed a 15-mile radius centered on the infected livestock operations in 2005. Sampling goals were set at 1,000 samples annually, which would ensure 95% confidence of detecting the disease if prevalent at >1% of the deer population. MN DNR employees collected samples from hunters who were asked to voluntarily submit lymph nodes for TB testing at big game registration stations. Since 2005, a total of 3,828 hunter-harvested deer have been sampled and tested for TB. MN DNR also conducted statewide TB surveillance in hunter-harvested deer in 2006 (with a total of 4,058 deer sampled) to ensure that the infection wasn't widespread.

Following the identification of a TB positive deer, MN DNR identified two main strategies to eliminate infection in wild deer. These were through reducing deer densities in the TB zone and restricting recreational feeding (baiting has been outlawed in MN since 1991), thereby reducing deer-deer contact and transmission of disease. Deer removal efforts included very liberalized hunting season (unlimited disease management permits, early antlerless seasons, late rifle seasons), the use of contracted ground sharpshooters and helicopter aerial gunning in a 164 mi² "TB Infected Core", and landowner/tenant shooting permits. A total of 1,425 deer have been removed and tested through contracted sharp shooting efforts and 215 deer have been by landowner/tenants. A ban on the recreational feeding of deer and elk was implemented in November, 2006 in a 4,000 mi² area in NW MN. Enforcement of both the baiting and feeding regulations has been "stepped up" to include both ground surveillance and aerial surveillance.

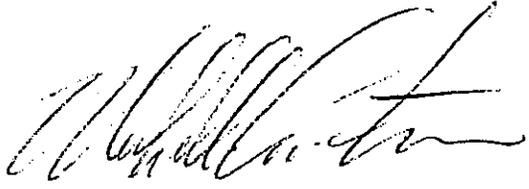
The identification of TB in MN's deer herd and the aggressive response taken by the MN DNR, the United States Department of Agriculture (USDA), and the MN Board of Animal Health (MN BAH) has cost the state millions of dollars. For example, the 2008 aerial gunning effort lasted a total of 12 days. In total, 50 MN DNR wildlife staff assisted in the operation, contributing approximately 3,000 regular hours and 1,300 overtime hours to the project. In addition, conservation officers worked 553 hours. The cost of the aerial gunning operation was nearly \$1000/deer with 12 hours of effort/deer. To date, USDA has spent nearly \$68 million, MN DNR has spent approximately \$1.7 million and the MN BAH has spent approximately \$6.7 million on TB eradication efforts. In addition to these direct costs, the indirect costs impact everyone in the area and many (including livestock producers) throughout the state. Recreational landowners have commented that their land values (often purchases solely for hunting purposes) have decreased substantially and local business owners have reported a significant loss of business. Difficult to quantify would be the social costs of TB to the local community.

When it comes to managing wildlife disease, prevention is often the best tool available. Artificial food sources (such as baiting and recreational feeding) are known to increase the direct and indirect transmission rate of diseases, especially TB. While diseases do exist in natural systems, artificial risk factors, such as baiting and feeding, are something that we can control. Please feel free to contact us with any questions regarding the content of this letter.

Sincerely,



Erika Butler, DVM
 Wildlife Veterinarian
 MN DNR Wildlife Health Program
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February 12, 2009

Chairman Lyson and members of the Senate Natural Resources Committee,

My name is Woody Barth; I am here representing North Dakota Farmers Union. I am here to voice my organization's support for the SB 2351.

North Dakota Farmers Union believes livestock production is essential to the well-being of North Dakota. NDFU actively promotes the development of livestock in North Dakota as a vital component in maintaining a healthy agriculture sector. Our organization remains a leader within the livestock industry, actively promoting its growth through business ventures and responsible livestock policy.

North Dakota Farmers Union supports SB 2351 because baiting of big game dramatically increases the chance of disease to domestic livestock herds. We feel a disease outbreak among wild game could spread to our domestic herds. This would have a devastating effect on family farmers, ranchers and our rural communities.

NDFU believes that making it unlawful to feed and hunt big game over bait is for the greater good of ND's livestock industry. We respectfully ask for a "do pass" recommendation on SB 2351.

Thank you, Chairman Lyson and members of the committee. I will stand for any questions.



North Dakota



STOCKMEN'S ASSOCIATION

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SB 2351 Testimony

Good morning, Chairman Lyson and members of the Senate Natural Resources Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

The North Dakota Stockmen's Association rises in support of SB 2351 for one reason – its implications in mitigating disease risk for the state's cattle herd. The North Dakota cattle industry is a significant and flourishing industry, representing approximately 18 percent of the state's agricultural cash receipts. More importantly, though, are the people our industry represents, 11,000-some hardworking farm and ranch families who make their living from their livestock.

Because our life and our livelihood lie with those herds, it is critical that we protect them from disease and protect our industry from costly testing and disease response. Our cattle industry members believe taking preventive steps is far better than waiting and having to taking reactive steps after an outbreak occurs.

You've already heard about the science that points to the elevated disease risk that occurs when animals are baited or, in any way, artificially fed. You've also heard about the interaction that occurs between wildlife and domestic herds and how their "sharing" can have devastating effects.

North Dakota



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We don't have to look far to see how disease shared between wildlife and domestic livestock impacts animal agriculture. Both our eastern and western neighbors are in the midst of messes right now.

The North Dakota Stockmen's Association has a member just over the border in Minnesota. The family raises and markets seedstock and described the burden they are now faced with as the state works to overcome its TB situation. In addition to the added testing they are required to do – whole-herd and individual tests – the value of their animals, they said, are markedly diminished. Customers from other states are wary of purchasing Minnesota-origin cattle, and the extra identification and paperwork requirements have added to their workload and their cost sheet.

While there is probably no good way to estimate the cost of a state's damaged reputation after a disease situation, it is easy to come up with real, hard numbers when it comes to added costs for testing. On average, a TB test will run \$10 per head. Depending on the level of disease impact, a producer may be able to test an animal only once, or he or she may be required to test multiple times depending on the amount of time between tests and other factors. At \$10 per head, it would cost about \$10 million to test one year's calf crop in North Dakota.

And then we'd need to find more veterinarians to conduct the extra work. Our hardworking large-animal vets are already stretched thin, and this would put tremendous extra pressure on them.

North Dakota



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Our board of directors recognizes that banning baiting and feeding alone will not stop the threat of disease, but it is one of the critical tools we need to have to work to this end. To augment this effort, we have been working to increase animal health import surveillance and state animal health personnel to work on this issue and have adopted internal policy to guard against high-risk livestock. We have also been in dialogue with the North Dakota Game and Fish Department about localized areas of overpopulation and how keeping deer numbers down and keeping deer away from our cattle and their feedstuffs through special season hunts and other management techniques are essential if we want to have a chance against this problem. To be effective, our approach needs to be multi-pronged and supported by hunters, ranchers and government officials alike.

SB 2351 has value as one of the tools in our disease prevention toolbox. For this reason, we ask for your favorable consideration.

Good morning Senators,

My name is Seth Bauer, I'm 14 years old and I am in seventh grade and go to Simile Middle School in Bismarck. I love to hunt. I have been bow hunting for the past four years and I have filled my bow tag twice. I hunt on some property north of Bismarck along with other people. This past year I got permission to hunt on some land that had trees and an old farm on it. My dad and I scouted this spot and patterned the deer going to a field. We set up a stand that I hunted many times with no luck. Two times I saw deer at this one spot in the treerows and that's where they stayed until dark. After seeing the deer there the second time, the next day we went to check out the spot where these deer had stopped. Guess what we found there, a tree stand that had a pile of corn by it. All the time that my dad and I put into scouting and hunting was a waste in my eyes. This wasn't the first time this happened to me, and with your support of Senate Bill 2351 hopefully this won't ever happen to me or other young hunters like me in the years to come who don't hunt over bait.

Seth Bauer

Seth Bauer

6522 Golder Crest Rd. Bismarck

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Testimony Opposing SB 2351 February 12th, 2009 Senate Natural Resources Committee Senator Stanley Lyson, Chair

Senator Lyson and Members of the Senate Natural Resources Committee:

My name is Clarence Bina, and I represent the United Sportsmen of North Dakota.

We oppose SB 2351 as written. We support the right of North Dakota big game hunters to choose their own method of hunting, including baiting. While we do not support the large-scale truckload bait dumping that has occurred in some areas of the State, we do support an individual hunter's right to place a small amount of bait for his own hunting purposes. We also support an individual's right to feed wildlife for viewing and photography purposes, including backyard bird feeders.

While it is common knowledge that congregating animals may increase the risk of spreading disease, we believe that this congregation occurs naturally every winter all across North Dakota. Combine this with the fact that small scale baiting done by hunters is curtailed in the fall before deer are herded up for winter, it becomes apparent that small scale baiting by hunters constitutes a very insignificant risk of disease spread. We believe that deer congregating in and around winter livestock feeding operations creates an infinitely greater disease risk than hunter baiting.

We believe that baiting should be viewed as a valuable management tool when used to congregate deer in urban hunting situations where bowhunting provides the only practical means of managing local deer populations. We also believe that baiting should only be done with the landowner's permission.

Furthermore, we do not believe that the decision to bait or not to bait is an ethical issue. It is simply a choice that each individual hunter should have the right to make for himself. We don't believe that hunting over a 5 gallon pail of corn is any different than hunting over an oak tree full of acorns, a manmade food plot, or a picked corn field.

Finally, we believe that the implementation of any law that restricts baiting will create a huge enforcement challenge for the North Dakota Game and Fish Department. However, a law stipulating a volumetric limit on baiting will allow the restriction and control of truckload baiting while still allowing the individual hunter the choice to bait. A volumetric restriction will also eliminate the need to regulate game bird feeding efforts or the average back yard wildlife or bird feeder.

We urge the committee to recommend "Do Not Pass" on SB 2351.



I'm Lynn Kongsle from Towner ND. We have a family cow calf ranch operation where we run around 700 cows. I've been an auctioneer for over 35 years and have conducted hundreds of sales, I also have been a livestock buyer for about 30 years, I also have guided for over 20 years and we run a small bow hunting lodge on our ranch.

The reason we started the hunting lodge was to bring



extra income into the ranch to help keep it going. I've never got rich nor will I ever get rich running this bow hunting lodge. But believe me it wasn't that I wanted to run a hunting lodge it was that I needed to in order to keep the family ranch going, due to times of low calf prices and high input prices. My son who is 21 years old and now done with collage and wants to ranch, without the extra income from guiding, I'll have to go back to work on the road buying cattle or what have you. For one single



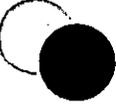
reason, this will happen because I can't put 5 gallons of bait by a deer stand. Not let alone taking my rights of a landowner away. Telling me and every other landowner what we can and cannot do. Do we have property rights? And what is next if this bill passes?

I was here 2 years ago on the house side testifying on this bating bill it was a game and fish bill then and it is still a game and fish bill now. Now they have made it a livestock disease issue bill to get it passed, whatever it takes to get it done.

I had a private meeting with senator curt oalfson about 2 months ago on this bill he was going to introduce and I wanted him to put a 5 gallon rule of feed in the bill. He didn't listen to me, but I think he only listened to the game and fish. It is no secret among the outfitters that the game and fish knows that



without putting 5 gallons of feed out that we are out of business. Like I said I've been guiding for about 20 years , when this feed is put out in September or October, these deer don't attack the 5 gallons they walk up to it take a few bites out of it and walk to the green fields, but it gives a bow hunter a small window to take a shot. You still have to scout and hang stands where the deer come out from their bedding areas, and then to



place 5 gallons or less out.

I feel that for some reason the game and fish think that if they can get the outfitters out of business and we go away that the game and fish will have all the more land open to hunting for the public.



It 's my understanding that there are people dumping semi loads of feed out for deer hunting I have never seen this but I

have no doubt its being done, I agree 100% that this practice should be stopped at once. There would be no doubt that dumping semi loads of feed would pull deer in from a long way off and cause possible disease issue but when they tell you 5 gallons of feed is going to pull deer in from any big amount of distance. Don't believe it, it is not true.

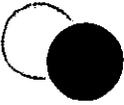
Senator curt oalfson set up a meeting at the game and

fish and asked me if I wanted to attend. This meeting was about a month ago. People attending were stockmens ass, State vet, Senator Curt oalfson and the game and fish commissioner and other game and fish personal. When I went to the meeting it was just a bating bill and after a lot of discussion. I had to ask anyone at the meeting if we are so concerned about the disease issue, "what is the difference between baiting and feeding as far as spreading disease?" No one answered because

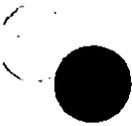


there is no difference. Remember you don't give deer T.B. from feeding or baiting.

Back to the propaganda the game and fish put out in a brochure. When they mailed out deer licenses, The T.B. scare tactics has a lot of livestock producers worried and scared. Every rancher worries about different diseases everyday as my father did and his father did.



But how did Minnesota get this outbreak of T.B. in northwestern Minnesota. I'm a loyal reader of the agweek (grand forks herald). They have had over 30 articles the past 4 or 5 years on Minnesota trouble with T.B. in the deer. And I quote "officials have diagnosed the disease as a Mexican strain of bovine T.B. That originated from cattle brought into the area". "Officials have traced back the cattle that were brought



into northwest Minnesota from Texas that were Mexican type cattle used for roping. Now I'm worried.

After talking to our State Vet Susan Keller, We have got a law already, that we can't bring these cattle into north Dakota without proper health papers T.B. testing and so forth, and subject to a \$5000,00 fine. I asked her who enforces this law.

Then I did get scared to death when she said no one. That's a

scary thought. In fact the livestock ass and producers ourselves better get this taken care of and especially our secretary of ag, and legislators hopefully after finding this information out, I would hope it would be one of the legislator's up most important issue to deal with their time left in the 2009 session.

It appears we need the highway patrol and county sheriff's dept. to get training for stopping these trailers and trucks and

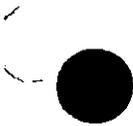


see if they have the proper health papers and requirements involved.

I would think it would be a no brainer to attack the T.B. problem by keeping the diseased cattle out of the state so we don't bring cattle in the state and infect our deer herds like one individual did in Minnesota.



I believe the game and fish is starting from the back door in trying to stop baiting. Most folks believe there are other self gotten reasons, but if the game and fish is so concerned about T.B. as they say they are and our new found friend in the livestock business maybe after our legislature provides money to enforce these laws maybe we can get the game wardens with proper training so they can help with the stopping of

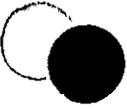




trailers and check for proper papers. And help stop illegal transportation of cattle into North Dakota.

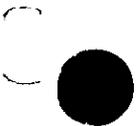
Because if our legislator and livestock producers think that these cattle aren't coming into North Dakota you would have to be pretty naïve. I'm sure we have had this happen, and will happen over and over again. So far we have been very lucky

that the cattle haven't been infected, it will eventually happen



to us. As North Dakotans we need to stop it, and keep these infected cattle from other states such as Minnesota and other infected states from entering our state should be at the top of our legislator's agenda.

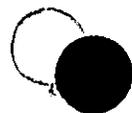
After reading this senate bill it states feeding and baiting big game. My question is when people feed or bait non big game animals such as turkey or pheasants, and deer come in





and eat with them? “Which they will do who decides if you are breaking the law or not?”, Game and fish, a lawyer, or a judge?

This is a loop hole that can be closed by an amendment that has been drawn up with a 5 gallon rule, that also would put a stop to these people who are over baiting and such. This amendment has been given out to the committee with this testimony.



AMENDMENT TO SENATE BILL 2351

Section 1. A new section to chapter 20. 1-05 of the North Dakota Century Code is created and enacted as follows:

Feeding and Baiting Limits Application. When feeding or baiting big game it is unlawful for an individual to place over 5 gallons of feed or bait at any given time when feeding or baiting big game. Baiting stations will be 100 yards apart or more at any given time. As used in this section, bait includes grain, seed, mineral, salt, fruit, vegetable, nut, or any other natural or manufactured food placed by an individual. Hay will be excluded as feed or bait. As used in this section, baiting does not include agricultural practices: gardens, wildlife food plots, agricultural crops, livestock feeds, fruit or vegetables in their natural location, such as apples on or under an apple tree, or unharvested food or vegetables in a garden. This section does not apply to wildlife management activities by and under the direction of the department. An individual who willfully violates this section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a subsequent offense.

~~#10 Jerry~~

#10
Chris
Judy

PROPOSED AMENDMENTS TO SENATE BILL NO. 2351

Page 1, line 1, replace "20.1-05" with "20.1-01"

Page 1, line 2, after "big game" insert "and game birds"

Page 1, line 5, replace "20.1-05" with "20.1-01"

Page 1, line 7, after "big game" insert "and game birds"

Page 1, line 8, after "big game" insert "and game birds"

Page 1, line 9, after "big game" insert "and game birds"

Renumber accordingly

Konschak, Kitt

From: Lyson, Stanley W. [slyson@nd.gov]
Sent: Monday, January 26, 2009 12:37 PM
To: Konschak, Kitt
Subject: SENATE BILL 2351

This bill is another example of taking the landowner's rights away. The landowner pays the taxes, pays for the upkeep of the fences that the deer break down every year when they travel through, he takes care of the weeds that the deer help spread as they move through his land. He fights drought, floods, insects and weeds. He spends lots of money on equipment and repairs to take care of that land and now you want to tell him he can't hunt that wildlife if he feeds them a certain way!

In accordance to this bill, a land owner will be breaking the law by cleaning out his garden and tossing those leftovers out on his land or cleaning up apple trees and spreading them for the wildlife.

BUT..legally, his neighbor would be able to leave rows of corn standing for the purpose of attracting big game. A neighbor can "accidentally" dump piles of corn while harvesting with the real intent being to attract wildlife, and that would be legal. The reason that ND Game and fish is "silently" supporting this bill is a thin disguise, using disease prevention as a main concern. This simply is a scare tactic to pull the wool over your eyes and really has not much at all to do with disease prevention.

If disease was the main concern, then there should be some kind of restrictions on "normal agriculture practices" which are much bigger culprits that cause deer to congregate in huge numbers around corn fields, bean fields, and sugar beet piles; especially during winters like we are having now. But there is not.

Disease does not just spread during hunting season, when most "baits" are put out for a few weeks. A couple of Cabela corn feeders cannot compete with the sunflower, corn, beans and beets being left in the fields because of Mother Nature or a farmer's personal reasons.

We tried using two feeders this past season and no deer came to our feeders, they had way better places to eat because of standing crops. We saw hundreds of deer congregating in fields, however. Deer congregate in large numbers in the winter whether someone has a feeder or not. Deer congregate in ranchers' hay fields by the hundreds for months at a time. A landowner throwing out some apples or a wild life block pales in comparison.

When I asked Terry Steinwand at an Advisory Meeting how this type of law can be enforced, I was "advised" that it would be self enforced with neighbors turning in neighbors. Is that really how to foster hunter/landowner relationships and address land access problems? Is that really the best they can offer?

Respectfully submitted,
Konschak@btinet.net

*Kitt Konschak
A North Dakota Land Owner and Hunter.*

Today is the tomorrow you worried about yesterday.....Now you know why.

SB 2351

Mr. Chairman and members of the committee, my name is Kay LaCoe from Bismarck and I oppose this bill. As a landowner, livestock owner, sportswoman and lifelong citizen of this state, I assure you I have a dog in this fight. This bill was presented as a disease prevention bill, but as it is written it leaves out any mention of a population reduction plan which is the crutch of disease prevention. In addition, this bill blatantly infringes upon the rights of the many landowners that provide a means of living and thriving for the "public resource" it is claiming to protect. And finally, baiting is purely a human issue and this bill is slated to impede sportsmen/landowner relationships further reducing the true kryptonite of the ND hunting heritage - access.

The authors and proponents of this bill will lead you to believe that outlawing baiting may be the silver bullet in big game and bovine disease prevention when, in fact, baiting is not even the tip of the iceberg. Their arguments hinge upon mere speculation and optimism, when, in fact the presented bill is purely a means to the end of a personal agenda of one or a select few.

The proverbial light that the proponents of this bill fail to see is that population control is where they should be spending their resources, not making it illegal to feed animals. While banning large scale baiting may be a piece of the puzzle in disease transfer prevention, without completing the puzzle with additional effective population reduction tactics it won't protect either the deer or the domestic livestock herds from disease issues.

It really makes no sense to regulate possible transfers and not to even address the real cause of the underlying issue – overpopulation.

While wildlife may be a "public resource" the vast majority of it lives and thrives on "private" lands.

Last in my litany of reasons to vote no on this bill is the pure and simple fact that baiting is a human issue, it is not a disease issue. It is the proponents way of attempting to regulate or legislate their way to a "quality hunting experience," a pity party of the have nots versus the haves. It has been said that baiting is an outfitter practice when in all actuality used more by those who hunt public lands to help ensure a successful season.

Some bills this session may lead you to believe that license fees or leniency on hunter safety requirements will somehow restore the hunting heritage this state once enjoyed. When, in fact, it is the access, or lack thereof, to land to hunt that is disease that will kill this state's hunting future. Pass this bill and the gates will close.

#13

KariAnn Buntrock

From: Andy & KariAnn Buntrock [buntrock@bis.midco.net]
Sent: Wednesday, February 11, 2009 7:35 PM
To: slyson@nd.gov
Subject: SB2351- Feeding and Baiting Big Game
Attachments: Exhibit_1.pdf; Exhibit_2.pdf; Exhibit_3.pdf

Dear Senator Lyson,

The reason I am writing you Senator is for your support on a NO vote for SB 2351. Senator, my wife KariAnn and I love to spend time together in the outdoors. In 2007, my wife and I appeared at a Natural Resources hearing for this same issue, which was later voted down by the House. This was four days before I left for Iraq with the ND Air National Guard. Sitting in that meeting and doing the research to fight that bill was the last thing that KariAnn and I wanted to be doing, but we felt it was worth our time for the love we have for the outdoors. My wife KariAnn along with my father will be attending the hearing on Thursday to try and put this issue to rest once again. Sir, I work for Basin Electric Power Cooperative and unfortunately, I am out of town right now, so will not be able to attend the hearing, but would like to share my points with you in this e-mail.

There are an endless number of reasons to eliminate this bill, but I will only touch on a few key points that have the greatest bearing on this issue: disease, ethics, and the dramatic impacts that this bill will have on our ND citizens and Ag Producers.

Disease: Much emphasis has been spent on disease as the main driver behind this bill. The problem is that there is not substantial evidence that suggests that taking baiting or feeding away from law abiding citizens will do anything to reduce the prevalence of deer to cattle contact, and thus reduce the spread of disease. In fact, according to studies done by the Colorado Division of Wildlife, a deer is about 20% more likely to contract diseases through exposure to an infected carcass than through nose-to-nose contact with an infected deer. With this research in mind, why are we not focusing our efforts on cleaning up the thousands of road-kill on our state's roadways? (Please see Exhibit 1, a picture of a deer carcass that was taken only three miles east of the Game and Fish Department Headquarters, in a main deer corridor adjacent to a State Food Plot Research Field, on Highway 10.) Passing this legislation will have no impact on reducing the prevalence of deer to bovine contact in the winter months, and may even cause an increase in occurrence.

Ethics: The ethical issue of hunting deer over bait is one that could be argued all night. The fact of the matter is that baiting is an effective and legal means of controlling the population of deer in ND and approximately half of the states in the U.S. allow baiting. We are controlling the same population of deer that demanded an early doe season in September to try to control the population in the NE part of the state. If one were to prefer to hunt with a 300 Weatherby over using a recurve bow, is this not a decision that should be made by the individual hunter, not a governing party? The baiting issue is along the same lines. Approximately two years ago, Terry Steinwand from the Game and Fish Department told me personally that the ethical baiting issue attacks from his department would cease, as it was not their job to make those determinations. Yet, the attached brochure was sent out with the thousands of deer hunting licenses last summer seems to portray a different story (Exhibit 2).

Impact to ND residents: The bill you are voting on has a dramatic impact on a large sector of ND residents. According to a wildlife study by the U.S. Fish and Wildlife, nearly 114,000 ND residents over age 16, partook in the feeding of wildlife in 2006. This bill will have a deep impact on up to 22 percent of the population of this state. Now it should be noted that this study did not specify the type of wildlife fed, but it is the only data we have to base our decision on. Greg Link, from the ND Game and Fish Department, stated in the Bismarck Tribune last week that their department did not have a handle on the amount of people that feed deer in ND. It would be prudent for an Impact Study to be done before legislation like this is even considered.

Impact to the Landowners/Producers: Also, the impact to Ag Producers should be considered. For example, if you drive 5 miles east of town on the I-94 you will see 600 to 800 head of deer feeding on the Gabe Brown Ranch and the Salter Ranch. There is no compensation program for the damage that these animals are doing to their cattle feed. Imagine Gabe's reaction to an additional 200-300 head moving in from areas like Apple Creek (a nearby suburb) where people might be feeding deer in their backyards, and would be forced to stop through legislation.

2/11/2009

Please see the picture of the hundreds of deer that I took in this area only a week ago (Exhibit 3). Imagine the deer to cattle contact that is going on each winter. Would it not be more prudent for the Game and Fish to supplement these animals through feeding on the Wildlife Management Area that is just miles away and contains not a single deer this time of year? This would greatly minimize deer to cattle contact and alleviate the burden placed on producers of feeding the State's deer.

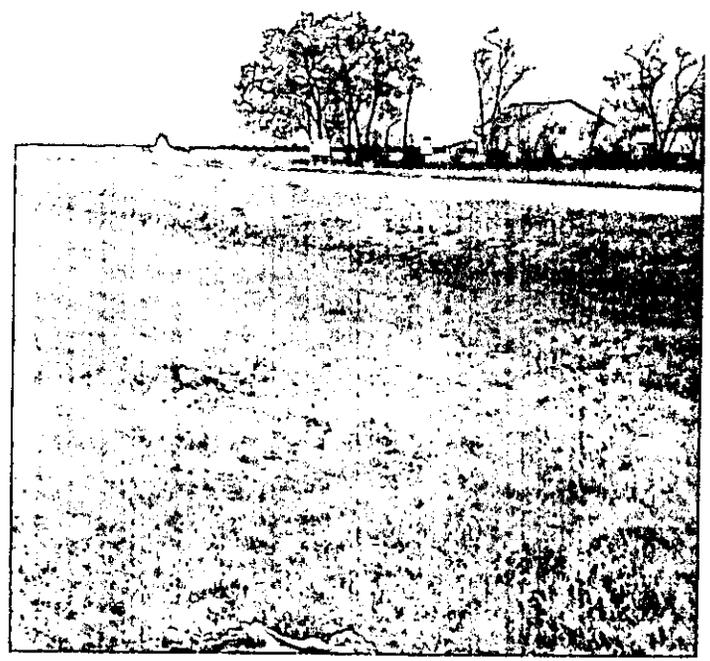
A similar issue was brought forth in 2007 and was voted down by the House of Representatives, for some of these same reasons. In conclusion, a no vote on SB2351 is the right thing to do for the deer and cattle populations in this state. If passed, this bill will simply take away quality outdoor time for ND residents, as well as promote additional deer to cattle interaction.

Please contact me through e-mail or via phone if you have any questions on the material that I presented to you. Thank you for your time and support in this matter.

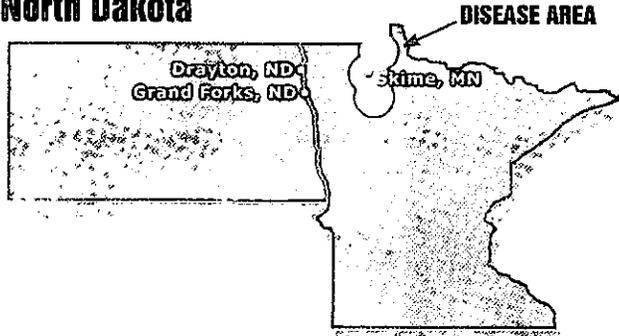
Andy Buntrock
701.400.9199

2/11/2009

Exhibit 1



Proximity of Bovine Tuberculosis to North Dakota



- TB is currently being battled in northwestern Minnesota at a cost of millions as well as the loss of a significant portion of the local deer population.
- There is a concern that TB-infected deer may move the 50 miles into North Dakota.



Social Issues

- Fair chase is the ethical, sportsmanlike and lawful pursuit and taking of free ranging wild game animals in a manner that does not give the hunter an improper or unfair advantage. Does hunting over bait create an unfair advantage?
- The majority of the public does not hunt, but certainly has the voice to weigh in and make changes that negatively affect hunters if methods are viewed as unfair.
- Are we raising a generation of hunters who don't scout, learn deer behavior and read deer sign?

Information provided for informational purposes only. This document is not intended to be used as a legal document. The information contained herein is not intended to be used as a legal document. The information contained herein is not intended to be used as a legal document. The information contained herein is not intended to be used as a legal document.

CONCERNS WITH

HUNTING BIG GAME OVER BAIT

SENATE BILL NO. 2351

Testimony of: Leland Goodman

802 77th St NE

Willow City North Dakota 58384

In the 2005 and 2007 Legislative Session we addressed the baiting issue and after testimony the bill received a do not pass. Yet here we are again in 2009 having to defend the position of bait or not bait again. It seems the stakeholders are the same, but a new debate has been leveraged to carry the issue forward.

Today, the issue of baiting is prefaced not with fears of Chronic Wasting Disease or unethical sportsmanship, but with the purported fear of Bovine Tuberculosis (TB). As a rancher I have followed the coverage of this issue and this disease closely due to its potential economic effects to the beef cattle industry and the current opinion is that Bovine TB was brought into Minnesota by roping steers carrying the Mexican strain of Bovine TB, not by deer.

I believe it's misguided to make such a leap to Bovine TB as the reason to present legislation against baiting. If in fact, the ND legislators are most concerned about Bovine TB the real issue should be brought before you by the ND Ag Commissioner's office. And the issue should be to create legislation that addresses the root of the problem by requiring all cattle crossing borders to have proper vaccination records, confinement times and testing.

Understandably, if the ND Game and Fish Department is truly concerned about the potential spread of Bovine TB to the deer population, they should also be working hand in hand with other state agencies to create appropriate legislation to controls the problem at the root. Because if infected cattle continue to enter the state unchecked, no amount of baiting regulations will control the inevitable spread because we even without baiting we will never be able to prevent deer and livestock from sharing the same feeding areas.

So is the real issue Bovine TB or is it baiting? And let's be honest with ourselves...if its Bovine TB, let's draft real legislation that addresses the problem. And if it's the ethical issue of baiting, let's get straight to the point and not cloud the issue with smoke and mirrors to build a case of probable cause and effect to feel justified in our position.

Since 2005 the North Dakota Fish and Game along with sportsman groups have clearly promoted their position for a no baiting law and the issue has at times been emotional and run the gamut from ethical to economic debates. But the baiting issue is not as black and white as some might hope to portray. In fact, some believe the issue is so black and white that they believe the problem is solved if we just stop. But stop what.....stop outfitters, stop hunters, stop livestock producers? Stop them from what, baiting, feeding their cattle? Yes, stop livestock producers...from feeding their cattle.

Such a notion as no longer feeding cattle appears to be rhetoric, but each year, deer and cattle share the same feeding areas and producers such as myself, realize a feed cost burden of 10% to 40% of our feed supplies depending on the severity of the winter. With the proposed legislation and proposed penalties, this livestock feeding could be construed as baiting.

Additionally, as the general economy has changed over the years, I like other livestock producers have adopted additional means of supplemental income...including outfitting businesses. As an outfitter I operate a regulated business bound by laws and responsibilities. Baiting for hunts is like feeding my cattle, a year round responsibility. This allows us to monitor the deer population and health year round and set yearly limits on the number of hunters we take to assure quality hunting and true sportsmanship.

It seems the people who lobby hardest for the passage of no baiting regulation are those that actually spend the least amount of time on the land. Outfitters and producers rely on the land and the wildlife it produces for their livelihood...not their sporting pleasure alone. Many livestock producers have been in business for multi-generations and take great pride in being stewards of the land...and they are often the first line of defense for the ND Game and Fish to report changes in wildlife populations.

The baiting law, regulations and enforcement is one of immense proportion and financial consequence. If a baiting law was to be enacted how would everyone be monitored? Or will it be a path of least resistance...monitoring only outfitters and large livestock producers? Who will monitor the average hunter and how will we regulate the private nature of hunting that might include regular solitary hikes in the woods with a bag of apples or sack of corn. This too is baiting and no less acceptable under the proposed legislation, yet far less enforceable and typically more likely.

Beyond the financial impact of the baiting issue comes the ethical debate of baiting and encompasses issues of land rights, sportsmanship, access for hunters, clean kills and more. Each of these issues is relevant to the true sportsman and those that truly care about the well being of the deer population. Let's look at just a couple examples:

- o Access for Hunting: Many urban dwelling hunters only have access to vacant farmsteads, ravines and shelterbelts. Without adequate stock and stand hunting areas, their hunting experience is limited. Baiting can improve the potential access to deer and improve the experience.
- o Clean Kills: Most bow hunters use their bows once a year and are out of practice or inexperienced. Poor shots are common and result in a high number of wounded deer. Many hunters leave the wounded deer behind because they are difficult to track. Baiting improves the window of distance for a clean kill and hopefully reduces the amount of wounded deer.

It is important that we truly consider all the reasons, environmental, ethical and economic before providing complete control of the issue of baiting to an organization that clearly has already established their position, yet fails to provide appropriate rationale for the need.

Ranchers will continue to feed their cows, outfitters will continue to provide guided hunting to supplement their ranching operations, true sportsman, youth hunters and new hunters will continue to search for hunting access, and hunters with money will continue to pay for prime hunting locations. With or without baiting laws, everyone will continue to move forward. Over eager hunters will still take bad shots, hunters will still leave wounded deer lay rather than track and go out to shoot another day.

Enacting laws that will punish a few and be unable to be enforced for the many is not a law we need in North Dakota.

I ask this committee to recommend a do not pass on this bill as it will affect many hunters and true sportsmen, as well as those who reap their living from the land and operate businesses that have a hand in driving the North Dakota economy.

Thank You,

Leland Goodman

Wisconsin Deer Baiting and Wildlife Feeding Regulations

WM-456-2008

Counties where baiting and feeding IS prohibited (shaded counties):

Baiting Wild Animals - For hunting purposes is prohibited.

No person may place, use or hunt over bait or feed material for the purpose of hunting any wild animals (except deer as provided below and for bear, see *Wisconsin Bear Hunting Regulations*) unless authorized by a special permit or license issued by the department.

Scents: Scent may be used for hunting deer or other wild animals, but the scent may not be placed or deposited in a manner that it is accessible for consumption by deer, and scents shall be removed daily at the end of hunting hours established for deer. *However*, two ounces or less of scent may be placed, used or deposited in any manner for hunting game and does not need to be removed daily at the end of hunting hours.

Natural Vegetation and Plantings: You may hunt with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices, or with the aid of crops planted and left standing as wildlife food plots.

Feeding Wild Animals - For Non-Hunting Purposes is Prohibited.

No person may place, deposit or allow the placement of any material to feed or attract wild animals for non-hunting purposes including recreational and supplemental feeding, except as allowed below for birds and small mammals.

Feeding Birds and Small Mammals: Material may be placed solely for the purpose of attracting and feeding wild birds and small mammals if:

- Placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer, and
- The structures and devices are within 50 yards of a dwelling devoted to human occupancy.

- When deer, bear or elk are found to be utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.

Note: The placement of plain water for drinking or for birdbaths is allowed.

Feeding Animals by Hand: Feeding of wild animals, other than deer, elk or bear, by hand is not encouraged, but is allowed if:

- Feed is placed not more than 30 feet away from the person feeding.
- The person feeding cleans up the unconsumed feed before moving a distance greater than 30 feet from the deposited feed.

Natural Vegetation and Plantings: Feed that is deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices, as well as standing crops planted and left standing as wildlife food plots that may be used by wild animals, is not considered feeding for the purposes of these regulations and is allowed statewide.

Remainder of the state – where baiting and feeding deer is NOT prohibited (non-shaded counties):

Baiting Wild Animals - For hunting purposes is prohibited. No person may place, use or hunt over bait or feed material for the purpose of hunting any wild animals (except deer as provided below and for bear, see *Wisconsin Bear Hunting Regulations*) unless authorized by a special permit or license issued by the department.

Scents: Scent may be used for hunting deer or other wild animals, but the scent may not be placed or deposited in a manner that it is accessible for consumption by deer, and scents shall be removed daily at the end of hunting hours established for deer. *However*, two ounces or less of scent may be placed, used or deposited in any manner for hunting game and does not need to be removed daily at the end of hunting hours.

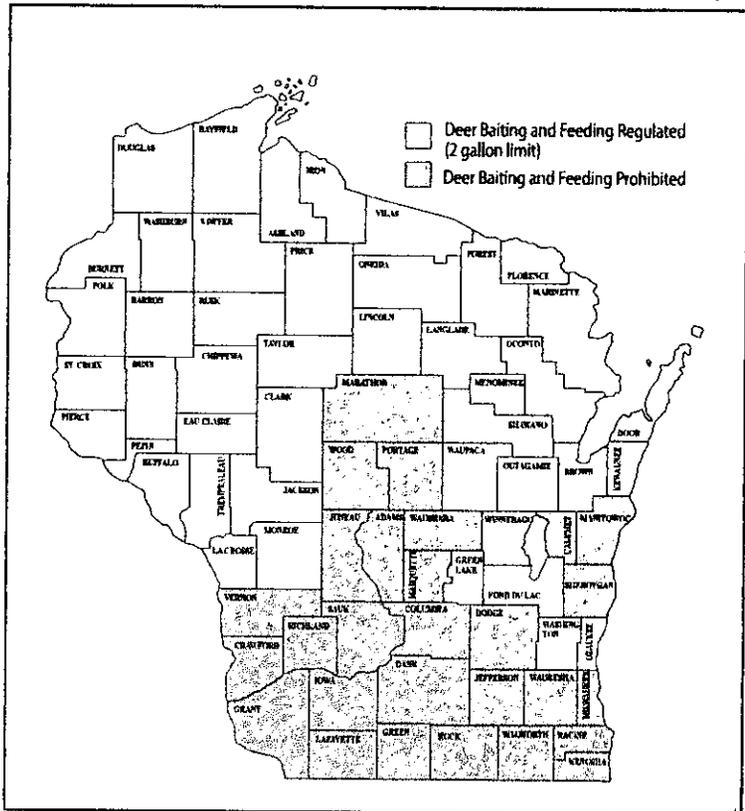
Natural Vegetation and Plantings: You may hunt with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices, or with the aid of crops planted and left standing as wildlife food plots.

Deer Baiting – What is Allowed For Deer Hunting Purposes

Amount: No person may place, use or hunt over more than 2 gallons of bait or feed at any feeding site.

Placement: No person may place, use or hunt over:

- More than 2 gallons of bait on each contiguous area of land under the same ownership that is less than 40 acres in size, or for each full 40 acres that make up a contiguous area of land under the same ownership. (Note: Parcels of land that do not touch but are separated only by a town, county or state highway are considered contiguous.) Note: Feed at feeding sites may be spread out or divided into more than one pile as long as the total amount of feed material is not more than 2 gallons per forty acres.
- Any feeding site that is located within 100 yards of any other feeding site located on the same contiguous area of land under the same ownership.
- Any feeding site if the person doing the hunting is within 100 yards of more than 2 gallons of bait or feed located on the same parcel of land.
- Any feeding site that is located within 50 yards of any trail, road, or campsite used by the public, or within 100 yards from a roadway, having a posted speed limit of 45 miles per hour or more.



Timing: No person may:

- Place, use or hunt over bait or feed during the closed season for hunting deer, but may start to place bait for deer hunting 24 hours prior to the deer archery and the deer gun seasons. (Note: The 24-hour period is the period from 12:00 am to 11:59 pm on the day immediately before the season.)
- Hunt over bait or a feeding site that is in violation of these regulations, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

Content: No person may place use or hunt over any bait or feed material that:

- Contains any animal part or animal by-product.
- Is contained in or deposited by a feeder that is designed to deposit or replenish feed automatically, mechanically, or by gravity.
- Contains or is contained within, metal, paper, plastic, glass, wood or other similar processed materials. This does not apply to bait or feed placed in hollow logs or stumps (see *Wisconsin Bear Hunting Regulations*) or to scent materials.

License: No person may use or hunt over bait or feed material placed for deer without possessing an appropriate valid archery or gun deer license and unused carcass tag.

Feeding Wild Animals – Allowed for Certain Species for Non-Hunting Purposes with the Following Restrictions:

FEEDING DEER:

Amount: No person may place or allow the placement of more than 2 gallons of feed material at any feeding site.

Placement: No person may place or allow the placement of:

- More than 2 gallons of feed for each owner-occupied residence or business, regardless of property size.
- A deer feeding site more than 50 yards from an owner occupied residence or business.
- A deer feeding site within 100 yards from a roadway having a posted speed limit of 45 miles per hour or more.
- A deer feeding site without the approval of the owner of the owner-occupied residence or business.
- Feed at a deer feeding site that the person knows is being used by bear and elk. If the owner of the residence or business is notified by the department or otherwise becomes aware that bear or elk have been using a deer feeding site, the owner must discontinue feeding for a period of not less than 30 days.

Content: No person may place any bait or feed material for deer that:

- Contains any animal part or animal by-product.
- Is contained in or deposited by a feeder that is designed to deposit or replenish feed automatically, mechanically, or by gravity.

FEEDING OTHER WILD ANIMALS: No person may place, deposit or allow the placement of any material to feed or attract other wild animals for non-hunting purposes including recreational and supplemental feeding, except as allowed below for feeding birds and small mammals.

FEEDING BIRDS AND SMALL MAMMALS:

Material may be placed solely for the purpose of attracting and feeding wild birds and small mammals if:

- Placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer, and
- The structures and devices are no further than 50 yards from a dwelling devoted to human occupancy.
- If deer, bear or elk are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by the deer, bear or elk.

Note: The placement of plain water for drinking or for birdbaths is allowed.

Feeding Animals by Hand: Feeding of wild animals, other than deer, elk or bear, by hand is not encouraged, but is allowed if:

- Feed is placed not more than 30 feet away from the person feeding.
- The person feeding cleans up the unconsumed feed before moving a distance greater than 30 feet from the deposited feed.

Natural Vegetation and Plantings: Feed that is deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices, as well as standing crops planted and left standing as wildlife food plots that may be used by wild animals, is not considered feeding for the purposes of these regulations and is allowed statewide.

Definitions:

Animal part or animal by-product means honey, bones, fish, meat, solid animal fat, animal carcass or parts of animal carcasses, but does not include liquid scents.

Bait means any material placed or used to attract wild animals, including liquid scent (includes salt and mineral blocks); does not include plain drinking water.

Bird feeding devices and structures means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

Business means a building used primarily to carry out commercial activities at which regular scheduled business hours are maintained for employees and the public such as restaurants and retail stores, but does not include associated lands, warehouses, outbuildings or other buildings that are not normally open to the public.

Feed means any material that may attract or be consumed by wild animals that is placed for any non-hunting purposes including recreational and supplemental feeding, but does not include plain drinking water.

Feeding site means any location or area in which bait or feed is placed or deposited or that contains bait or feed material used to attract wild animals for recreational and supplemental feeding or for hunting purposes.

Hunt over means hunting within 100 yards of any feeding site where a person knows or reasonably should know that the area contains a feeding site.

Owner-occupied residence means a dwelling or building devoted to human occupancy when used while feeding deer as a residence by the owner, members of the owners immediate family, or when used as a residence by individuals as a rental property while feeding deer.

Roadway means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

Scent means any material, except animal parts or animal by-products, used to attract wild animals solely by its odor.

Small mammal means all mammals other than bear, deer and elk.

NOTE: Additional Counties may be included in the ban if: 1) A CWD Management zone is established in the county or a portion of the county, or; 2) A new CWD or bovine tuberculosis positive captive or free-roaming, domestic or wild animal is confirmed in the county, or; 3) The county or portion of the county is within a 10 mile radius of a new captive or free-roaming, domestic or wild animal that has been tested and confirmed to be positive for CWD or bovine tuberculosis.

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HUNTING

Baiting Wildlife

Bait means any food intended to attract big game but does not include fields of crop or forage, whether standing or harvested crops, forage or hay stacked in the field where it is grown or grain that is scattered or piled as a result of farming operations. A person who has placed bait for the purpose of hunting big game shall remove, at the end of the season for which it was placed, any remaining bait, the container and the sign marking the bait.

Restrictions on Placing Bait for the Purpose of Hunting Big Game

No person, shall place bait for the purpose of hunting big game:

- in a provincial forest, unoccupied Crown land or land within a Provincial Park or Recreation Site without erecting at the site a sign of durable material of not less than 600 square centimeters (8 X 12 inches) on which is clearly marked the person's name and address or clearly marking his/her full name and address on any container used for holding the bait.
- within 500 metres of any campground, dwelling or other place used by people.
- within 200 metres of any numbered highway, primary grid road or grid road.
- within 200 metres of any maintained forest access road, snowmobile trail or cross-country ski trail prior to April 1.
- prior to August 1, except for hunting bear during the spring bear season on or after March 1.
- other than bear, that exceeds 40 litres in volume (10 gallons) or in the case of hay bales, consists of more than two bales with a combined total weight exceeding 90 kilograms (198 pounds).

No person shall place bait:

- on any Fish and Wildlife Development Fund lands.
- on any Prairie Farm Rehabilitation Administration (PFRA) managed lands without the permission of the PFRA manager.
- on any land in a Provincial Park unless authorized by the park manager.
- on private land without permission from the landowner or the lessee.
- on any National Wildlife Area or Migratory Bird Sanctuary.
- for hunting bear unless that bait is placed in a container that does not have a volume exceeding 210 litres (45 gallon drum), is constructed in a manner to prevent a bear from becoming trapped and cannot be removed by a bear.

No person shall:

- store any bait at or near any bait location.
- hunt at a bait site placed by another person without that person's consent.
- other than the owner, tear down, remove, damage, deface or cover up any bait or sign.
- use as bait:
 - any noxious weed or noxious weed seed as described in The Noxious Weeds Act 1984;
 - any exotic plant as described in The Forest Resources Management Regulations; or
 - any carcass or part of a domestic animal trimmings received from a butcher shop or licensed abattoir.
- feed wild ungulates between January 1 and July 31 on land in the provincial forest, unoccupied Crown land or land in a Provincial Park or Recreation Site.
- feed wildlife or put out material with the intent of attracting wildlife for any purpose without the consent of the owner or occupant of the land. This includes putting out feed for the purpose of attracting predators or animals for viewing.

Department of Natural Resources

Chapters:

Adopted Expedited Emergency Game and Fish Rules:

6232

PROHIBITED BIG GAME FEEDING

PUBLISHED 05-27-2008

EFFECTIVE 05-27-2008

EXPIRES 11-26-2009 (18 months)

Please see enclosure for text of expedited emergency game and fish rule package.

This rule package generally restricts and prohibits wildlife feeding in the area of Northwestern Minnesota that is specified in the rule package. There are some exceptions listed in the rule package.

1.1 **Department of Natural Resources**

1.2 **Adopted Expedited Emergency Game and Fish Rules: Prohibited Big Game Feeding**

1.3 **6232.4800 FEEDING DEER AND ELK PROHIBITED.**

1.4 Subpart 1. Definition. "Feed" means grains, fruits, vegetables, nuts, hay, or other
1.5 food that is capable of attracting or enticing deer or elk. Liquid scents, salt, and minerals
1.6 are not feed.

1.7 Subp. 2. Prohibition. Except as provided in subparts 3 and 4, a person may not place
1.8 or distribute feed in an area frequented by deer or elk or knowingly allow another person
1.9 to place or distribute feed on property under the person's ownership or lease in the area of
1.10 the state lying within the following boundary:

1.11 Beginning at State Trunk Highway (STH) 89 and the Canadian border to longitudinal
1.12 reference 95 degrees, 09 minutes, 11 seconds; thence due south; thence along the
1.13 Canadian border to the shore of Lake of the Woods; thence along the shore of Lake of
1.14 the Woods to County Road (CR) 17; thence along CR 17 to STH 11; thence along
1.15 STH 11 to STH 72; thence along STH 72 to the north shore of Upper Red Lake;
1.16 thence along the north shore of Upper Red Lake to the boundary of the Red Lake
1.17 Indian Reservation; thence along the boundary of the Red Lake Indian Reservation to
1.18 STH 89; thence along STH 89 to STH 1; thence south along STH 1 to the Clearwater
1.19 County line; thence along the Clearwater County line to the Pennington County line;
1.20 thence due west to the intersection of CR 27 and CR 3; thence along CR 3 to CR 24;
1.21 thence along CR 24 to STH 1; thence along STH 1 to STH 32; thence along STH 32
1.22 to STH 11; thence along STH 11 to CR 115; thence along CR 115 to STH 89; thence
1.23 along STH 89 to the point of beginning.

1.24 Subp. 3. Wildlife feeding. Wildlife feeding is allowed if:

1.25 A. the feed is placed in such a manner as to exclude access to deer and elk; or

1.26 B. the feed is placed at least six feet above the ground.

2.1 Subp. 4. Exceptions. The prohibition in subpart 2 does not include feed that is:

2.2 A. present solely as a result of normal agricultural, forest management, or
2.3 wildlife food planting practices; or

2.4 B. for agricultural or livestock purposes if:

2.5 (1) placed for domestic livestock that are present and actively consuming
2.6 the feed on a daily basis;

2.7 (2) covered to deter deer or elk from gaining access to the feed; or

2.8 (3) stored consistent with normal agricultural practices.

2.9 Subp. 5. Cleanup. In addition to any other penalties imposed, a person charged with
2.10 a violation of this part shall immediately remove any feed placed. Failure to comply with
2.11 this subdivision may result in additional legal action.

WHY IT'S ILLEGAL TO FEED DEER IN NORTHWEST MINNESOTA

In an effort to reduce the possibility of bovine TB transmission among wild deer and elk, recreational deer feeding has been banned this winter in a 4,000-square mile area of northwest Minnesota.

The ban, required by the 2006 Minnesota legislature, is intended to reduce close contact among wild deer and elk over recreational feed in the vicinity of livestock farms where bovine TB has been documented.

White-tailed deer in Minnesota

have several natural adaptations that help them survive the winter. These include a thick winter coat of hollow hairs, reduced metabolic rate and storage of fat reserves for use throughout the winter.

During winter, cover—not forage—becomes the key to survival. Deer seek conifers or heavy wooded cover to avoid deep snow, high winds and extreme cold. Deer move little in these areas and use a network of trails.

RECREATIONAL DEER FEEDING SPREADS DISEASE

Feed sites congregate deer into unnaturally high densities and increases nose-to-nose contact and sharing of saliva-contaminated feed. This

increases the potential for spreading of diseases, such as bovine tuberculosis (TB), among deer. Bovine TB is a bacterial disease that primarily affects cattle; however, other animals may become infected. It is known to occur in Michigan deer but does not persist in deer anywhere else in the United States.

An infected animal will shed the bovine TB bacteria through nasal secretions and saliva, resulting in feed that can become contaminated and spread the disease between infected and uninfected animals. This transmission usually happens when animals are in close contact with each other or sharing the same food sources. The bacteria can survive on a variety of feeds, such as corn, carrots, apples, hay, sugar beets, pelleted feed, and others, for weeks or months.

Scientists, biologists, epidemiologists, and veterinarians have determined that an important factor, related to disease transmission is white-tailed deer congregating at feed sites.

The goal is to stop feeding in an area large enough to reduce the frequency of infected deer coming into close contact with healthy deer, thereby continuing the cycle of infection.

Halting recreational deer feeding and reducing the deer densities in the areas where bovine TB

continued...



occurs are important steps in reducing the prevalence of the disease in wild deer. These measures will reduce the risk of transmitting bovine TB between animals and will help eliminate bovine TB in Minnesota's wild deer.

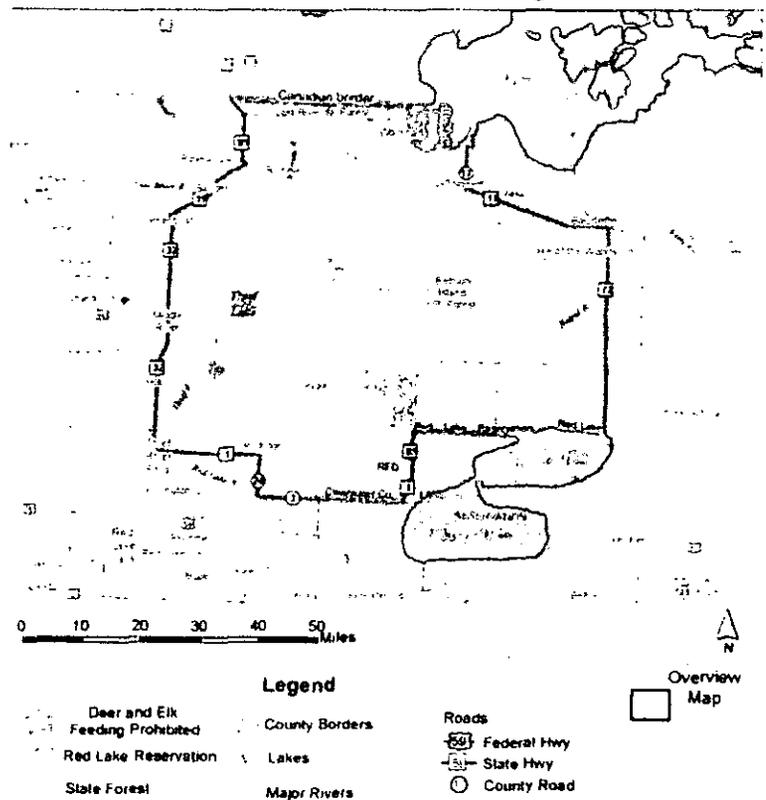
Also, the United States Department of Agriculture has required that Minnesota ban recreational feeding of wild deer as part of the steps necessary to regain statewide bovine TB free status for Minnesota's livestock industry. If recreational deer feeding is not restricted, this could negatively affect on both the local and statewide economy.

OTHER AFFECTS OF DEER FEEDING:

Artificial concentrations of deer caused by recreational feeding can also:

- Increase deer-vehicle collisions. Vehicle-killed deer near feed sites can outnumber those that would normally succumb to winter mortality.
- Result in over-browsing of local vegetation and ornamental plants
- Reduce fat reserves as deer use energy traveling to and from the feed site.
- Alter natural winter migration patterns of deer, leaving them more vulnerable to severe weather conditions or predators.
- Deny fawns access to food because they are kept away from feeding stations, and over-browsing by larger deer around feeding sites removes food that would otherwise be available to fawns.
- Attract predators and increase the risk of death by wolves, coyotes, or domestic dogs.

NW MN Deer and Elk Feeding Ban



HOW YOU CAN HELP DEER

For the long-term health of deer, the best management strategy is to keep deer dependent on their natural food and cover. A healthy deer population will be sustained with wintering areas, young stands of aspen and forest openings.

Landowners can help by developing a management plan that uses wildlife and its habitat as guiding objectives.

One management tool is sustainable timber harvesting that is compatible with protecting winter deeryards and other deer habitat features.

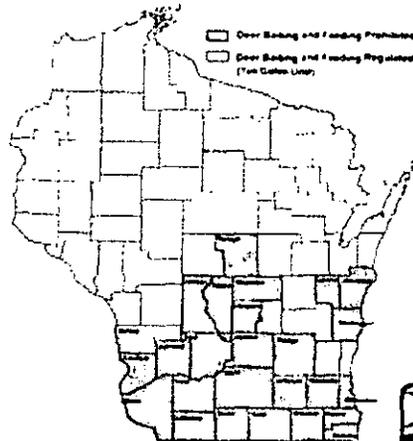
Also, landowners can recognize the role of hunters as the primary tool for wildlife biologists to regulate deer densities. Allowing hunter access to land is an effective way to maintain a healthy balance between deer and their habitat.

Baiting & Feeding Rules in Wisconsin

Summary of Deer Baiting & Feeding Regulations...

❖ You may not bait or feed deer for hunting OR for non-hunting purposes in the shaded counties.

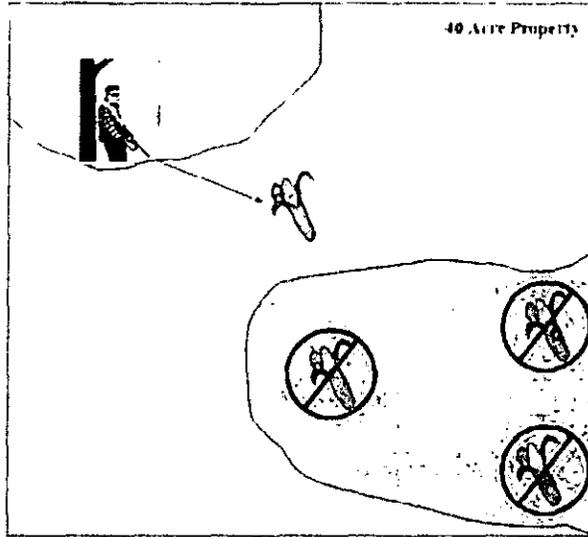
❖ In the non-shaded counties you may not place, use or hunt over more than 2 gallons of bait or feed for hunting OR non-hunting purposes.



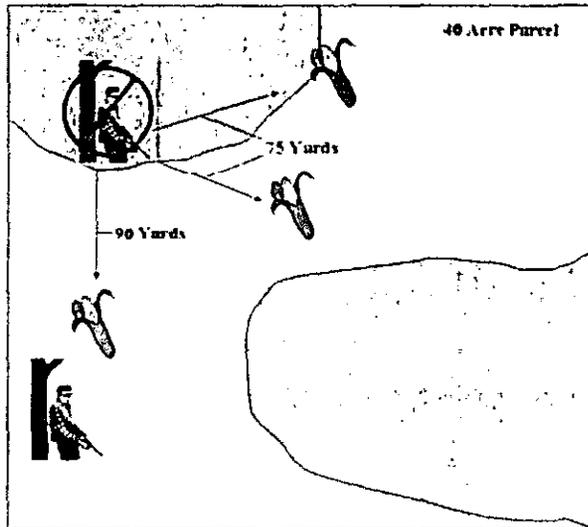
The following slides depict some of the various baiting and feeding scenarios to help you understand the new rules pertaining to deer baiting and feeding regulations in counties where these practices are allowed.



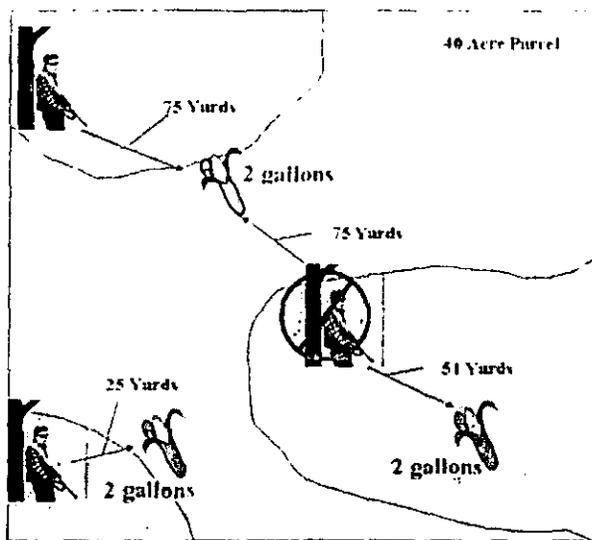
Baiting



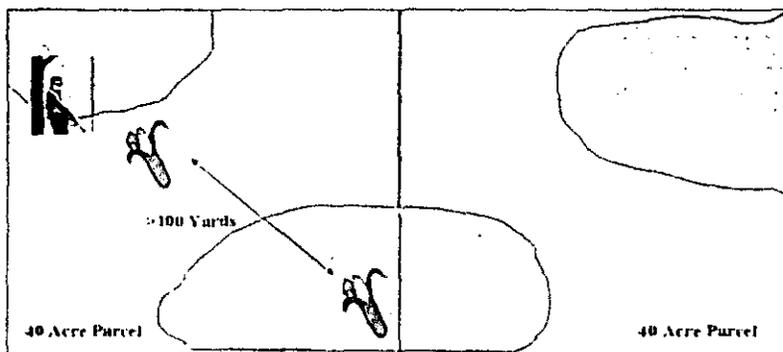
Each hunter may only place 2 gallons of bait per property. Up to 2 gallons may be placed for each full 40 acres of land under the same ownership.
(The 2 gallons can be divided up into more than one pile and may be spread out.)



A hunter may not use or hunt over more than 2 gallons of bait at once, even if the extra bait was placed by other hunters.



In this graphic, the bait sites are placed properly (1 site placed and maintained by each hunter and at least 100 yards apart), however one of the hunters is hunting over more than 2 gallons of bait, which is illegal. You may not be within 100 yards of more than 2 gallons of total bait.

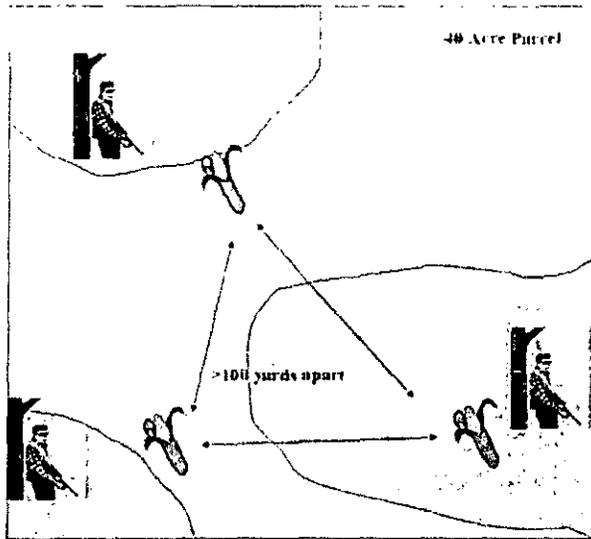


80 Acre property

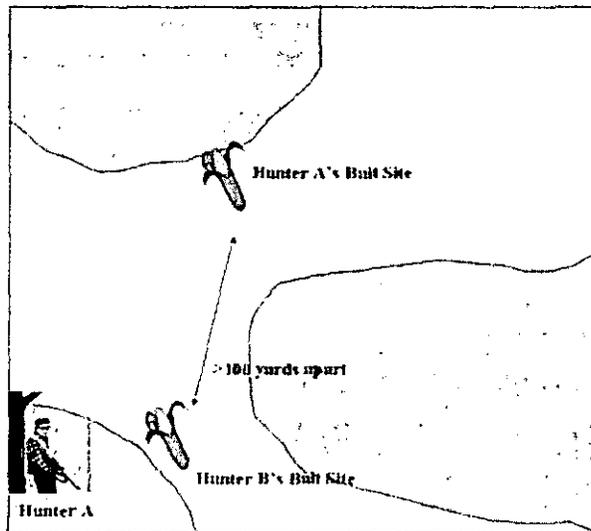
A hunter may only place 2 gallons of bait per property or for each full 40 acres under the same ownership.

In this graphic, since the hunter is hunting on an 80 acre property, he or she is able to place up to 4 gallons of bait on the property, but no site may contain more than the 2 gallons.

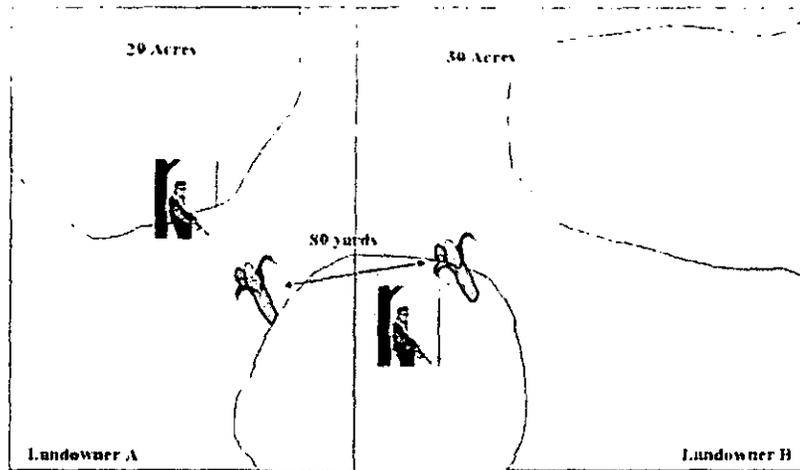
These sites are still required to be more than 100 yards apart, and the hunter may not hunt within 100 yards of both sites at the same time.



If more than one hunter hunts a property, each hunter may only place 2 gallons of bait (for each full 40 acres under the same ownership). Hunters may not place out bait for other hunters if the hunter placing the bait has already placed their 2 gallon limit. Each bait site must be at least 100 yards apart.

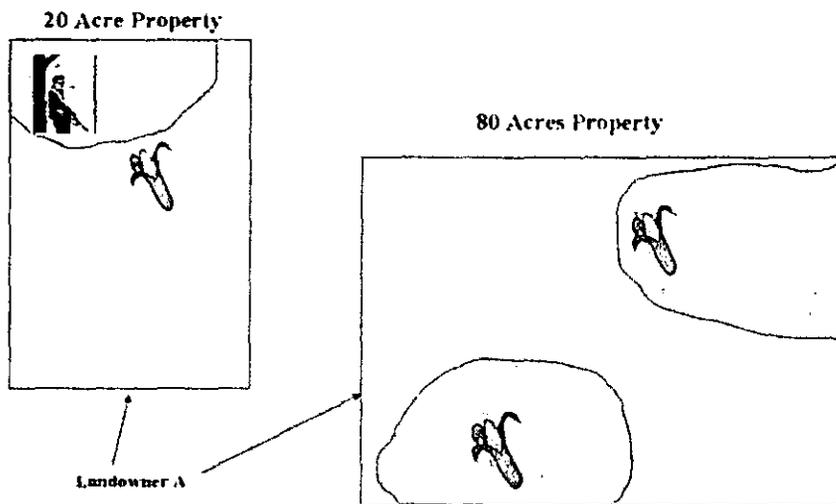


It is legal to hunt over a bait site placed by another hunter if the site is legally placed and you are not hunting within 100 yards of more than 2 gallons of bait at any one time or location.

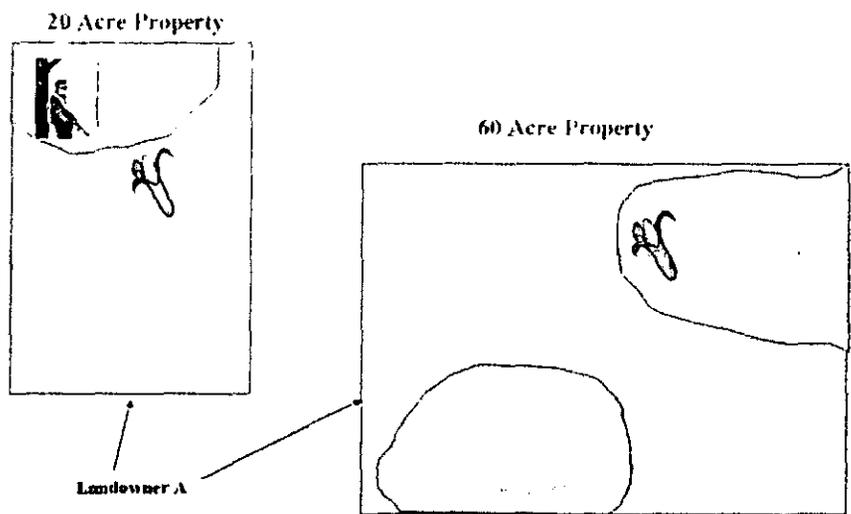


Hunters on adjacent properties can each legally place their 2 gallons of bait, even if the site on adjacent property is less than 100 yards away. This is the only situation where a hunter may legally hunt within 100 yards of more than 2 gallons of bait.

In this graphic, even though Landowner B has placed and is hunting over a feed site that is within 80 yards of Landowner A's bait site, he would not be in violation of placing, using or hunting over more than 2 gallons of bait since the bait is located on an adjacent property, under different ownership.

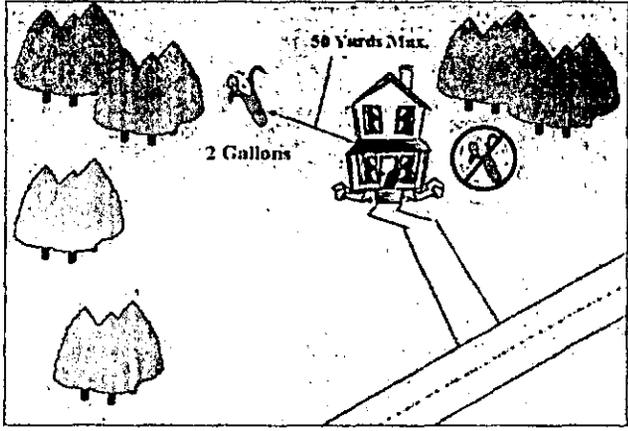


A hunter may place 2 gallons of bait for each separate parcel of property that they hunt and may place 2 gallons of bait for each 40 acres that is under one ownership.

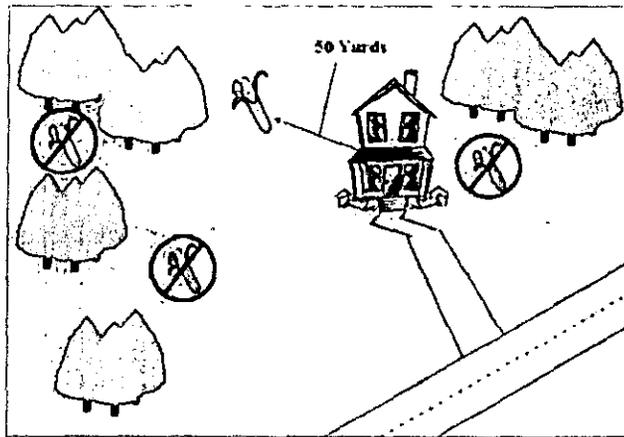


In this example, since the second property is more than 40 acres but less than 80 acres, a hunter may also only place 2 gallons of bait on the 60 acre property.

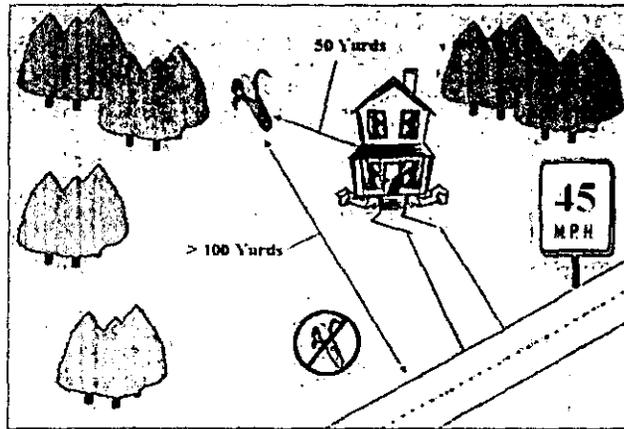
Feeding



Not more than 2 gallons of feed, is allowed per owner-occupied residence or a business building open to the public. It is legal to place multiple piles around a dwelling, but combined these small piles may not exceed 2 gallons.



In addition, the feed site must be located within 50 yards of an owner-occupied residence or a business building open to the public.



Finally, it is not legal to place a feeding site within 100 yards of a roadway that has a Posted Speed Limit of 45 mph or more.



An owner-occupied residence means a dwelling devoted to human occupancy that is used as a residence by the owner, members of the owner's immediate family, or when used as a residence by individuals as a rental property, while feeding deer.

So, a seasonal home or cabin, not used as a primary residence, would be considered an owner-occupied residence only when the cabin or home is being used as a residence.

In other words, while you are residing in the cabin you may feed deer, when you are not residing in the cabin you may not feed the deer.



Hello, My name is Seth Kasper, I am sixteen years old and I would like to talk to you about how the ban on baiting would affect my family, and me. I started deer hunting with my dad four years ago with the help of organizations like Sporting Chance and specialized equipment and baiting. With all of the modifications I use I have successfully harvested two deer; a doe in 2006 and a buck in 2007. I must use the specialized equipment and baiting because I have cerebral palsy and am confined to a wheel chair. I have limited mobility and don't have enough upper body strength to hold a crossbow up by myself so with the aid of a bi-pod and a specialized trigger I am able to hunt deer. My limited mobility only allows me to have a shooting line instead of a shooting lane and the with the help of baiting for deer one will hopefully stop long enough in my shooting line to allow me to place a shot that will dispatch the deer quickly and harvest it like so many of my peers do with their father's. I would like to see a limit placed on the amount of bait that is allowed instead of a total ban on baiting, allowing me to take part in a North Dakota tradition like so many other families. Deer hunting is one of the few activities that I can actively participate in and not be a passive fan of; please don't take this away from me!

Thank you for this opportunity to address this session of the North Dakota legislature. My name is Michael Needham and I am a disabled resident of North Dakota as well as a member of the North Central Chapter of the Paralyzed Veterans of America.

I have been disabled since 1989 and in a motorized wheelchair since 1990. I have a disease of the spine that will not allow me to walk, or bend or turn my body or my head. I cannot reach my hands above shoulder height.

I have been a fisherman and hunter all my life. I moved to North Dakota in 2006. I harvested my first deer since 1989 in 2007. I was only able to do this with the aid of a small amount of grain and apples placed in a strategic spot that I had access to. I tried hunting in other states that I have lived in for all the years between 1989 and 2006 without success. None of those other states allowed the use of bait. Those states had issues with chronic wasting and increased winter-kill in harsh weather. But, they have not attributed chronic wasting to any one source such as using bait or unattended hay bales.

The State of Texas allows the practice of hunting over bait and it is very good for their local economy. Many Texas ranchers are even importing exotic animals and have turned trophy hunting into a big business. Fair chase hunters do not think this is an ethical way to hunt and in my opinion this should be called harvesting instead of hunting. Whatever it is called, it is a lucrative business and people who have money to spend are paying big fees for the opportunity.

If hunting over bait is banned, it will affect mostly bow hunters. Since North Dakota food banks cannot accept game that is taken with lead bullets, more food banks will lose a source of fresh meat.

A source of revenue will be lost to the North Dakota Game and Fish because fewer deer will be harvested; therefore fewer people will be purchasing additional tags. This will increase deer populations which will lead to more accidents and road kills, starvation, crop and habitat destruction, doe to buck ratios not to mention that the carrying capacity will be affected.

The number of disabled people in North Dakota is sure to increase as the number of veterans returning from two wars with a variety of disabilities. When they left as physically fit individuals, they could hunt over bait. Some of them are returning to a life that many of you cannot imagine. They may be missing limbs or are unable to use their arms or legs. If this bill is passed, those same people who once hunted using a fair chase method will find it nearly impossible to even access a place to hunt.

I can tell you that in order to aim a weapon properly it takes two hands or shooting sticks or the help of another person. Add to this the fact that the game you are seeking is always moving unless there is a reason for them to stop for a moment.

On behalf of disabled people in general, I would ask that you consider a reasonable accommodation to permit those of us who cannot move without assistance to use a small amount of bait in order to continue the hunting tradition and supply meat for our table.

I have a permit that allows me to shoot from a vehicle. I believe that a permit that allows a disabled person to enjoy a degree of success by allowing them to use a minimal amount of material to stop game for a minute or two for a safe shot is not unreasonable and should be considered and granted.

We have a few organizations in North Dakota that are dedicated to helping disabled people enjoy all that the outdoors has to offer. I appreciate their efforts, but I do not want

to depend on them all the time. They are wonderful to volunteer their time and effort and if they are the only ones that are allowed to use this practice they will have no time for their own families. They will be overwhelmed when individuals can no longer be allowed to hunt on their own or with their family.

There are times when I would like to hunt in areas that are closer to home and not have to travel to a designated spot on someone else's schedule. I would like to feel that I am trusted enough by the State Game and Fish to conduct myself in a safe and ethical manner. I cannot pass on the hunting heritage to my grandchildren if I have to hunt with an organization.

These are only some of my issues. I am willing to discuss more with anyone. I encourage you to contact me at any time. I have an extra motorized wheelchair and I would welcome any of you to use it to go hunting with me and see how difficult it is and will take your advice on how I may have a successful hunt without the use of bait. Thank you for listening.

Testimony of Tom Silbernagel

Bismarck, ND

Senate Bill 2351

Natural Resources Committee

Chairman: Stanley Lyson

Hearing Date: February 12, 2009

Chairman Lyson and members of the Senate Natural Resources Committee, I am presenting this testimony in opposition to Senate Bill 2351, which prohibits the feeding and hunting of big game over bait.

If my research is correct this is the third consecutive legislative session in which this issue is being debated. I have reviewed the committee minutes and testimony from the baiting bill that failed to pass during the last legislative session. It appears to me the only argument that might warrant the restrictions this bill would place on hunting would be the spread of disease.

I too, am concerned about the spread of wildlife and livestock diseases. I grew up on farm in ND and spent part of my adult life producing livestock in confinement facilities where disease control was crucial.

I know the Game and Fish Department, the Department of Agriculture, and others will again make their arguments about the spread of disease caused by baiting. I appreciate

their concern and respect their opinions but I am not convinced that baiting as I know it is a significant contributor to the spread of disease.

My reasons are these:

- There are too many agricultural events that simulate baiting. Grain spills from harvesting, abandoned feed supplies, grain or other feed sources stored out of doors. All would create wildlife concentrations and increase the probability of spreading disease
- Most big game especially, deer form large groups during the late fall and winter.
- "Yarding" we used to call it. I have witnessed this phenomenon on a small acreage near Streeter ND for many years. Again there is a natural concentration of wildlife where disease could easily be spread from animal to animal.

The ethics of baiting will again be argued. Consider these points:

- Does baiting create an unfair advantage for the hunter or does it create an opportunity for a clean killing shot? The greater chance for success is especially important for the younger and older sportsman.
- Is baiting used in the taking of other types of game? Baiting bears is an accepted form of baiting. Hunting waterfowl in harvested grain fields is an accepted form of baiting. Poorly harvested grain fields attract large numbers of fowl to one spot.
- Some say baiting creates an unfair advantage among hunters in the opportunity to harvest game. I think baiting is a hunting technique that can be used by anyone. Success depends upon the skill of the hunter using it.

Finally the issue of private land ownership (commercial hunting) and baiting must be addressed. If I understand this bill as it written, a farmer, rancher or land owner who is also a hunting outfitter could legally use grain or feed stored on the ground as a hunting aid (or bait pile). If that is true, a law that is easily circumvented may be created. Feed could be placed anywhere, called storage (agricultural practice) with the real intent being bait for wildlife. I may have exaggerated but the scenario I just described would be extremely unfair to other hunters who could no longer use bait to hunt

I have been hunting for fifty years more or less. Everyone in my family hunts. We have used bait for only two or three years. We use small amounts of bait, and pictures from our trail cameras will show we don't draw large numbers of deer (lots of pictures –same deer). It is an economical way to hunt when gas is high priced and it provides a greater chance for a successful hunt. This is especially important to the younger hunters and now older hunter.

Chairman Lyson and members of the Senate Natural Committee, I urge a **do not pass** on Senate Bill 2351.

SENATE BILL 2351

Chairman Lyson and members of the committee, my name is Dr. Del Rae Martin. I am a veterinarian in Mandan and serve on the North Dakota Veterinary Medical Association Executive Committee. Veterinarians work as partners with livestock producers to maintain the health and well being of their livestock. Controlling communicable disease transmission from the wildlife population to domestic and farmed animals requires constant vigilance and testing to maintain our disease free status. We work as partners with the Board of Animal Health in this effort.

For this reason, we would support Senate Bill 2351 as presented.

I would be happy to answer any questions.

Dear Representatives

I am very concerned about the affects of sb 2351. I am a taxidermist from Maddock ND if you pass this bill I will loose my business. In 2008 27% of my business was taken with archery equipment most of which were whitetail deer that were harvested over feed, as a small businessman in rural ND I cannot afford to loose 27% of my business. This bill has nothing to do with the spread of disease as our game and fish dept has misled the public to belive. Rather it is based on the jealousy and greed of a few, not the majority of our states sportsmen. States such as Texas have been feeding their deer herds for many generations, with no ill affects, where other states that have not allowed feeding deer by sportsmen have had alot of difficulties. ND is a agricultural based state, deer are going to have contact with each other while feeding with or without SB2351, there are food sources everywhere where deer have contact with each other.

I beg of you, reccomend a do not pass vote on SB2351 so I can continue to live in rural ND.

Thank You
Chris Finley
Second Wind Taxidermy
Maddock ND

Katrina would you please print this out and give to the natural resource committee.

My name is Tim Finley and I am a farmer, landowner and sportsman from the Maddock-Oberon area. I am against the baiting ban bill SB2351. I believe that hunting deer over bait has little impact on the herd, is ethical, as it is not as easy as people that have not tried it propose it to be. I also see that it will not cause or spread a disease. I have hunted deer with the bow for 45 years; in that time I have spent thousands of hours observing deer and see them have continuous contact with each other on a daily basis. If a disease starts it won't matter if someone is putting out 5 gallon buckets of corn or apples, the deer population is so high in our area a disease will spread by itself. Baiting isn't any different than a 4 acre game and fish food plot of corn with 250 deer feeding on the same cobs every day. Our deer population has gotten away from the game and fish, they cannot sell all the license they issue for our area. I observed deer last evening, in a short time I had seen at least 1500 all near corn fields some in the silage piles of farms and hay bales. We need to harvest more does and baiting may help.

I have two friends that I hunt with and assist, they are handicapped, one is in a wheelchair the other is blind. The blind hunter needs someone to aim for him and he strictly hunts with a longbow, baiting is their preferred hunting method, without it would be very hard for them to be successful if at all .

My neighbors all hunt this way and many have for years. Baiting has not been a problem before and it has been legal for as long as I can remember.....Tim

Dear Ms. Mickelsen,

Please vote against bill number 2351 with regard to baiting. As an aging bow hunter, I can realistically hunt deer and make more ethical shots when this option is open to me. Without that option, I will still try to hunt, but some of those shots will certainly be made more quickly and probably with less humane results. An animal can be dispatched quickly with accurate shooting, and when an animal is moving, accuracy is not always the case. It also gives the hunter more time to judge the animal. Again, please vote against this bill.

Thank you.

Patricia Shaffer
4927 - 40th St NE
Maddock, ND 58348
pjshaffer@gondtc.com

Good Morning. My name is Specialist Kari Thorsteinson. I am a native of North Dakota and have participated in the deer hunt with my family since I was 10 years old. I have walked around many miles of sloughs over the years. It wasn't until I reached college age that I even realized there was baiting going on in North Dakota. A couple years ago, we were hunting in a new area and I was stunned to see so many bait piles in a variety of locations, some being less than ½ mile from each other. With all these bait piles congregating deer, I feel that in the future people will be forced into baiting to compete.

I do not live near the land I hunt and the cost and effort to compete with big time baiters would result in my family choosing to quit hunting. I don't want to quit deer hunting. Hunting is something I enjoy and look forward to each year. It is a family tradition that I hope to pass on to my future children.

I am in the military and enjoy the freedoms that we have as Americans. When a public opportunity such as hunting deer is able to be manipulated for personal gain or profit, while preventing the rest of us from taking part, I believe the intent of the American system of hunting has been violated. Please vote to support SB 2351.

SPC Kari Thorsteinson

Specialist Kari Thorsteinson
207 Roadrunner Ave
Bismarck, ND 58504

2/11/09

Joel OlsonP.O. Box 230
Cavalier, ND 58220Office: 701-265-4141
Cell: 701-520-1361
Fax: 701-265-8947

To Sen Mac Schneider

From Joel Olson

re; Baiting Bill Petition.

Hi Mac;

Here's the Petition we discussed yesterday and today. My count is 494 signatures. It appears most are from the communities of Waltham, Langdon, Cavalier, Neche, Pembina, Hope and Hutton.

Thank you so much Mac, for presenting this Petition in tomorrow's hearing. I'm so anxious to hear the outcome. Looking forward to meeting again with you!



PETITION TO OPPOSE PROPOSED NORTH DAKOTA SENATE BILL NO. 2351
REGARDING BATING AND FEEDING OF BIG GAME

We, the undersigned, being residents of the State of North Dakota by our signatures below signify our opposition to the proposed Senate Bill No. 2351, or any other attempt by the North Dakota Legislative Assembly to limit private land owners ability to feed wild life in any manner they so choose.

The full text of the proposed Senate Bill which we oppose is set out herein.

PROPOSED SENATE BILL NO 2351

A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century code, relating to feeding of big game and hunting big game over bait; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

Section 1. A new section to chapter 20.1-05 of the North Dakota Century Code is created and enacted as follows:

Feeding of big game and hunting big game over bait prohibited - Application - Penalty. It is unlawful for an individual to engage in the feeding of big game and it is unlawful for an individual to hunt big game over bait. As used in this section, bait includes grain, seed, mineral, salt, fruit, vegetable, nut, hay, or any other natural or manufactured food placed by an individual. As used in this section, baiting does not include agricultural practices; gardens; wildlife food plots; agricultural crops; livestock feeds; fruit or vegetables in a garden. This section des not apply to wildlife management activities by and under the direction of the department. An individual who willfully violates this section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a subsequent offense.

*8 more signed
perhaps turned
as in
testimony
but
not
kept*

Month, Day, Year	Name of Signor	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
1. 1/22/09	[Signature]	100 Park St West	Cavalier, ND 58220
2. 1/22/09	[Signature]	13947 93rd St. NE	Cavalier, ND 58220
3. 1/22/09	[Signature]	13595 #5	CAVALIER, ND 58220
4. 1/23/09	[Signature]	106 Park St E	Cavalier
5. 23/09	[Signature]	13545 84th St NE	Crystal ND 58222
6. 1-30-9	[Signature]	Box 62	Crystal 58222
7. 9-10-09	[Signature]	7552 City Rd 12	Hoople ND 58243
8. 2-10-09	[Signature]	14246 76th St NE	Hoople ND 58243
9. 2-10-09	[Signature]	Box 214	Hoople ND 58243
10. 10-09	[Signature]	14036 76th St NE	Hoople, ND 58243

11	2/10/09	John Smith	740 Main St	BB Thomas ND 58276
12	2/10/09	Dale K. Brubaker	Box 193	Hoopla ND 58243
13	2-10-09	Dale K. Brubaker	Box 307	Hoopla ND 58243
14	2-10-09	Bruce J. Ferguson	Po Box 123	Hoopla, ND 58243
15	2-10-09	Paul Harvey	501 1/2 5th St	CRYSTAL ND
16	2-11-09	Joel Anderson	Box 301	Hoopla, ND 58243
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Statement of the Lewis and Clark Wildlife Club
On Senate Bill 2351
Senate Natural Resource Committee
February 12, 2009

The Lewis and Clark Wildlife Club of Bismarck, North Dakota, is comprised of approximately fifty members who hunt and fish, appreciate our State's natural resources, and youth education in the outdoors.

We polled our membership and without a dissenting vote we strongly support SB 2351. We urge the Committee to give SB 2351 a "Do Pass" recommendation.

Mike McEwen
Acting Secy

Ally J. Spr
Acting President



12 February 2009

Senate Natural Resources Committee
Capital Building
Bismarck, ND 58505

Ref: SB 2351

Chairman Lyson and Members of the Senate Natural Resources Committee:

The Rocky Mountain Elk Foundation in North Dakota supports SB 2351. We feel this bill goes a long way in enhancing regulations already in place that protect our state's livestock industry and our state's big game wildlife resources.

The Rocky Mountain Elk Foundation in North Dakota has over 2,000 members and has active chapters in 9 communities across the state from Williston to Wahpeton.

It is not an issue of whether or not a contagious wildlife disease will occur within our borders. Rather it is an issue of when we have an outbreak, will the state have the procedures and regulations in place to minimize the impact of that disease? This bill strengthens our state's ability to do just that.

Thank you for your time and consideration.

Cordially,

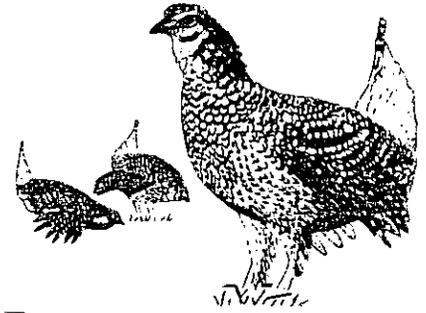
Rod Gilmore
North Dakota Regional Director
Rocky Mountain Elk Foundation
1313 16th St SE
Mandan, ND 58554
701-663-0207 office
rgilmore@rmef.org (email)



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
SENATE NATURAL RESOURCE COMMITTEE**

**On Senate Bill 2351
February 12, 2009**

For the record, Mike McEnroe, representing the North Dakota Chapter of The Wildlife Society.

You have heard testimony describing the wildlife and livestock disease issue and veterinary concerns associated with the feeding and baiting of big game animals. In 2003, The Wildlife Society began a scientific review of the wildlife literature dealing with feeding and baiting big game animals. The report, completed in 2006, reviewed over 320 scientific publications and concluded that;

Baiting and feeding when practiced at low prevalence and intensity, and when conducted properly by knowledgeable agency personnel, professionals, or responsible hunter, can in the appropriate situation, provide beneficial effects (with regard to winter survival) . However, and this is the BIG however, human nature, coupled with a lack of understanding of the potential risks and impacts, can quickly compromise the limited benefits and create long term negative impacts to wildlife species and ecological processes. Several significant threats arise as a direct result of feeding and baiting including, disease outbreaks, habitat degradation, habituation to humans, and alteration of behavior.

In order for feeding and baiting to be of some limited value ~~include~~; it must be conducted by trained personnel, must be nutritious and palatable, be provided in unlimited quantities to prevent competition between bulls/bucks, and does and younger animals, done only in severe winters, and started long before malnutrition is evident. Absent any

one of these conditions, feeding and baiting not only fail to be of limited benefit, they contribute or lead to all the problems described by the previous speakers. Baiting is almost always done contrary to these criteria; ie., it starts in late summer/early fall, ending at the end of hunting season, prior to malnutrition or severe winter weather, and not often in unlimited quantities. Similarly, supplemental feeding done by well meaning citizens does not often meet the criteria and thus contributes to the problems, not the benefits.

The North American Model of Wildlife Conservation is comprised of seven principles that have evolved over the course of wildlife management since the late 1800s. These principles include that there should be equal opportunity to wildlife for all citizens, and that science is the proper means to determine wildlife policy and management. Baiting for big game hunting prevents equal access for all sportsmen and women. Success and access are determined by the biggest bait pile. Feeding and baiting as practiced are contrary to scientific wildlife management.

If I asked the sportsmen and women in the audience, or the members of the Committee, why do people hunt? I would likely get the following answers; an appreciation of the outdoors, nature, fresh air; an experience with family or friends, camaraderie in an outdoor past time, or delicious and savory wild game for the table. No one would suggest that they hunt to kill animals or shoot animals; but that what baiting is about.

So, why do people bait for big game. BECAUSE it works to increase to advantage to the hunter. Baiting places big game animals on a specific point of real estate, and area of 1 or 2 square feet or square yards, not merely around a 5 or 10 acre food plot, or near a 160 picked corn field. If one requires a 100 % success rate for ego or professional reasons, baiting provides that guarantee, and essentially becomes commerce in dead wildlife, a violation of another principle of the North American Model of Wildlife Conservation.

Senate Natural Resource Committee Members
Testimony in favor of SB2351

My name is Kendall Bauer and I own a plumbing company in Bismarck. I grew up hunting in North Dakota and have always been an avid bow hunter. I now have three kids, ages 6, 11 and 14, who I have raised to appreciate wildlife and hunting in our great state.

I am disturbed by what my kids are learning about deer hunting and what I have witnessed in the past few years from the result of what is called "baiting". Since luring deer to bait piles and shooting them is not hunting, I find it more difficult to explain to my kids what hunting is when they are negatively influenced by others who use this unnecessary tactic to kill deer. Here are a couple of the most recent examples: 1) one of my kids came home from school telling me deer hunting stories that include other parents baiting for deer. 2) I get permission to hunt deer so that my kids have a chance for archery deer hunting close to Bismarck during the evenings. I meet the "hunter" on the adjoining property and he asks how much bait I will use.

I won't ever bait for deer but when others are using this tactic, the promise of finding a deer on a non-baited piece of property is nearly zero. Not seeing any deer is not what my kids will find entertaining. Deer hunting is the process of scouting for deer, looking for deer trails so you can determine where to put a blind or stand, determining where they are feeding so you can get in between there and where they bed, learning how to examine tracks, learning about scrapes and rubs and where a buck may be setting up a territory and many other behaviors that allow a hunter to make choices about how to "hunt" a deer. This process is called fair chase and it is part of what makes the North American way of hunting different from the European style. History tells us that our earlier settlers moved here to escape the European style and set up a system where wildlife is accessible to the public. Baiting deer flies in the face of the North American system which has been more than successful in the last 100 years.

Baiting for deer eliminates the hunt and allows for shooting deer like cattle in a corral. It has the potential to spread serious disease such as Bovine Tuberculosis, it prevents other hunters from accessing deer, and it creates large concentrations which can be devastating to landowner's stored ag. products, it can spread noxious weeds through the feeding of grain screenings and it is not fair chase. We have been lucky as hunters in North Dakota that we have not been heavily influenced by non-hunting groups, however, with a growing population coming from other states that is just around the corner. Please don't give these groups a reason to argue that deer hunting is not fair to the deer. They most certainly will do this if we continue to allow shooting deer over a corn pile where they have been habituated over the summer.

Educating my youth about the way hunting was meant to be is important to me. It is also important to me that we don't lose the opportunity to hunt or opportunity to access deer because of something like this. Baiting is an unnecessary tactic and anyone who tells you it is probably have ulterior motives. There are legitimate reasons that our neighbors (Minnesota, Montana, and South Dakota) have eliminated the practice. I urge you to take this situation seriously for the future of deer hunting in North Dakota.

Thank you for your time and commitment to the wildlife resource.

Kendall Bauer
6522 Golden Crest Road
Bismarck, ND 58503



Senate Natural Resource Committee Members
Testimony in favor of SB2351

I am a North Dakota landowner, sportsman and bowhunter with concerns about the unregulated baiting of deer in North Dakota. I have bowhunted, studied, and observed whitetails in North Dakota for 40 years. I graduated from Idaho State University with a Bachelors of Science degree in Biology with an emphasis on ecology and conservation before returning to run the family farm in NW North Dakota.

During the past seven years hunting over bait has increased every year at an alarming rate. It has gone from a few hunters putting out a sack of apples or bag of corn by their stands to the dumping of truck loads of weed screenings weeks prior to hunting season. Rifle hunters have now started hunting over bait piles.

I have four major concerns with baiting. My greatest concerns are for the health of our cattle industry and deer herd. I am also concerned with the spread of noxious weeds coming into our native pasture. A third concern is the privatization of whitetail deer by landowners and outfitters. My final concern is how the non-hunting public looks at our sport.

Chronic wasting disease has not been detected in North Dakota yet but some surrounding states have. It is only a matter of time before it crosses our state border from the north or south. Bovine TB has been detected in NW Minnesota and SW North Dakota. According to all available information on CWD and Bovine TB, baiting brings deer into close proximity with one another and therefore increases the potential for disease transmission. I have observed as many as 30 deer per bait pile on land adjoining mine. If we have one infected deer at one of these sites all deer in the area will be exposed. I have observed these deer that have been artificially congregated at bait sites have quit going to natural winter ranges and look for ranchers hay stacks when the hunters discontinue replenishing the bait. I question why ND has continued to allow baiting and recreational feeding of deer. I am sure states like Wyoming, Wisconsin, South Dakota, Minnesota, Michigan and the province of Manitoba envy the opportunity ND has to eliminate baiting and feeding of deer before a disease out break occurs. A major TB out break would be devastating to the cattle industry. You have an opportunity to take a proactive approach to the disease issue. A reactive approach does not work with the diseases associated with baiting and recreational feeding.

My second concern is the spread of noxious weeds. Truckloads of grain screenings containing mostly weed seeds are being dumped weekly at bait sites. Most of the bait piles I have observed are approximately 50 bushels of such screenings at each site. My land is currently free of leafy spurge. Screenings are coming from many areas with spurge. It is only a matter of time until we get spurge and other noxious weeds started in

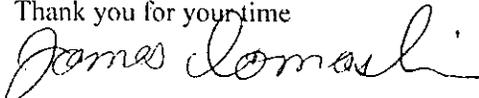
our native prairie and wooded coulees. This will lower the value of our property and will be extremely expensive to control. Who will be responsible for the clean-up, the State, the person putting out the bait or the landowner?

The privatization of our wildlife is getting more noticeable every year. Land owners are deliberately baiting deer from adjacent land to support a hunting operation or for their own personal hunting. I have observed deer traveling several miles to bait sites on posted private land this past year. They are no longer available for the general public to hunt. In mid August the outfitters on adjoining land put out their bait piles next to my fence lines to pull these deer to their land. I post my land but have always permitted bow hunting and encourage new hunters and youth to enjoy the experience. Some claim a ban will infringe on private land owners rights. What about my rights as a land owner who chooses not to bait or feed? A bait pile affects more people and land than the person directly involved in the practice.

I will only touch briefly on the ethics of hunting deer over bait. This is an issue between hunters and non-hunters. It takes the hunt out of hunting and becomes just killing. We are teaching our youth to ignore the consequences just to get the kill. I have talked to several non-hunters who think of this type of hunting is just killing not hunting.. We have a generation of deer that have grown up on bait sites and a generation of hunters who don't know how to hunt. I have bow hunted all of my life and have been proud of my sport. The past few years I have had to defend the ethics of my sport to both hunters and non hunters.

This is an emotional issue with sportsman in North Dakota. I know as legislators you are getting many letters and emails to vote against SB2351. Hunting over bait is driven by greed, laziness, and self gratification. It is like an addiction. Naturally they are going to scream the loudest. I am sure the outfitters are saying it will put them out of business. Are our outfitters in North Dakota less competent than those in adjoining states with a ban in place? You are going to hear bowhunters say they no longer will be able to harvest a deer. North Dakota has one of the longest bow seasons in the nation, over four months long. Combine that with the technology available today in the archery industry there is no reason that with some effort and hunting skills a bow hunter will harvest an animal with out the aid of bait. Now is the time for a total ban. A partial ban won't address the disease issue and would be impossible to enforce. I know this will be an unpopular decision with some hunters but it is the right decision. I hope you will make your decision based on the scientific facts and not emotion. I don't think the majority of ND sportsman wants to put the cattle industry in jeopardy.

Thank you for your time



Jim Domaskin
Ross, N.Dak.
domas@restel.net

Mr. Chairman and Committee Members

I would like to address four issues that are being discussed relating to SB 2351.

It is suggested that baiting reduces opportunity. I would suggest baiting provides opportunity. Both of my sons, ages 10 and 13 are restricted from big game hunting until the age of 14. There are no age restrictions for archery however, and as a result our family has taken up bow hunting in order to provide opportunity for Levi and Jesse. After countless hours of practice, scouting, seeking permission, building relationships and in some cases baiting or feeding, each of my sons have experienced the thrill of watching and hunting whitetail at close range. Several places we have permission to hunt are in marginal habitat. Feeding the deer has provided opportunity for our family, not restricted it.

It is suggested that feeding deer causes insurmountable management issues. Drawing deer away from suitable habitat is reported to be one of the negative effects. Reducing harvest is also suggested as one of the many downsides to feeding deer. It would clearly appear to the casual observer that deer congregate where there is food. This is easily seen across ND and without question, not at bait or feeding stations, but in areas of un-harvested grain. Our family's limited experience would suggest that feeding actually disperses big game into many smaller groups and as such, is a positive management tool with the added bonus of increased harvest success.

As to disease and in particular bovine TB the question in my mind is, "Why are legitimate, legal hunters who choose to feed wildlife being targeted and used as the mechanism to bring legislative change for a problem that originates with livestock?" Deer are not the problem. Hunters are not the problem.

Hunters who choose to feed the deer are not the problem. The origin, as I understand it, is with the rare case of infected cattle. When hunters are required to stop feeding big game, farmers and ranchers will

still be feeding cattle and deer will be in the mix. I'm in favor of a bill that addresses the origin of the problem, not a symptom.

The social question seems to be, "Is it ethical to hunt big game over bait?" For some it is and for others is isn't. Should one side hold power over the other on a matter of personal choice? Do I need to forsake my convictions in order to pacify those who hold a different view? Education is the answer to social and ethical issues not regulation. Feeding deer does not magically transfix big game into a Disney character waiting to be slaughtered. Jesse and Levi will testify to the fact that feeding deer is no guarantee of venison dinner. Hard work, practice, patience, skill and lots of luck are all required pre-requisites to a successful hunt. Education over regulation is the answer to social and ethical issues.

After having read and re-read SB 2351 I'm left with the nagging question. Where in this bill is the solution to the problem?

February 12, 2009

Good Morning

My name is Jeff Furstenau. I am a General Contractor from Fargo, ND but I was born and raised in Pembina County. That is where I learned to hunt and enjoy the outdoors.

About 10 years ago, my wife and I bought a home and some land near our childhood family farms in the northeast corner of the state. Throughout the years, we have added to our acreage as much as we can. It is a beautiful area with lots of trees, rugged terrain, and wildlife. It is God's Country.

My passion is bowhunting. My son, son-in-law, and I only bowhunt on our land. We plant trees, food plots, and are good stewards of the land. All year, our family enjoys watching the deer that live on our land. Because of our good hunting practices, we have noticed a healthier deer population. We work hard to control the deer population by harvesting a proper ratio of does.

I would like to tell you about the past few hunting seasons and what happens to the deer population in our area. In the spring, we see deer constantly. All summer long, there are lots of deer in the neighborhood and on our property. We watch them, count them, and take pictures of them.

As bowhunters, our season starts the beginning of September. During this early season, there are many deer on our property and in the neighborhood. My son and son-in-law are both college students. Because of their heavy college loads and work commitments, they were unable to come hunting during this early season.

The last few years, we have noticed the deer population literally disappears by mid-October. The boys hunt when they can during October and November, but by then, the majority of the deer are gone. The last few years, I have worried that too many deer were being harvested in the area. But then in the spring, we see a good population again.

This year, we went for a hike around our property to see if we could see signs of the deer. What we found were 5 different bait piles of sugar beets, screenings, and/or corn. The big bucks had been killed over these bait piles and the does and small bucks were left to live on the remaining bait.

Even though my sons put in lots of time in their deer stands, they did not fill their tags. Their hunting experience was diminished by our neighbors using huge bait piles.

I am for private property rights - - - but their right to bait on their land should not interfere with our right to hunt the deer on our property.



NORTH DAKOTA WEED CONTROL ASSOCIATION

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TESTIMONY OF MERLIN LEITHOLD LOBBYIST # 324 SB 2351 SENATE NATURAL RESOURCES COMMITTEE

FEBRUARY 12th, 2009

Good Morning Chairman Lyson and members of the Senate Natural Resources Committee.

[REDACTED] My name is Merlin Leithold. I am the ND Weed Control Association's South-Central Area director, the association's lobbyist, and I am also the weed officer in Grant County.

You may ask what weed control has to do with baiting? In the current noxious weed law, Century code chapter 63-01.1-12, Preventing dissemination of noxious weeds, it states in paragraph 2 "Scattering and dumping on land or in water any material containing noxious weed seeds or propagating parts is prohibited unless the material has been processed or treated, or unless it is buried deeply enough to destroy the seeds and other propagating parts."

HB 1026, which is the interim noxious weed law rewrite bill, it states on page 16 lines 3 thru 12 on this same subject. On line 12 of that bill it states "Any person who violates this section is guilty of a class B misdemeanor."

[REDACTED] This line was added to the existing language to help county weed personal to try and enforce this part of the law. As the law currently states it is illegal but it doesn't say what to do with the violator when caught.

Dumping of screenings for baiting or feeding is a serious problem. Some county weed officers have stated numerous times about their counties' problems with this. Since screenings are usually cheaper than feed grains, they become the logical choice to use.

I realize that some feel that the feeding of pheasants, especially in winters like this year, is necessary for their survival. But nevertheless, feed grains, other than screenings should be used, in these cases, as well,

We feel that with another law, which SB 2351 would provide, it would give us a partner, helping us enforce the part of the noxious weed law concerning dumping of materials with noxious weed seeds.

Thank you

Roger Kaseman for the North Dakota Wildlife Federation

Testimony in Support of SB 2351

Mister Chairman, members of the committee, I am here to rebut some of the arguments the people that opposed this bill will advance.

The opponents of this bill will argue that disabled people need bait to be able to succeed at hunting. Data from South Carolina destroys that argument.

Baiting is legal in 1/3 of South Carolina and illegal in the rest of the state. Between 2000 and 2007, the South Carolina Division of Natural Resources sampled 25,000 hunters annually giving state wildlife professionals a unique view of the baiting issue. The survey showed that hunters took 28% more deer per square mile in units where baiting is illegal, than hunters took in the units where baiting is legal. Hunters that use bait, spent 22% more time in the field harvesting 28% fewer deer.

Opponents of this bill will argue that hunting next to a food plot, standing crops, or a water hole, or using food scents like Anise, Apple, Crab Apple, or scents like doe in heat, Doe Pee, and Rutting Doe scent, are the same as baiting. That nonsense is demonstrably false. Doe in Heat scent may attract a buck. The buck will not find a doe and will move on. A food scent may attract bucks and does. The deer will not find any food and move on. The deer won't stay for weeks feeding on contaminated bait.

A scientific paper on The Seasonal Changes in Defecation Rates of Free-ranging White-tailed Deer, established that free-ranging northern Whitetail deer defecate 22 times a day during the winter. (Journal of Wildlife Management, L. L. Rogers, 1987)

- Large bait piles routinely attract a 100 or more deer.
- One deer defecates 22 times a day.
- A 100 deer deposited 2,200 piles of pellets every day.
- Over the course of a 16 ½ day gun season, 100 deer deposit 37,400 piles of pellets in, on, or around the bait that the deer feed on.
- Deer and deer droppings concentrated on a bait pile are a disease reservoir waiting for a virus, bacteria or prion to invade.
- Bait piles play biological Russian Roulette with our deer and livestock herds.

The North Dakota Wildlife Federation is especially concerned with timed electronic feeding machines that play an audible call that habituates deer to come to the bait station when the machine distributes feed. You can find these machines throughout the badlands. The feeding machines with their dinner bells go into operation months before the deer season opens and pull mule deer off of public land on to private land. Many North Dakota hunters prize a mule deer buck tag. The feeding machines depriving the public of equal access to their resources and deny North Dakota residents a unique hunting opportunity.

Monster Guide

- Pick a language 
 - English 
 - German 
 - Spanish 
 - French 
 - Italian 
 - Portuguese 
 - Russian 
 - Dutch 
 - Greek 
 - Hindi 
 - Japanese 
 - Korean 
 - Chinese 
 - Chinese 
 - Arabic 

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- Hunting
- How to Hunt Blacktail Deer
- How to Bait A Deer
- How to Fish
- How to Make Food Plots For Deer and Dove
- How to Make A Deer Cooler
- How to Butcher A Deer
- How To Call A White-Tailed Deer
- How to Debone Deer
- How to Field Dress a Deer
- How to Gut a Deer
- How to Hang Deer Meat
- How to Hunt Big Boar
- How to Use a Deer Call
- How to Use a Wingbone Turkey Call
- How to Become a Shotgun Shooter
- How to Use Peep Sights
- How to make Deer Feeders
- How to Make Plexiglass Windows for Deer Stands
- How to Build Sliding Windows for Deer Blind
- How to Use Trout Dough Bait
- How to Throw a Cast Net
- Main Menu
- » Building

- » [DIY](#)
- » [Auto and Motorcycle](#)
- » [Gardening](#)
- » [Cooking](#)
- » [Cleaning](#)
- » [Grooming](#)
- » [Arts](#)
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How to Bait Deer

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Test & keep FREE hunting products. Join North American Hunting Club.

www.huntingclub.com

If you think deer baiting is child's play, think again. A lot of thought and planning is required. This article will give you some tips on the process, and describe the necessary tools and procedures.

Tools/Materials Required

- Doe scent
- Tree stand
- Camouflage clothing
- Hunting [rifle](#)
- Motion detector
- Trail-monitoring system
- Grunt tube
- Mineral salt

Locating The Deer

The first thing you need to do is to find out areas that the deer frequent most often. Usually, you will find deer near nut-bearing trees. Sometimes, a change in water or food conditions can result in the deer altering their course.

Eliminating Body Scents

Wash yourself with peanut butter instead of soap. This helps eliminate any kind of floral or unnatural body scents. You could even rub mud over your face and entire body to eliminate any unwanted scent.

Clothing To Be Worn

Most avid deer-baiting professionals prefer to use camouflage clothing. This enables them to bait deer easily without getting noticed. There are plenty of varieties you can shop for these days, depending on your purpose.

Mounting The Tree Stand

You can use either a stand that is fixed to a select position or one that necessitates climbing. No matter which one you choose, make sure you mount it properly on the tree. Multiple tree stands can be placed to avoid concentrating human scent in one region.

Using The Motion Detector

Motion detectors can be very useful, especially if you are deer baiting at night. If you happen to fall asleep, a motion detector can alert you if a deer approaches. You can even employ a trail-monitoring system; it will send you a voice message when a deer is approaching.

The Doe Scent

Most deer get attracted by doe scent. Therefore, you could sprinkle a bit of this scent around the tree stand. You can hang the scent from a film canister from the tree, a dripper, or dispensers. Place the dispensers in an arc formation or in a straight line; keep them at least 20 or 30 yards apart to spread the smell.

Using A Grunt For Attraction

A grunt tube can come in handy, especially if you happen to be deer baiting in the rutting season. It has the potential to attract any buck in any season. Many baiters have found that even running bucks stop on hearing a grunt. You can get a clear shot in this way.

Feeding The Deer

You could have a timer set for midnight to signal feeding time for the deer. As they are nocturnal animals, it won't take them long to recognize the feeding call. Very soon, they will become habituated.

Making A Mud Hole

Dig up a small portion of earth and fill it with salt. Add plenty of water to make an artificial salt lick for the deer. This is best done during spring as deer look for calcium sources at this time.



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Why do Baiting Laws differ between the Piedmont and Coastal Plain of South Carolina?

Baiting Laws Information

Deer harvest and hunter effort data from South Carolina

Introduction

History

Extent of Baiting in Coastal Plain

Biological Issues

Public Relations Issues

Habitat Management Issues

Fair Chase Issues

Deer Harvest & Hunter effort data

Conclusion

Although baiting may increase deer harvest rates under certain conditions, statewide deer harvest figures indicate that in the Piedmont, where baiting is prohibited, hunters harvest 28 percent more deer per square mile than hunters in the Coastal Plain where baiting is the norm.²⁰ Also, coastal hunters expend 22 percent more time afield in harvesting this reduced number of deer. Harvesting female deer is the key to deer management and data indicates that in the Piedmont, where baiting is prohibited, hunters harvest equal numbers of does and bucks while in the Coastal Plain, where baiting is not prohibited, hunters take more bucks than does. Many proponents of baiting claim that the incidence of deer-vehicle collisions can be reduced if hunters bait. However, in spite of a 33 percent greater human population in the Piedmont, per capita deer-vehicle collision is 9 percent less than in the Coastal Plain.

In total, the evidence strongly suggests that baiting does not increase the harvest of deer over broad regions in South Carolina. In fact, deer harvest and hunter effort data voluntarily submitted as part of the Deer Hunter Survey which is sent randomly to 25,000 hunters annually indicate that baiting may be negatively impacting harvest rates and hunter effort in the Coastal Plain (Table 1).²¹

SCDNR Wildlife Section staff attributes these negative impacts of baiting in the Coastal Plain to hunter dependence on bait, increased nocturnal behavior by deer around bait and increased body condition which affects deer movements. Each of these factors erodes hunter effectiveness leading to decreased harvest rates.

Table 1. Parameters from South Carolina regions where baiting is prohibited (Piedmont) and not prohibited (Coastal Plain), 2000-2007. Data was voluntarily submitted by hunters as part of annual Deer Hunter Survey.

Item	Piedmont Averages	Coastal Plain Averages	% Difference
Total deer harvest (mi ²)	14.2	11.1	27.9
Doe harvest (mi ²)	7.1	5.3	33.9
Buck harvest (mi ²)	7.1	5.8	22.4
Doe:Buck harvest	1.00	0.91	9.1
Man-days/hunter	15.7	19.2	22.3
Man-days/deer harvested	8.4	8.6	1.6
Humans/deer-vehicle collision	1,533	1,389	9.3

Last updated on December 18, 2008 --- <http://www.dnr.sc.gov/wildlife/deer/baitlaw/deerdata.html>

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**Testimony of Susan J. Keller, DVM
State Veterinarian
Senate Bill 2351
Senate Natural Resources Committee
Brynhild Haugland Room
February 12, 2009**

Chairman Lyson and members of the Natural Resources Committee, I am State Veterinarian Susan Keller, with the North Dakota State Board of Animal Health. I am in support of SB 2351.

This bill has done one good thing already. It has brought many people together in North Dakota and started discussions regarding the effects of baiting and feeding on wildlife.

Proponents and opponents alike have strong opinions which support their positions on this issue. A great deal of information will be presented regarding the effects of supplemental feeding or baiting of deer. I represent the Board of Animal Health, and we are charged with preventing disease introduction and transmission (NDCC 36-01-08). My reason for supporting this bill is the valid concern over the role that baiting and feeding wildlife play on potential disease transmission.

Animal health officials, researchers and epidemiologists from states already dealing with serious disease situations, such as tuberculosis or chronic wasting disease, have learned through trial and error that baiting and supplemental feeding of wildlife, can 'present an opportunity for the spread of diseases amongst wildlife'. Research projects support that fact also. And if a disease is introduced into the wildlife population, it does increase the risk of potential spread to domestic

livestock. It is acknowledged that banning baiting is just one of the actions needed to help prevent the spread of disease, should it be introduced or already here. Neighboring states and provinces are dealing with tuberculosis, brucellosis and Chronic Wasting Disease.

USDA – APHIS and Tuberculosis experts have presented enough information at national meetings in recent years, to indicate that the United States has a ways to go in our efforts to eradicate Tuberculosis. The disease is caused by a slow growing and hardy organism and causes a disease which is not only devastating to the livestock industry, but also zoonotic to humans. It is not the only disease concern that can be addressed by banning baiting and feeding of wild big game, but it is by far one of the Board's most serious disease concerns at this time.

The costs of dealing with diseases such as tuberculosis are astronomical compared to what an ounce of prevention can do in preventing disease introductions or disease spread. For example, Michigan officials estimate they have spent well over \$100,000,000 to date in an effort to eradicate tuberculosis from their wildlife and domestic animal population. That is without considering what producers have spent in tuberculosis testing in order to be able to move livestock interstate. Minnesota, released that they have spent -- \$75,000,000 since the disease was first diagnosed there--and they still have at least 4 years to go before they can reapply for Tuberculosis Free Status. We need to learn from other states' struggles and hardships.

One of the main concerns that many producers seem to share, is that this bill alone will not address the yarding up of wildlife and damage to feed supplies that are already short for livestock. This is especially a problem in winters such as the one we are currently experiencing. While there is information in literature which indicates stopping supplemental feeding will also help return wildlife populations to more normal numbers, in some areas of North Dakota, that may not be true. Additional means of dealing with concentrated populations of wildlife which lead to depredation of livestock feed must continue to be pursued by wildlife officials. Producers are also encouraged to use good management practices when feeding and storing feedstuffs in order to avoid interaction of wildlife with livestock and feed supplies. Research articles available on the topic of feeding wildlife provide not only science to support this bill, but also the professional observations of researchers and officials who have dealt with this issue for many years. While it is true that banning baiting and supplemental feeding is only 'part' of disease prevention, fellow animal health officials are convinced it is a critical step that needs to

be taken. I am submitting a letter from Dr. Steve Halstead, Michigan State Veterinarian, who has been dealing with Tuberculosis in his state for many years.

Working with just one North Dakota producer in 1999, who had a herd declared Tuberculosis infected and was depopulated, and then to witness the related additional herd testing and wildlife destruction and testing that occurred, engrained a renewed appreciation for the value of preventative medicine.

I thank you for your careful consideration of all of the information provided on this topic. North Dakota has always been proactive and a leader in animal health prevention practices. Please help North Dakota continue to maintain a healthy wildlife and livestock population by supporting SB 2351. I would be willing to try and answer any questions you have or refer you to national experts on this topic for further information.

Susan J. Keller, DVM
ND State Veterinarian



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STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

DON KOIVISTO
DIRECTOR

February 9, 2009

Susan J. Keller, D.V.M.
North Dakota Department of Agriculture
Board of Animal Health
600 East Boulevard Avenue, Sixth Floor
Bismarck, North Dakota 58505

Dear Dr. Keller:

During the past decade of bovine TB eradication effort in Michigan, we've learned a good deal about the ecology of the bovine TB organism, its success in being maintained within the wildlife population, and many of the factors involved in transmission of TB within the wild white-tailed deer herd and from deer to cattle.

Scientists, biologists, epidemiologists, and veterinarians in Michigan and Federal partner agencies are in agreement that the likely cause of the high level of bovine TB infection in sub-populations of Michigan's wild deer herd is the result of repetitive congregation of deer in artificially high numbers at feed sites. This sequential and repetitive attraction of groups of deer to feed and bait enhances the potential for spread of the disease by providing prolonged commingling opportunities and a substrate that indirectly moves the TB bacterium from one animal to the next.

Additionally, these artificial conditions increase stress, negatively impacting immune system response. Feeding and baiting supports the herd beyond natural carrying capacity, increasing both the number of animals in the population and, because of resource competition, the number at risk.

Our goal is to stop feeding and baiting to prevent infected deer from coming into close contact with healthy deer, and to bring deer populations back in alignment with natural capacity. We believe this will reduce bovine TB transmission sufficiently such that, over a period of years, bovine TB will be eliminated from Michigan's wild deer and cattle.

Respectfully,

Steven L. Halstead, D.V.M., M.S.
State Veterinarian and Division Director
Animal Industry Division

SLH/jyd

Survival of *Mycobacterium bovis* on Feedstuffs Commonly Used as Supplemental Feed for White-tailed Deer (*Odocoileus virginianus*)

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ABSTRACT: *Mycobacterium bovis*, the causative agent of bovine tuberculosis, has become established in free-ranging white-tailed deer *Odocoileus virginianus* in northeastern Michigan. The practice of supplemental feeding of white-tailed deer during the winter is believed to contribute to transmission of *M. bovis* between deer. The current study was conducted to determine the ability of *M. bovis* to survive on various feedstuffs commonly used as supplemental feed for deer in northeast Michigan (i.e., apples, corn, carrots, sugar beets, potatoes, and hay) and the effect of maintenance at -20 C, 8 C, and 23 C on survival. *Mycobacterium bovis* survived on all feedstuffs at all temperatures tested for at least 7 days. At 23 C, *M. bovis* could still be isolated from samples of apples, corn and potatoes at 112 days. This study suggests that contamination of feedstuffs by *M. bovis*-infected deer could act as a source of indirect transmission between deer because *M. bovis* is able to survive in temperatures similar to those recorded during winter months in northeastern Michigan. Current efforts to ban or control supplemental feeding of deer should have a positive effect on decreasing transmission of *M. bovis* among deer.

Key words: Feedstuffs, *Mycobacterium bovis*, *Odocoileus virginianus*, survivability, tuberculosis, white-tailed deer.

In 1994, a free-ranging white-tailed deer (*Odocoileus virginianus*) in Michigan was diagnosed with tuberculosis due to *Mycobacterium bovis*, the causative agent of bovine tuberculosis (Schmitt et al., 1997). Subsequent surveys identified a focus of *M. bovis* infection in free-ranging white-tailed deer in northeast Michigan (O'Brien et al., 2001, 2002). This represents the first known reservoir of *M. bovis* in free-ranging wildlife in the United States and a significant obstacle to the eradication of bovine tuberculosis in domestic livestock. Several factors are thought to have contributed to the estab-

lishment and persistence of *M. bovis* in this wildlife reservoir. It is postulated that *M. bovis* was transmitted from cattle to deer at some time during the early to mid 1900s when a large number of Michigan cattle were infected with *M. bovis* (Frye, 1995). During this same period, Michigan's deer population was steadily increasing beyond normal habitat carrying capacity to focal concentrations of 19 to 23 deer per km² (Schmitt et al., 1997). Transmission and maintenance of *M. bovis* among deer is thought to have been facilitated by the common practice in Michigan of long-term winter feeding of large volumes of sugar beets, carrots, corn, apples, pumpkins, and pelleted feed to deer by private citizens to prevent migration and decrease winter mortality in order to keep deer numbers high for hunting purposes (Schmitt et al., 1997). DNA analysis of *M. bovis* isolates from Michigan white-tailed deer showed that the majority of deer were infected with a common strain of *M. bovis* suggesting a single source of infection (Whipple et al., 1997).

Experimentally, transmission between deer and between deer and cattle has been demonstrated through the sharing of feed with no opportunity for direct contact (Palmer et al., 2004b). Research under a variety of conditions has demonstrated that *M. bovis* can persist for prolonged periods in the environment (Williams and Hoy, 1930; Maddock, 1933; Duffield and Young, 1985; Jackson et al., 1995; Tanner and Michel, 1999). *Mycobacterium bovis* has been shown to persist in cool, dark environments for 4–6 wk (Duffield and Young, 1985; Tanner and Michel, 1999), on growing grass for as long as 7 wk, and

in liquid manure for at least 16 wk (Williams and Hoy, 1930; Maddock, 1933). In contrast to such prolonged survival, other research has shown survival times of 7–28 days inside dens of brushtail possums in New Zealand (Jackson et al., 1995). Little information exists as to the ability of a particular strain, such as that isolated from white-tailed deer in northeast Michigan, to exist on specific substrates that are commonly used as feedstuffs. This study was conducted to determine the ability of *M. bovis* to survive on various feedstuffs commonly used as supplemental feed for deer in northeast Michigan and the effect of storage temperature on survival.

Mycobacterium bovis strain 1315 was used in the present study. Strain 1315 was originally isolated from a white-tailed deer in northeast Michigan and has the same RFLP pattern as the majority of isolates obtained from deer in Michigan. Bacterial suspensions consisted of mid-log-phase *M. bovis* grown in Middlebrook 7H9 liquid media supplemented with 10% oleic acid-albumin-dextrose complex (OADC) (Becton Dickinson Co., Sparks, Maryland) plus 0.05% Tween 80 (Sigma Chemical Co., St. Louis, Missouri) grown for 10 days at 37 C. To harvest bacilli from the culture media, cells were pelleted by centrifugation at $750 \times G$ and the pellet resuspended in phosphate-buffered saline solution (PBS, 0.01 M, pH 7.2) to the appropriate concentration. Bacterial suspensions were used immediately without freezing.

Samples of sugar beets, apples, carrots, and potatoes were diced into cubes of approximately $1\text{--}2\text{ cm}^3$. Samples of alfalfa hay were chopped to approximately 3–4 cm lengths. Shelled corn was divided into 10 g samples. Ten grams each of sugar beets, apples, carrots, potatoes, and shelled corn were placed into 50 ml centrifuge tubes. Ten grams of alfalfa hay was similarly placed in suitable plastic bags. To each tube or bag a 1 ml volume of a bacterial suspension containing 1.1×10^6 colony forming units (CFU) of *M.*

bovis was added. Tubes containing samples and bacterial suspension were rotated thoroughly to ensure mixing of the sample and suspension. Six different types of feedstuffs were examined in duplicate at 2 hr, and 1, 2, 3, 7, 14, 21, 28, 56, 84, and 112 days after inoculation. Each evaluation was done at three different environmental temperatures, -20 C (freezing), 8 C (refrigeration), and 23 C (room temperature), totaling 396 samples.

For isolation of *M. bovis* from carrots, apples, potatoes, and sugar beets, samples were homogenized with 50 ml of nutrient broth containing phenol red. Hay and corn samples were processed by mixing in a hand grinder with 40 ml and 60 ml, respectively, of phenol red nutrient broth. Tubes containing samples were thoroughly rinsed with nutrient broth as the sample was extracted for homogenization. Samples were homogenized for 30 sec and allowed to settle for 15 min. Twenty milliliters of suspension was removed, placed in a new 50-ml centrifuge tube, and incubated overnight (16–18 hr) at 37 C. After incubation, an equal volume of 1.0 N NaOH was added for decontamination. After 10 min, the sample was neutralized with 10 N HCl to pH 7 and centrifuged at $2,000 \times G$ for 20 min. The supernatant was decanted and the sediment suspended in 2 ml of phosphate buffered saline (PBS) containing amphotericin B (50 $\mu\text{g/ml}$). For each sample, two plates containing Middlebrook 7H11 media were inoculated with 0.2 ml of suspension. Plates were incubated at 37 C and growth evaluated at 7 days, 4 wk, and 8 wk. Two hundred microliters of each sample were also inoculated into vials of commercial liquid media (BACTEC 12B medium, Becton Dickinson) containing selected antimicrobials for isolation of mycobacteria (BACTEC PANTA Plus, Becton Dickinson). Growth on Middlebrook 7H11 agar plates was semiquantitatively scored using the following system; 0 (no growth), 1 (1–10 CFU), 2 (11–50 CFU), 3 (51–100 CFU), 4 (>100 CFU).

Mycobacterium bovis survived on all feedstuffs at all storage temperatures tested for at least 7 days (Table 1). At the termination of the study (112 days), *M. bovis* could be recovered from all feedstuffs at -20 C, from samples of apples, corn, hay, and potatoes at 8 C, and from samples of apples, corn and potatoes at 23 C. Survivability was least favorable on carrots and sugar beets; however, *M. bovis* could still be recovered from both vegetables at 112 days at -20 C and 14 and 84 days, respectively, for carrots and sugar beets at 8 C.

The prolonged survivability of *M. bovis* on feedstuffs commonly used for supplemental feeding of deer would increase the likelihood of transmission of *M. bovis* in areas where *M. bovis* is endemic in white-tailed deer, such as northeastern Michigan. In the current study, survivability of *M. bovis* was facilitated by decreased temperature, with recovery of viable *M. bovis* from all feedstuffs maintained at -20 C for 112 days, and recovery of *M. bovis* from apples, corn, hay, and potatoes after maintenance at 8 C for 112 days.

According to historical climate data (<http://www.crh.noaa.gov>), the average temperature in northeastern Michigan during the period 1971–2000, was 1.4 C, -4.0 C, -7.8 C, and -7.2 C for November, December, January and February, respectively. On average, temperatures during the winter in this region do not exceed 0 C for 55 out of 84 days. Environmental temperatures such as those recorded in winter in northeastern Michigan would increase the likelihood of *M. bovis* survival in the environment.

Supplemental feeding of deer in Michigan consists of placing large piles of feedstuffs, including those examined in the present study, and allowing wildlife free access over the entire winter (Schmitt et al., 1997). The volume of feed at some feeding sites can approach hundreds of thousands of kilograms per winter season (Miller et al., 2003). The results of the present study suggest that *M. bovis* can

remain viable on some feedstuff piles for most of the winter with possible exposure of large numbers of deer to viable *M. bovis*. Indeed, analysis has shown that supplemental feeding of deer is associated with the risk of tuberculosis in white-tailed deer (Miller et al., 2003). Specific risk factors include the presence of hardwood forests, other feeding sites in the area, the number of deer fed per year, and the quantity of fruits or vegetables provided (Miller et al., 2003). Interestingly, a commonly observed habit of white-tailed deer may also contribute to disease transmission. During winter, the outer surface of feed piles becomes frozen and deer break small holes, large enough to accommodate the muzzle, through the frozen surface to access nonfrozen feed (Miller et al., 2003). Later, other deer use the same holes to access feed. This habit may concentrate feed contamination to critical areas shared by numerous deer.

Previous studies have examined the ability of *M. bovis* to survive under various environmental conditions (Williams and Hoy, 1930; Maddock, 1933; Duffield and Young, 1985; Jackson et al., 1995; Tanner and Michel, 1999). Although results have varied, ranging from 4 days on pasture (Griffin et al., 2005) to 6 mo in dung (Maddock, 1933), reports have consistently demonstrated that survivability is enhanced in cool, moist conditions, especially when samples are protected from direct sunlight. Moreover, previous studies have taken place under environments commonly encountered in locales such as South Africa (Tanner and Michel, 1999), Australia (Duffield and Young, 1985), New Zealand (Jackson et al., 1995), and the United Kingdom (Williams and Hoy, 1930; Maddock, 1933) and have not considered environments that approach the cold climates of northern Michigan.

Mycobacterium bovis, like other mycobacteria has a unique cell wall, of which lipids account for approximately 60%. This extremely lipophilic cell wall allows *M. bovis* to resist adverse environmental

TABLE 1. Survivability of *M. bovis* on various feedstuffs used for supplemental feeding of white-tailed deer in Michigan at storage temperatures of 23 C, 8 C, and -20 C.

Feedstuff	Temp	Days of storage ^a										
		0 ^b	1	2	3	7	14.0	21	28	56	84.0	112
Apples	23	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	3±0.58	4.0±0.0	ND ^c	1.5±0.50	1±0.0	0	0.50±0.29
	8	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	1.5±0.29	3.33±0.33	3.50±0.50	4.0±0.0	4.0±0.0	3.0±0.58	2.0±0.58
	-20	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0
Carrots	23	4.0±0.0	4.0±0.0	2.0±0.58	1.0±0.41	0.50±0.29	0	ND	0	0	0	0
	8	4.0±0.0	4.0±0.0	4.0±0.0	1.0±0.0	2.0±0.41	0.50±0.29	0	0	0	0	0
	-20	4.0±0.0	2.0±0.0	4.0±0.0	3.0±0.0	1.75±0.25	3.25±0.25	0.75±0.41	0.75±0.41	0.75±0.25	1.0±0.58	0.25±0.25
Corn	23	4.0±0.0	4.0±0.0	4.0±0.0	3.75±0.25	4.0±0.0	2.25±0.25	0.67±0.33	1.25±0.25	0.33±0.33	0	0.25±0.25
	8	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	2.75±0.41	4.0±0.0
	-20	4.0±0.0	4.0±0.0	4.0±0.0	ND	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0
Hay	23	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	ND	ND	ND	ND	ND	ND
	8	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	3.5±0.5	4.0±0.0	4.0±0.0	3.5±0.5	4.0±0.0
	-20	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0
Potatoes	23	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	ND	2.75±0.63	4.0±0.0	4.0±0.0	4.0±0.0
	8	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	2.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0
	-20	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0
Sugar Beets	23	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	2.25±0.25	0	ND	2.25±0.25	ND	0	0
	8	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	1.0±0.0	1.7±0.33	0.5±0.29	0.5±0.29	0
	-20	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0	4.0±0.0

^a Days represent mean of duplicate samples (±S.E.) and days after addition of *M. bovis* to feed samples that isolation of *M. bovis* was possible.

^b 0 = no growth, 1 = 1-10 CFU, 2 = 11-50 CFU, 3 = 51-100 CFU, 4 = >100 CFU.

^c Not done.

conditions such as drying (Willet, 1992). Cultures maintained at 37 C have been found viable after 12 yr of storage (Willet, 1992). The environment in which the bacilli are found is also critical to prolonged survival in the environment. Bacilli in sputum require 20 hr to 30 hr of exposure to direct sunlight to be killed, whereas bacilli from culture can be killed in 2 hr (Willet, 1992). Previous studies have demonstrated that *M. bovis*-infected white-tailed deer shed the organisms in nasal secretions and saliva (Palmer et al., 2004a, b). It is likely the environment found within these bodily fluids enhances survivability.

Current regulations in Michigan ban supplemental feeding of deer within the TB endemic area (<http://www.michigandnr.com/>) and restrict supplemental feeding in areas where TB has not been identified in deer. However, not all supplemental feeding of wildlife is intentional. Current agricultural practices, such as feeding cattle using hay in large round bales on pastures, do not preclude deer from sharing feed with other deer or livestock in regions where deer have access to livestock pastures.

Limitations of the current study include the lack of ability to evaluate the effect of factors such as moisture (humidity and precipitation); changes in temperature; freeze-thaw cycles; activity of other bacteria, protozoa, or fungi; and ultraviolet light on the survivability of *M. bovis*. It is likely that factors such as these would have a detrimental effect on *M. bovis* survivability. Although not conducted in regions with environmental conditions similar to northern Michigan, other studies conducted in natural settings where factors such as humidity, precipitation, and ultraviolet light were monitored have demonstrated prolonged survivability of *M. bovis* well within the span of time necessary to transmit *M. bovis* indirectly among deer through sharing of feed (Jackson et al., 1995; Tanner and Michel, 1999).

The lack of precise quantitative culture

results in the previous study also precludes conclusions concerning the likelihood of the presence of sufficient numbers of organisms at various time-points and their ability to infect white-tailed deer successfully. The dose of *M. bovis* that deer receive during natural infections is unknown and likely highly variable; however, previous experimental studies have demonstrated that low doses of *M. bovis* can produce tuberculous lesions in white-tailed deer (Palmer et al., 2002). Inoculation of 32 white-tailed deer with 300 CFU of the strain of *M. bovis* used in present study resulted in bacterial colonization and lesion formation in all deer (Palmer et al., 2002). Moreover, lesions have been successfully produced in white-tailed deer inoculated with as few as 40 CFU of *M. bovis* (M. Palmer, unpubl. obs.), in red deer with as few as 200 CFU of *M. bovis* (Griffin et al., 2006) and in cattle with a single CFU of *M. bovis* (Dean et al., 2005). This study suggests that contamination of feedstuffs by *M. bovis* infected deer could act as a source of indirect transmission to other deer because *M. bovis* is able to survive in temperatures similar to those recorded during the winter months in northeastern Michigan. Current efforts to ban or control supplemental feeding of deer should have a positive effect on decreasing transmission of *M. bovis* between deer.

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**Mule Deer Foundation Testimony
Regarding SB 2351
Senate Natural Resources Committee
Chairman: Sen. Stanley W. Lyson
February 12, 2009**

Mr. Chairman:

My name is Brandon Mason and I am the Regional Director for the Northern Great Plains Region of the Mule Deer Foundation (MDF). As you may or may not be aware of, the MDF is the only national non-profit organization dedicated to the conservation of mule deer, black-tailed deer and their habitats.

Mule deer are a symbol of “the West” and their numbers are declining throughout much of their historical range. This decline can be attributed to multiple factors including increasing numbers of large predators, urban sprawl into key habitat areas (winter range, for example), fire suppression, ongoing threats of invasive plant species, and the spread of wildlife diseases. It is with the latter two factors that the wildlife baiting issue starts to hit home & where I'd like to begin my testimony today.

It has been noted by multiple state and federal wildlife agencies that artificially baiting wildlife can aid in the spread of noxious weeds. Not only does this lead to a deterioration of habitat for all species of wildlife, but it is also a tremendous cost to government agencies and private landowners alike. The practice of purchasing grain screenings, which are often polluted with noxious weed seeds, for baiting in big game animals has become a common practice. In some cases, it has even been noted that screenings are dumped near gravel pits, which provide a solid backstop for shooting at incoming deer. The weed seeds that are left behind are commonly transported with the gravel that is distributed along countless county roads across the state. The cost of controlling the spread of noxious weeds is staggering! The North Dakota Department of Agriculture grants over \$1.7 million from their biennial budget to county and city weed boards. The North Dakota Game & Fish Department has spent over \$500,000 during past biennium to control noxious weeds. While there are many factors that lead to the spread of noxious weeds, the elimination of baiting would help to minimize the artificial spread of noxious weeds.

Next we have the issue of wildlife diseases. When wild animals are artificially congregated, such as in the case of baiting, the potential of disease transmission is increased exponentially. Mule deer and other big game animals that are baited by humans tend to concentrate at feeding sites where disease outbreaks can affect a large number of animals. Members of the deer family are susceptible to chronic wasting disease and easily spread tuberculosis in crowded conditions.¹ The potential spread of chronic wasting disease and tuberculosis when coupled with big game animals being artificially congregated, or baited, into an area, provides a recipe for disaster. Since

¹ Mule Deer Working Group. 2003. Mule Deer: Changing landscapes, changing perspectives. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies.

2002, the North Dakota Game & Fish Department (NDGF) has spent over \$450,000 on the surveillance of chronic wasting disease alone. Even with the great efforts that the NDGF has put forth to minimize the occurrence of wildlife diseases, one of the quickest ways to ensure the spread of a disease, is to allow uncontrolled baiting to continue.

Disease isn't the only troubling side effect of baiting. Some species of wildlife are migratory, relying on traditional movements throughout a landscape to get the food, cover and water requirements they need year-round. Baiting can disrupt these movement patterns and cause wildlife that were once migratory to become year-round residents.²

Lastly, I'd like to discuss the topic of hunting ethics, fair chase, and the use of bait to draw in animals. The Boone and Crocket Club, which was started over a century ago by a group of concerned individuals that banded together to save wildlife and a place known as Yellowstone, defines fair chase as the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals. It is my opinion that baiting is an unfair advantage. Theodore Roosevelt, who has been called our most conservation minded President, said this about pursuing wildlife, "The man who follows him must be sound in limb and wind. Skill and patience, and the capacity to endure fatigue and exposure, must be shown by the successful hunter." Jim Posewitz, an accomplished author and great conservation mind of our time states this about wild game, "Their value is enhanced by the fact that for more than a century the taking of these animals represented gaining honor through effort." These individuals and groups have helped us develop and maintain what we now know as the North American Model of Wildlife Conservation. This model has shaped the great history of wildlife management in America. We have the opportunity today to adhere to this strict code of ethics for not only our sportsmen, but also for the non-hunting public, our wildlife resources, and our children. Baiting in North Dakota needs to stop. It is my hope and the hope of the Mule Deer Foundation that you will support this bill and support the NDGF's ability to soundly manage our state's wildlife resources. Thank you.

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² Mule Deer Working Group. 2003. Mule Deer: Changing landscapes, changing perspectives. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies.

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2351

Page 1, line 1, replace "20.1-05" with "20.1-01"

Page 1, line 2, after "big game" insert "and game birds"

Page 1, line 5, replace "20.1-05" with "20.1-01"

Page 1, line 7, after "big game" insert "and game birds"

Page 1, line 8, after "big game" insert "and game birds"

Page 1, line 9, after "big game" insert "and game birds"

Renumber accordingly