

2013 HOUSE ENERGY AND NATURAL RESOURCES

HB 1336

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1336
February 1, 2013
18130

Conference Committee

Minutes

Relating to the proclamation for paddlefish tags

Minutes:

3 Attachments

Rep. Porter: We will open the hearing on HB 1336

Rep. Wall: Because of the influx of both resident and non-resident fishermen, there is a concern that the current paddlefish numbers may not justify the current practice of issuing tags to anyone intersected in paddlefish snagging. (Attachment 1)

Greg Power: Chief of the Fisheries Division of the N.D. Game and Fish Department; To protect the paddlefish population from overharvest, an annual harvest cap of to 1000 paddlefish per state has been in place for years. (Attachment 2) This bill would provide the dept. the ability for the governors fishing proclamation to institute a lottery system for drawing paddlefish tags.

Rep. Froseth: Would it work to issue so many from tags from the first opening season and so many tags the second week and so on?

Greg Power: we have discussed many options internally and with the public. One of the issues is when we close the season we have a 36 hour notice. We heard a lot from the people that plan on coming and then the season is closed when they were planning coming. People want predictably and right now they aren't getting that.

Rep. Froseth: It seems there is a lot of frustration with the lottery system on deer tags, this would be a problem that type of outing for some sportsmen.

Rep. Nathe: If this were to pass would the number of tags be about 1400?

Greg Power: Correct.

Rep. Nathe: Would the system work like the deer where they would have to tag it?

Greg Power: There is a tag that you have to have in your possession and when you snag a paddlefish you have to tag it immediately and then you are done.

Rep. Nathe: What is the demand and the limited number of tags would there be preference point system like we have with the deer?

Greg Power: Our thoughts are no and see how it goes.

Rep. Nahe: Are there officers there that monitor in these sites?

Greg Power: Yes the season is short as so there is always enforcement present.

Rep. Porter: If they are unsuccessful in getting a tag can they still paddlefish and release?

Greg Power: Correct there are about 4 days for snag and release and all you would need is a fishing license.

Mike Donahue: passed out attachment 3 no testimony.

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1336
February 1, 2013
18146

Conference Committee

Emmitt

Relating to paddlefish tag licenses

Minutes:

Rep. Porter: HB 1336 Discussion

Rep. Silbernagel: move to pass.

Rep. Porter: We have a motion for a do pass on HB 1336 seconded by Rep. Anderson.
Motion Carried. Rep. Silberangel

Yes 12 No1 Absent 0 Carrier Rep. Silbernagel

FISCAL NOTE
Requested by Legislative Council
01/18/2013

Bill/Resolution No.: HB 1336

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

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$73,626		\$73,626
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill amendment adds a subsection relating to the proclamation for paddlefish tags. If a limited # of tags are to be issued, it allows the governor to declare the manner of issuance of the tag. It also increases resident and nonresident paddlefish tag annual licenses.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill amendment will have a positive fiscal impact on our revenue because it is increasing license fees for resident and nonresident(NR) paddlefish tag annual licenses. If passed, the bill will take affect with the 2014 season.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The resident and nonresident paddlefish tag annual license fee increase is projected based on the number of paddlefish tag annual licenses sold in 2012. The Resident fee increase from \$3 to \$10 will generate additional revenue of \$17,808 (\$7 x 2,544) per year. The NR fee increase from \$7.50 to \$25 will generate additional revenue of \$19,005 (\$17.50 x 1,086) per year. Total additional revenue for the biennium is \$73,626. If tags are limited, revenue would be decreased accordingly.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None anticipated.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None anticipated.

Name: Kim Molesworth

Agency: ND Game and Fish Dept.

Telephone: 701-328-6605

Date Prepared: 01/22/2013

Date: 2-1-2013
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1336

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number Rep Silbernagel

Action Taken _____

Motion Made By Rep Silbernagel Seconded By Rep Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunsakor	✓	
Vice Chairman Chuck Damschen	✓		Rep. Scot Kelsh	✓	
Rep. Jim Schmidt	✓		Rep. Corey Mock	✓	
Rep. Glen Froseth	·	✓			
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel	✓				
Rep. Mike Nathe	✓				
Rep. Roger Brabandt	✓				
Rep. George Keiser	✓				

Total (Yes) 12 No 1

Absent 0

Floor Assignment _____

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

Do pass

REPORT OF STANDING COMMITTEE

HB 1336: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
HB 1336 was placed on the Eleventh order on the calendar.

2013 SENATE NATURAL RESOURCES

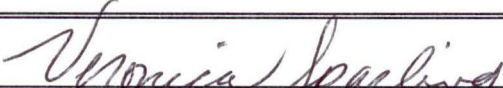
HB 1336

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

HB 1336
March 15, 2013
20005

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to the proclamation for paddlefish tags

Minutes:

attachments

Chairman Lyson opened the hearing for HB 1336.

Representative John Wall, District 25, introduced the bill. See attachment #1. (Ends at 3:00)

Greg Power, Chief of the Fisheries Division of the ND Game and Fish Department, presented written testimony. See attachment #2. (Ends at 06:36)

Senator Burckhard asked how many paddlefish would be taken under a lottery system.

Mr. Power referred to page four of attachment #2 to say 1400 may be the number of tags that would be issued.

Mike Donahue, representing the ND Wildlife Federation that has about 1200 members around the state, stood in support of the bill. He also stood in support of deleting the portion about the fees.

Foster Ray Hager, Cass County Wildlife Club, stood in support of the bill.

More in Favor: None

Opposition: None

Neutral: None

Chairman Lyson closed the hearing for HB 1336.

Senator Murphy: Motion to Amend HB 1336 by deleting Section 2.

Senator Unruh: Second

Senate Natural Resources Committee
HB 1336
March 15, 2013
Page 2

Motion carried by voice vote.

Senator Murphy: Do Pass as Amended

Senator Unruh: Second

Senator Murphy talked about experiences of fishing in Alaska where the shores are so crowded that he referred to it as "combat fishing". He feels this is a step in the right direction.

Senator Lyson agreed that the extreme crowding even becomes a safety issue.

Roll Call Vote: 7, 0, 0

Carrier: Senator Murphy

As per a discussion with Senator Lyson on March 18th, this bill was re referred to the Senate Appropriations Committee.

FISCAL NOTE
Requested by Legislative Council
03/18/2013

Amendment to: HB 1336

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

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Appropriations				\$0		\$0

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
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Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill amendment adds a subsection relating to the proclamation for paddlefish tags. If a limited # of tags are to be issued, it allows the governor to declare the manner of issuance of the tag. The bill was amended to exclude Sect 2 regarding the fee; so the bill no longer has a fiscal effect.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

None.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None anticipated.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None anticipated.

Name: Kim Molesworth
Agency: ND Game and Fish Dept.
Telephone: 701-328-6605
Date Prepared: 01/22/2013

FISCAL NOTE
Requested by Legislative Council
01/18/2013

Bill/Resolution No.: HB 1336

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

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The bill amendment adds a subsection relating to the proclamation for paddlefish tags. If a limited # of tags are to be issued, it allows the governor to declare the manner of issuance of the tag. It also increases resident and nonresident paddlefish tag annual licenses.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill amendment will have a positive fiscal impact on our revenue because it is increasing license fees for resident and nonresident(NR) paddlefish tag annual licenses. If passed, the bill will take affect with the 2014 season.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The resident and nonresident paddlefish tag annual license fee increase is projected based on the number of paddlefish tag annual licenses sold in 2012. The Resident fee increase from \$3 to \$10 will generate additional revenue of \$17,808 (\$7 x 2,544) per year. The NR fee increase from \$7.50 to \$25 will generate additional revenue of \$19,005 (\$17.50 x 1,086) per year. Total additional revenue for the biennium is \$73,626. If tags are limited, revenue would be decreased accordingly.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None anticipated.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None anticipated.

Name: Kim Molesworth

Agency: ND Game and Fish Dept.

Telephone: 701-328-6605

Date Prepared: 01/22/2013

13.0559.01001
Title.02000

Adopted by the Natural Resources Committee

March 15, 2013



3/15/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1336

Page 1, line 2, remove "; and to amend and"

Page 1, remove line 3

Page 1, line 4, remove "relating to paddlefish tag license fees"

Page 1, remove lines 14 through 18

Renumber accordingly



Date: 3-15-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1336

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Murphy Seconded By Unruh

Senators	Yes	No	Senators	Yes	No
Senator Lyson			Senator Triplett		
Senator Burckhard			Senator Murphy		
Senator Hogue					
Senator Laffen					
Senator Unruh					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote *Remove Sec. 2*

Date: 3-15-13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1336

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

*as per discussion
by Chairman Lyson
on March 18, 2013*

Rerefer to Appropriations Reconsider

Motion Made By Murphy Seconded By Unruh

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplett	✓	
Senator Burckhard	✓		Senator Murphy	✓	
Senator Hogue	✓				
Senator Laffen	✓				
Senator Unruh	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Murphy

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

REPORT OF STANDING COMMITTEE

HB 1336: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and"

Page 1, remove line 3

Page 1, line 4, remove "relating to paddlefish tag license fees"

Page 1, remove lines 14 through 18

Renumber accordingly

2013 TESTIMONY

HB 1336

/

House Energy and Natural Resources Committee

Testimony on House Bill 1336

February, 1st 2012

Chairman Porter and members of the committee, for the record my name is John Wall and I represent District 25 which is located in the southeast corner of North Dakota.

Constituents concerned with the future of paddlefishing in North Dakota prompted me to introduce this bill.

Because of an influx of both resident and non-resident fishermen, there is a concern that the current paddlefish numbers may not justify the current practice of issuing tags to anyone interested in paddlefish snagging.

This proposed legislation addresses two issues; section 1 of the bill allows the Governor by order of proclamation to determine the number of resident and non-resident paddlefish tags to be issued. Section 20.1-08-04 of century code gives the Governor these powers as it relates to big game but does not address fish.

Section 2 of this bill would increase the cost of a paddlefish tag. This increase is necessary as the cost of conducting a lottery and the price of a tag leave little if any monies available for administrative costs and paddlefish research.

I believe the passage of HB 1336 will help protect this unique natural resource while still offering fishermen the opportunity to pursue the paddlefishing experience, and I ask for your support of House Bill 1336.

House Energy and Natural Resources Committee
Testimony on HB 1336

Greg Power, Chief, Fisheries Division
North Dakota Game and Fish Department
February 1, 2013

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Greg Power and I am the Chief of the Fisheries Division of the North Dakota Game and Fish Department. I am here this morning to provide our support for HB 1336.

North Dakota has had a paddlefish snagging season that dates back to 1976. The snagging occurs in the Yellowstone and Missouri Rivers upstream of Williston. Since 1992, this fishery has been intensively managed and researched by our Department cooperating with the Montana Fish, Wildlife and Parks Department. To protect the paddlefish population from overharvest, an annual harvest cap of up to 1000 paddlefish per state has been in place for years.

Our regulations have become more restrictive over time due to generally poor recruitment of young paddlefish. Meanwhile the number of tags available to snaggers has been unlimited, and typically ranges from 3,000 to 3,500 tags issued annually. This has resulted in most of the effort taking place early in the snagging season, with extraordinarily congested areas of snaggers and campers (see attached photos). Under these conditions, the season is often closed just days after opening due to 1000 paddlefish being harvested. Instead of a snagging season that lasts the entire month of May, as scheduled, a typical harvest season in recent years lasts only 6-8 days. The season has closed early ten of the past twelve years.

This has become a supply and demand issue, where the supply of paddlefish is projected to decrease while the snagger demand is forecasted to increase. The crowding and associated issues will make it virtually impossible to appropriately manage this unique and valuable resource.

This bill would provide the Department the ability, through the Governor's Fishing Proclamation, to institute a lottery system for drawing a paddlefish tag. The lottery system envisioned would operate similar to that used for issuing deer hunting licenses. Through a lottery system the Department will be able to better regulate this fishery. Further, those who receive a lottery tag will be ensured that the paddlefish season will not be closed early and thus will be able to more leisurely enjoy their pursuit. A lottery system will greatly alleviate the crowded conditions.

There has not been an increase in North Dakota paddlefish tag fees since they were first established in 1994 (at a cost of \$3 per resident and \$7.50 per non-resident tag). The proposed \$10 resident and \$25 non-resident tag fee is more in line with surrounding states.

A lottery system will add stability and predictability to our management of a very important natural resource, our paddlefish population. For this reason I respectfully ask for a DO PASS on HB 1336. Thank you for your time.



Implementing a Lottery System to Better Regulate the Paddlefish Snagging Fishery

BACKGROUND AND NEED

For the past two plus decades, the Yellowstone-Sakakawea stock of paddlefish has been intensively managed by the North Dakota Game and Fish Department (Department) in cooperation with the Montana Fish, Wildlife and Parks. Over time the population of paddlefish has held its own; however, in recent years it has become evident there will be fewer fish in the years to come. At the same time, interest/effort/participation in paddlefish snagging is slowly increasing (including the influx of oil field and other workers into the area). Existing public access sites and areas are becoming far more crowded, and congestion and reduced quality of the experience are growing concerns. In the past, the Department has limited the effort and harvest with an in-season closure option when the harvest approached 1000 paddlefish (closure has been implemented in ten of the past twelve years). However, the Department's current regulation options are increasingly limited. In addition, due to an increase in snagging **demand** coupled with a limited and gradually declining **supply** of paddlefish, a lottery (would not be implemented until 2014) is a stronger regulatory alternative to continue the fishery while maintaining control of harvest at a sustainable level.

The following are 'lottery' related questions with a brief explanation that provides some of the decision-making background.

- Question: Have other regulation options been considered other than a lottery?
Yes, but options are very limited as we already are experiencing a very concentrated fishery where demand (snaggers) is increasing while supply (paddlefish) are beginning to decline. Most alternatives are suited to limiting harvest, but few options exist to address the problems associated with increased demand and crowding. Further, it is very possible that the limited supply will necessitate reducing the 1000 paddlefish cap even further within 2-5 years. A lottery system has been a successful tool used by other states (e.g., SD/NE) to allocate their limited paddlefish resource.
- Question: How many tags will be available and why that number?
We've estimated a 1400 tag figure which was derived from a combination of historic tag sales and success rates with the goal of not exceeding the 1000 paddlefish harvest cap. Since there is a lot to learn concerning snagger participation and interest in a lottery system, the figure in future years will likely change, especially if the harvest cap is eventually lowered.
- Question: Will the cost of the tag remain at \$3?
It has been suggested that a \$10 resident and \$25 non-resident tag fee would be appropriate given the uniqueness and importance of this fishery and the past and ongoing administrative costs (including conducting a lottery). This would also be closer to rates assessed in other states (e.g., \$20 in SD).
- Question: Will there be a party application and if so how many could apply on one form?
Yes, and a party application will be limited to up to four individuals.

Question: If I'm successful on the lottery, do I receive a tag and do I still need to tag my paddlefish as in the past?

Yes, a tag will be issued to each successful lottery applicant and can only be used by the successful applicant.

Question: For the individual successful in drawing a tag one year, can they again apply the next year? If I'm unsuccessful in drawing a tag, will I be given a preference point to increase my odds for subsequent lotteries?

Initially, there would not be any provisions for preference points and successful lottery recipients will be allowed to apply again the following year. If supply and demand metrics dictate that successful individuals should sit out a year or two, then adjustments will be made.

Question: Will the season dates change with a lottery system in place?

Tentatively, we are considering a season that would open on May 1 and close May 21. Within this time frame, select days would be set aside for harvest only while others would be snag and release only (day selections would be based in part on public input).

Question: Are the other restrictions still in place including area open and daily hours?

Yes; the 2013 regulations in terms of the area open to snagging and the daily hours would remain unchanged. All requirements for mandatory tagging remain; high grading is not allowed.

Question: Will there be a snag and release season?

Snag and release fishing will be allowed on select days between May 1-21 season. No harvest will be allowed on snag and release days. Snaggers have shown little interest in a separate snag and release season following the harvest season, so there are no plans to have a separate season for snag and release following the harvest season.

Question: Can anyone of any age apply for a tag?

Anyone who can legally fish in ND can apply for a harvest tag. However, they need to be physically capable of casting their own tackle and landing any fish they snag.

Question: How does one apply and is there a deadline? Does it cost to apply? If I'm successful, when will I find out?

The deadline to apply would be set at a later date but will likely be in January-February with a notification goal of March 15th. There will not be an application fee. Paper applications will not exist (only electronic applications). Again, this wouldn't go into effect until 2014.

Question: How much money is spent by the Department on paddlefish management and enforcement and how much money is derived from the current costs of paddlefish tags?

Present costs total ~\$60,000 annually while revenue generated from the tags total approximately \$16,000.

01-31-13

From: North Dakota Wildlife Federation (Mike Donahue, Lobbyist #8) NDWF

To: House Energy and Natural Resources

NDWF is busy Friday 02-01-13 in the Senate this morning. So, some comments for your consideration on some bills you have this morning.

HB1336: We support. Concerning Paddlefish this establishes a lottery and raises license fees. We assume the Fiscal Note is insignificant.

HB1354: We are neutral. However, when the "Wounded Warrior Project" was first initiated we supported it. But, we also made a comment to others in attendance after the official hearing that essentially stated, "Watch, they will be back for more licenses and a longer season." The unofficial military term for that is "mission creep." We assume the Fiscal Note is insignificant.

HB1370: We support this POLICY for the Game and Fish Department license fee adjustments and management of the "Balance Amount."

HB1434: We are neutral. Be aware that Senate bill 2242 (being heard today) allows for 100% resident disabled veterans to obtain a free hunting and fishing license. Watch the Fiscal Note. Namely, reduced license sales reduce the federal reimbursement to the state. The state loses license dollars and federal dollars. Too, 100% disabled does not mean disabled agility. Examples: A friend from California comes nearly every year to North Dakota to hunt pheasants, geese, and sometimes deer. He is a former marine helicopter pilot in Vietnam and now has prostate cancer. His cancer is from "Presumed exposure to Agent Orange" in Vietnam and he is rated 100% disabled. A brother is a former marine infantry rated at 100% disabled. He hunts, fishes, golfs and is a champion pool shooter.

For information: The 100% disabled receives tax free approximately \$2,900/mo.

Personally, I am rated at 30% disabled and receive \$442/mo tax free.

Michael J. Donahue

Lobbyist #8

North Dakota Wildlife Federation

01-31-13

#1

Senate Natural Resources Committee

Testimony on House Bill 1336

March 15th, 2013

Chairman Lyson and members of the committee, for the record my name is John Wall and I represent District 25 which is located in the southeast corner of North Dakota.

Constituents concerned with the future of paddlefishing in North Dakota prompted me to introduce this bill.

Because of an influx of both resident and non-resident fishermen, there is a concern that the current paddlefish numbers may not justify the current practice of issuing tags to anyone interested in paddlefish snagging.

This proposed legislation addresses two issues; section 1 of the bill allows the Governor by order of proclamation to determine the number of resident and non-resident paddlefish tags to be issued. Section 20.1-08-04 of century code gives the Governor these powers as it relates to big game but does not address fish.

Section 2 of this bill would increase the cost of a paddlefish tag. This increase is necessary as the cost of conducting a lottery and the price of a tag leave little if any monies available for administrative costs and paddlefish research.

I believe the passage of HB 1336 will help protect this unique natural resource while still offering fishermen the opportunity to pursue the paddlefishing experience, and I ask for your support of House Bill 1336.

Senate Natural Resources Committee**Testimony on HB 1336**

Greg Power, Chief, Fisheries Division
North Dakota Game and Fish Department
March 15, 2013


Chairman Lyson and members of the Senate Natural Resources Committee, my name is Greg Power and I am the Chief of the Fisheries Division of the North Dakota Game and Fish Department.

North Dakota has had a paddlefish snagging season that dates back to 1976. The snagging occurs in the Yellowstone and Missouri Rivers upstream of Williston. Since 1992, this fishery has been intensively managed and researched by our Department cooperating with the Montana Fish, Wildlife and Parks Department. To protect the paddlefish population from overharvest, an annual harvest cap of up to 1000 paddlefish per state has been in place for years.

Our regulations have become more restrictive over time due to generally poor recruitment of young paddlefish. Meanwhile the number of tags available to snaggers has been unlimited, and typically ranges from 3,000 to 3,500 tags issued annually. This has resulted in most of the effort taking place early in the snagging season, with extremely congested areas of snaggers and campers (see attached photos). Under these conditions, the season is often closed just days after opening due to 1000 paddlefish being harvested. Instead of a snagging season that lasts the entire month of May, as scheduled, a typical harvest season in recent years lasts only 6-8 days. The season has closed early ten of the past twelve years.

This has become a supply and demand issue, where the supply of paddlefish is projected to decrease while the snagger demand is forecasted to increase. The crowding and associated issues will make it virtually impossible to appropriately manage this unique and valuable resource.

This bill would provide the Department the ability, through the Governor's Fishing Proclamation, to institute a lottery system for drawing a paddlefish tag. The lottery system envisioned would operate similar to that used for issuing deer hunting licenses. Through a lottery system the Department will be able to better regulate this fishery. Further, those who receive a lottery tag will be ensured that the paddlefish season will not be closed early and thus will be able to more leisurely enjoy their pursuit. A lottery system will greatly alleviate the crowded conditions.



We recommend that section 2 of this bill be deleted as an increase in the paddlefish tag fee is already covered in SB 2231 and HB 1130 which are the comprehensive fishing and hunting license fee bills.

In conclusion, a lottery system will add stability and predictability to our management of a very important natural resource, our paddlefish population.





Implementing a Lottery System to Better Regulate the Paddlefish Snagging Fishery

BACKGROUND AND NEED

For the past two plus decades, the Yellowstone-Sakakawea stock of paddlefish has been intensively managed by the North Dakota Game and Fish Department (Department) in cooperation with the Montana Fish, Wildlife and Parks. Over time the population of paddlefish has held its own; however, in recent years it has become evident there will be fewer fish in the years to come. At the same time, interest/effort/participation in paddlefish snagging is slowly increasing (including the influx of oil field and other workers into the area). Existing public access sites and areas are becoming far more crowded, and congestion and reduced quality of the experience are growing concerns. In the past, the Department has limited the effort and harvest with an in-season closure option when the harvest approached 1000 paddlefish (closure has been implemented in ten of the past twelve years). However, the Department's current regulation options are increasingly limited. In addition, due to an increase in snagging **demand** coupled with a limited and gradually declining **supply** of paddlefish, a lottery (would not be implemented until 2014) is a stronger regulatory alternative to continue the fishery while maintaining control of harvest at a sustainable level.

The following are 'lottery' related questions with a brief explanation that provides some of the decision-making background.

- Question: Have other regulation options been considered other than a lottery?
Yes, but options are very limited as we already are experiencing a very concentrated fishery where demand (snaggers) is increasing while supply (paddlefish) are beginning to decline. Most alternatives are suited to limiting harvest, but few options exist to address the problems associated with increased demand and crowding. Further, it is very possible that the limited supply will necessitate reducing the 1000 paddlefish cap even further within 2-5 years. A lottery system has been a successful tool used by other states (e.g., SD/NE) to allocate their limited paddlefish resource.
- Question: How many tags will be available and why that number?
We've estimated a 1400 tag figure which was derived from a combination of historic tag sales and success rates with the goal of not exceeding the 1000 paddlefish harvest cap. Since there is a lot to learn concerning snagger participation and interest in a lottery system, the figure in future years will likely change, especially if the harvest cap is eventually lowered.
- Question: Will the cost of the tag remain at \$3?
It has been suggested that a \$10 resident and \$25 non-resident tag fee would be appropriate given the uniqueness and importance of this fishery and the past and ongoing administrative costs (including conducting a lottery). This would also be closer to rates assessed in other states (e.g., \$20 in SD).
- Question: Will there be a party application and if so how many could apply on one form?
Yes, and a party application will be limited to up to four individuals.

Question: If I'm successful on the lottery, do I receive a tag and do I still need to tag my paddlefish as in the past?

Yes, a tag will be issued to each successful lottery applicant and can only be used by the successful applicant.

Question: For the individual successful in drawing a tag one year, can they again apply the next year? If I'm unsuccessful in drawing a tag, will I be given a preference point to increase my odds for subsequent lotteries?

Initially, there would not be any provisions for preference points and successful lottery recipients will be allowed to apply again the following year. If supply and demand metrics dictate that successful individuals should sit out a year or two, then adjustments will be made.

Question: Will the season dates change with a lottery system in place?

Tentatively, we are considering a season that would open on May 1 and close May 21. Within this time frame, select days would be set aside for harvest only while others would be snag and release only (day selections would be based in part on public input).

Question: Are the other restrictions still in place including area open and daily hours?

Yes; the 2013 regulations in terms of the area open to snagging and the daily hours would remain unchanged. All requirements for mandatory tagging remain; high grading is not allowed.

Question: Will there be a snag and release season?

Snag and release fishing will be allowed on select days between May 1-21 season. No harvest will be allowed on snag and release days. Snaggers have shown little interest in a separate snag and release season following the harvest season, so there are no plans to have a separate season for snag and release following the harvest season.

Question: Can anyone of any age apply for a tag?

Anyone who can legally fish in ND can apply for a harvest tag. However, they need to be physically capable of casting their own tackle and landing any fish they snag.

Question: How does one apply and is there a deadline? Does it cost to apply? If I'm successful, when will I find out?

The deadline to apply would be set at a later date but will likely be in January-February with a notification goal of March 15th. There will not be an application fee. Paper applications will not exist (only electronic applications). Again, this wouldn't go into effect until 2014.

Question: How much money is spent by the Department on paddlefish management and enforcement and how much money is derived from the current costs of paddlefish tags?

Present costs total ~\$60,000 annually while revenue generated from the tags total approximately \$16,000.