

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/23/2015**

Amendment to: SB 2146

- 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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(18,900)		\$(37,800)
Expenditures						
Appropriations						

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 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 changes dates relating to the nonresident muskrat trapping season.

- 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 as currently written will shorten the length of the nonresident muskrat trapping 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.*

Last year we sold 69 NR Reciprocal Trapping licenses which cost \$350. If this bill were to pass, we believe that the number would be significantly reduced to approx. 15 licenses being sold. We estimate that NR licenses would be reduced by \$18,900 (54 x \$350) per year; total for biennium is \$37,800. The proposed bill would not take effect until the 2016 season. Therefore, only 1 year in the 15-17 biennium will be affected.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

None anticipated.

**Name:** Angie Krueger

**Agency:** ND Game and Fish Dept

**Telephone:** 328-6306

**Date Prepared:** 01/23/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/12/2015**

Revised  
 Bill/Resolution No.: SB 2146

- 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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**Name:** Angie Krueger

**Agency:** ND Game and Fish Dept

**Telephone:** 328-6306

**Date Prepared:** 01/13/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/12/2015**

Bill/Resolution No.: SB 2146

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None anticipated.

**Name:** Angie Krueger

**Agency:** ND Game and Fish Dept

**Telephone:** 328-6306

**Date Prepared:** 01/13/2015

**2015 SENATE ENERGY AND NATURAL RESOURCES**

**SB 2146**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources

Fort Lincoln Room, State Capitol

SB 2146

1/16/2015

22080

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to the resident and nonresident muskrat trapping season

### Minutes:

4 Attachments

Chairman Schaible called the committee back to order.

Senator Dave Ohelke: The bill in front of you has to do with changing the season of muskrat trapping and to allow residents to have an early start. The game and fish did offer an amendment and you should have that in front of you. It would open up the tail end of the season in some way if the Game and Fish Department saw it necessary to control the population.

Mike Leon: The bill asks for changes in the non-muskrat season, the regular season runs from October to March and will extend to April if necessary. What we are asking for is a similar concession that the duck and pheasants have gotten. They provide completion to our trappers and take a valuable resource out of our state. That is what gets our local trappers out of whack. We tend to be a little more respectful of each other. South Dakota did something similar and for nonresidents. It is an open water season and we are taking the ends off of it but they can trap all winter long if they want. There was a faction that wanted to just keep nonresidents out of our area and we don't want to do that. At the same time this bill does represent a compromise with those people.

Tom Rost: Manager Mac's Hardware, Devils Lake, ND. Spoke in support of the bill.

Chairman Schaible: Are most out of state trappers are for profit?

Tom Rost: From my experience yes. If prices are high they come if prices are low then it is not worth the money to come here.

Senator Triplett: You talk about the etiquette of trapping, is not putting tarps within 50 feet a regulation or is it more of a gentleman's agreement.

Tom Rost: It's a fishing regulation but not for trapping.



Joel Lyons: Spoke in support of the bill. See attachment #2.

Senator Murphy: What's the difference between prime and not prime pelts?

Joel Lyons: The main trouble with the spring muskrat is they become very territorial.

Glen E. Baltrusch: Harvey, ND. See attachments #3

Bruce Willyard: North Dakota Fur Traders membership would like to have a nonresident setback similar to what they have in South Dakota.

Nancy Beckler: North Dakota United Sport's Man Assn. They are in support.

Jeb Williams: North Dakota Wildlife Department. See attachments #4

Senator Murphy: From a safety standpoint I imagine it is useful to the road system to have muskrats taken out en mass.

Jeb Williams: The department does give damage permits to counties to areas that have high numbers of muskrats.

Senator Murphy: If this bill is enacted would the department retain the rights and allow nonresidents in that situation North Dakota if residents were not.

Jeb Williams: There are counties and land owners who appreciate the nonresidents that come and trap on their land. I can't answer that questions but I think that it is something that is worth discussion.

Senator Triplett: Can you respond to the person who testified about land owners trapping on their land and nonresidents who trap on the side of the road? 33:53

Jeb Williams: In most cases we advise that a road ditch is an easement type situation. IF that property is posted then the ditch is off limits as well.

Senator Triplett: That information could help the groups if they got the info out to their land owners.

Senator Murphy: In open water as opposed to iced over water. Correct?

Jeb Williams: 90% of our nonresident permits are for open water.

Mike Donahue: North Dakota Wildlife Federation. Spoke in support of the bill and wished for a do pass.

Having no further discussion the hearing was closed.

# 2015 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Fort Lincoln Room, State Capitol

SB 2146

1/22/2015

Job Number 22374

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

*Eva Liebelt*

### Explanation or reason for introduction of bill/resolution:

Relating to the resident and nonresident muskrat trapping season

### Minutes:

No Attachment

**Chairman Schaible:** Called the committee order. I passed around the amendment that was drafted for Senator Ohelke but I think it's what the game and fish was interested in. I believe it does the intent and puts a restriction on the beginning of the season but leaves the end of the season open for the discretion of the game and fish. Is there any discussion?

**Senator Unruh:** Moved the proposed amendment, 15.0604.01002.

**Senator Armstrong:** Seconded the motion.

**Chairman Schaible:** Is there any other discussion?

**Senator Hogue:** Said he had a question on the amendment. If you take out the language that says it must end on May 10. What does that mean that the game and fish department in their proclamation decide when it ends?

**Chairman Schaible:** I believe that is correct. Asked if by taking the language out if it would leave the end of the season at the discretion of the game and fish?

**Robert Timian, North Dakota Game and Fish Chief Warden:** Normally by law the season's opening dates and closing dates are done through the Governors proclamation, they are not done in state law and by removing the end date that allows us to control the overall take. If the numbers are down we would shorten the season and if the numbers are up we would lengthen the season. We have that ability in proclamation and if it was set in law that ability would go away. That would be the reason for it.

**Chairman Schaible:** Are there any other questions?

**Senator Triplett:** Said she thought they had two amendments that say exactly the same thing but are numbered differently, .01001 and .01002.

**Chairman Schaible:** Said one was suggested by game and fish and the other was proposed by Senator Oehlke. That is my interpretation of that. They are the same. We have a motion on the table for adopting the amendment. The clerk can take the roll.

Roll Call Vote: Yes-6 No-0 Absent-1

**Senator Armstrong:** Moved a do pass as amended.

**Senator Unruh:** Seconded the motion.

**Chairman Schaible:** We have a motion and a second. Is there any other discussion?

**Senator Triplett:** I think the whole issue of being careful on how we treat nonresident hunters as to still preserve reciprocity is an important one. I was assured this is not an issue of reciprocity.

**Senator Hogue:** Said he concurs with Senator Triplett. He has seen some emails on the House side from the instate folks who want to put up some protectionist type barriers for the goose hunters and the waterfowl folks and this one I am okay with but I suspect we will see more bills that will insulate us from out of state hunters. In most cases the out of state hunters are not the same. I feel this is a reasonable restriction on their rights to hunt in North Dakota.

Roll Call Vote: Yes-6 No-0 Absent-1

**Senator Hogue will carry the bill.**

15.0604.01002  
Title.03000

Prepared by the Legislative Council staff for  
Senator Oehlke  
January 19, 2015

1/22/15  
JUE

PROPOSED AMENDMENTS TO SENATE BILL NO. 2146

Page 1, line 9, remove "and the resident season"

Page 1, line 10, remove "for using traps to take muskrats must end on May tenth"

Renumber accordingly

Date: 1/22/15  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2419

Senate	Energy and Natural Resources	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number 15.016046.01002

Action Taken More forward motion

Motion Made By Unruh Seconded By Armstrong

[illegible]

Total (Yes) 6 No 0

Absent 7

Floor Assignment \_\_\_\_\_

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

Date: 1/22/15  
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2141

Senate	Energy and Natural Resources	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass AD Amended

Motion Made By Amshona Seconded By Unruh

[illegible]

Total (Yes) 6 No 0

Absent 1

Floor Assignment Don Hoare

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

**REPORT OF STANDING COMMITTEE**

**SB 2146: Energy and Natural Resources Committee (Sen. Schaible, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2146 was placed  
on the Sixth order on the calendar.

Page 1, line 9, remove "and the resident season"

Page 1, line 10, remove "for using traps to take muskrats must end on May tenth"

Renumber accordingly

**2015 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2146**



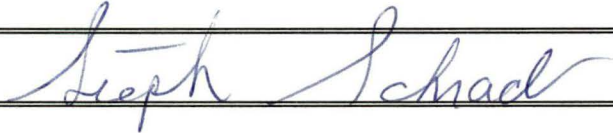
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Pioneer Room, State Capitol

S B 2146  
3/5/2015  
Job # 24359

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to the resident and nonresident muskrat trapping season.

### Minutes:

Attachments 3

**Vice Chairman Damschen** opens hearing.

**Rep. Curt Hofstad** explains bill.

**Testimony #1** handing out by clerk, sent via e-mail from **Glen E. Baltrusch**.

**Chairman Porter** hands out written **testimony from #3 from Jeb Williams, Wildlife Division Chief-ND Game and Fish Department**.

**Mike Liane, Devils Lake ND, North Dakota Fur Takers Association, United Sportsman of North Dakota**. This bill will start muskrat season nine days later for nonresidents as opposed to residents, and closing it earlier in the spring.

**Rep. Bob Hunsakor**: When does the resident season end, is it March 15 or later?

**Liane**: That's an issue we'll be discussing with the Game and Fish. The ending date was originally in this bill, the Game and Fish asked us to strike it from the bill. If we leave it in it would take away Game and Fish's ability to alter that date for any biological reasons. We have had assurances from them that they will work with us in determining that date on an ongoing basis. If its ends too early, we don't have spring a season.

**Rep. Bob Hunsakor**: What's the value of a muskrat?

**Liane**: It varies, the peak is about ten dollars a hide.

**Rep. Curt Hofstad**: What affects the population? If we shoo away the out of state trappers is that going to have an adverse effect on the population?

**Liane:** I believe that our muskrat population is affected by the water level. The rats that cause the most problems are those around the road beds and those are the populations that are the getting hit.

**Rep. Dick Anderson:** What percentage of rats are caught during open water verses ice over.

**Liane:** I'm not sure but I'd guess near 50/50.

**Rep. Mike Nathe:** Does a non-resident have to sell in state?

**Liane:** No, they don't have to sell in state and they don't.

**Rep. Bob Hunskor:** There are some areas in the state where they want the non-residents there. In your area you don't have the problem with roads?

**Liane:** We have problems with roads, but we have a lot of resident trappers.

**Rep. Glen Froseth:** In an email (written testimony #1) an amendment was suggested that would include two full weekends. Does the muskrat season open sooner for residents now?

**Liane:** No, it opens at same time for residents and nonresidents.

**Rep. Glen Froseth:** So the suggested amendment would not affect the bill?

**Liane:** That's already how the bill reads; no it would not change it.

**Tom Rost, Small Business Owner, Member Lake Region Sportsman Club.** I listen to the gentleman trappers that come into my store. Local trappers, sportsmen trappers and professional trappers. They talk about how the nonresidents come in and trap over the top of them. This discourages some of the local trappers from trapping because they don't want to deal with it. When a nonresident muskrat trapper comes to North Dakota they take a lot of money out with them. The local residents spend their money here.

**Rep. Bob Hunskor:** You say that nonresident trappers come in and are not very cordial to the residents, is that one or two or how many of them do you think act that way?

**Rost:** Well over half.

**Chairman Porter:** Trappers are trapping over the top of other trappers. You have to have written permission of the land owner to trap?

**Rost:** It's public land because its roadway and anyone can trap it.

**Chairman Porter:** So the premise of this bill is just on highway easements.

**Rost:** Basically, yes.

**Bruce Willyard, Registered Lobbyist for ND Fur Takers.** We support this bill.

**Chairman Porter:** Is there any objection to limiting the time of nonresidents to the public right of ways?

**Willard:** We want to give our resident trappers an opportunity before the nonresident had access. Whether that should be restricted to the highway corridor I couldn't say.

**Chairman Porter:** The premise of an individual controlling their property and the property rights that come up every time we dive into one of these issues is a fairly significant issue. The way that this is written it's restrictive to a private individual to allow a nonresident, family member to come out and trap their muskrats. I want to get your group's perspective on what you are really trying to accomplish?

**Willard:** To allow our residents access before the nonresident.

**Chairman Porter:** On public land or on private land or on all land?

**Willard:** There was no wording as such.

#### **OPPOSITION:**

**Richard Trosen, Land Owner in Northeastern North Dakota.** My concern with this bill is that you will take my rights away to lease, to rent, or to give people the right to trap my land. As far as the issue between sportsmanship and money, this is all about money. The trapping for muskrats in the ditches will cease when the water disappears. Additionally, I have a son in the Air Force, if he moves is transferred to another state and he comes for a visit, we cannot trap together.

**Terry Traynor, Assistant Director- North Dakota Association of Counties; written testimony# 2**

**Rep. Curt Hofstad:** If we don't support the local trappers, when prices are down, are we keeping them away?

**Traynor:** I appreciate that, and all the commissioners said they appreciated the local trappers. However, several commissioners felt when there were a lot of rats, plenty to go around. They felt when the times were bad that they need everybody trapping, as much as they can, around the clock.

Vice Chairman Damschen closes hearing.

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Pioneer Room, State Capitol

SB 2146  
3/12/2015  
Job # 24773

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to the resident and nonresident muskrat trapping season.

### Minutes:

Attachments 1

**Chairman Porter** opens discussion. Did everyone get the sheet from **Jeb Williams, Wildlife Division Chief-ND game and Fish Department**, on the license numbers; **written testimony #1**. The way the bill is written it takes away the open water trapping season for muskrats because of the date restrictions. The other issue is that it addresses trapping across the state with trapping being one of the only Game and Fish sports that requires written permission from the land owner. That includes the center line of the ditch on anything where the county just has a road easement not the full easement. The complaint on the bill is public right of way and public land; the answer from the resident muskrat trappers is to take away the open water season from the nonresidents. Mr. Williams explained that ice trapping of muskrats is very labor intensive. Open water trapping is a very efficient way of harvesting muskrats. The counties stepped into this one because muskrats ruin roads by burrowing under them collapsing the road. We are hearing a complaint because the market is high that you won't hear when the market is low.

**Rep. Curt Hofstad:** I don't recall any discussion on the March issue, on the open water colony trapping. I think that that was conveniently left out of the discussion.

**Chairman Porter:** The information that I got after the hearing makes it look like it was purposefully left off of the discussion. It really is the component that changes everything.

**Rep. George Keiser:** I move a do not pass.

**Vice Chairman Damschen:** Second.

**Vote:** yes 9, no 4, absent 0.

**Rep. Glen Froseth:** Carrier.

**Chairman Porter** closes discussion.

Date: 3/12/15  
Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES**

**BILL/RESOLUTION NO. HB 2146**

House Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Keiser Seconded By Rep Damschen

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hunsakor		✓
Vice Chairman Damschen	✓		Rep Mock	✓	
Rep D Anderson		✓	Rep Muscha		✓
Rep Brabandt	✓				
Rep Devlin	✓				
Rep Froseth	✓				
Rep Hofstad		✓			
Rep Keiser	✓				
Rep Lefor	✓				
Rep Nathe	✓				

Total (Yes) 9 No 4

Absent 0

Floor Assignment Rep. Froseth (Carrier changed after vote)

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

**REPORT OF STANDING COMMITTEE**

**SB 2146, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed SB 2146 was placed on the Fourteenth order on the calendar.

**2015 TESTIMONY**

**SB 2146**

15.0604.01001  
Title.

Prepared by the Legislative Council staff for  
Senator Oehlke

January 15, 2015

Attachment 1  
Page 1  
1-16-15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2146

Page 1, line 9, remove "and the resident season"

Page 1, line 10, remove "for using traps to take muskrats must end on May tenth"

Renumber accordingly



A Comparison of North Dakota to Nearby States Regarding Muskrat Trapping:

State:	Season Dates:	Nonresident Dates:
North Dakota	Oct. 25 - April 30	same as resident
South Dakota	Nov. 1 - April 30	Dec. 1 - March 15
Wisconsin	Oct. 25 - March 8	*
Iowa	Nov. 1 - Jan.31	*
Nebraska	Nov. 1 - March 31	*

South Dakota residents can come to ND and trap muskrats for our full season but we are not allowed to do the same in their state. They can also start trapping a week earlier in ND than they can in their own state.

Wisconsin, Iowa, and Nebraska trappers can come to ND and trap muskrat after the season has closed in their state. ND trappers do not have an opportunity to go to their state to do the same.

The point I am trying to make here is that many nonresidents rely on ND for opportunities to trap that they do not have in their home state. If they want to trap in our state then we should have the opportunity to do the same in their state. No other state gives ND trappers the same opportunity that ND currently gives them.

\* nonresident trapping dates for these states were not available online

# Testimony before the 64<sup>th</sup> Legislative Assembly

## Senate Energy and Natural Resources Committee

Friday, January 16, 2015 at 10:15 A.M.

By Glen E. Baltrusch

Chairman Schaible, Senators,

Good morning! My name is Glen Baltrusch, and I reside at Harvey, ND; which is in District 14. I stand before you this morning in support of Senate Bill No. 2146. This bill as written and introduced, is a sound and reasonable piece of legislation that is before this Senate Committee and the 64<sup>th</sup> Legislative Assembly; and worthy of your consideration and enactment.

Senate Bill No. 2146 provides for a delayed opening season and an early closing date for out of state residents to trap within the State of North Dakota. At the same time it provides for at least a nine (9) day early season, and extends the spring closing into May for trapping areas that may have had a snow and / or flooding problem that prohibits travel and trapping, which in turn delays or prohibits the taking of muskrats.

Let me explain why this legislation is important to the residents of North Dakota:

First, it allows for our residents to have an early start and an extended season in trapping muskrats to supplement their income before and after the non-resident trapper invades North Dakota.

Second, most residents of this State that trap are working, employed, people, and for many families, it provides parental time with their children and instills the values and benefits of wildlife.

Third, North Dakota residents that trap generally practice the management of wildlife as a resource, as it provides income to support their families yearly.

Fourth, most non-resident trappers who come into this state are people who come in with the intent to catch every furbearer they are trapping for; even if it means putting that furbearer into extinction in those areas for several years or more before they can recover.

Fifth, wildlife is cyclical, especially muskrats; as their numbers are dependent on weather conditions, such as wet years with water, as well as years of drought with little to no water, including overpopulation – which may and often does result in disease and death within the species; which generally results in years (approximately four) for the muskrat to make a comeback.

Generally, these non-residents are professional trappers who come in with enclosed trailers that are outfitted with freezers and all of the related equipment to complete the commercial process of trapping and sale of the targeted species pelts. Thus, eliminating virtually every species of furbearers they are in the process of taking, within the areas that they are

trapping. When that happens, it generally takes a number of years to re-establish the populations, dependent on the type of species.

Members of the Senate Energy and Natural Resources Committee, there may be those individuals who wish to defeat Senate Bill No. 2146 stating that this can't be done for a variety of reasons. May I bring to your attention several prior Legislative Assembly Sessions; the Legislative Assembly did enact statutes that provide for delayed opening date (N.D.C.C. 20.1-08-04.9) for non-resident pheasant as well as restrictions (N.D.C.C. 20.1-03-07.1) on non-resident waterfowl hunters. In reality, Senate Bill No. 2146 is nothing more than the previously enacted statute currently related to the pheasant and waterfowl seasons, except that this relates to furbearers; specifically muskrats.

Therefore, I ask for your support and passage in committee of Senate Bill No. 2146 with a recommendation of passage and enactment on the Senate floor of the 64<sup>th</sup> Legislative Assembly.

Thank you for your time and consideration of this pertinent matter. If you have any questions, I will try to answer them for you.

**64th LEGISLATIVE ASSEMBLY**  
**Senate Energy and Natural Resource Committee**  
**Senator Don Schaible, Chairman**

**Senate Bill 2146 - Relating to the resident and nonresident trapping season**

**9:00 a.m., Friday, January 16, 2015**

Testimony Submitted by: Jeb Williams, Wildlife Division Chief  
North Dakota Game and Fish Department

There are two parts to this bill. The first part relates to providing preference to resident muskrat trappers by delaying the opening of the season and closing it earlier thus reducing the competition from non-resident trappers, particularly in the open water season. The open water trapping period is the most popular for non-residents. If they aren't allowed to trap before November 5<sup>th</sup> or after March 15<sup>th</sup> of each year, the majority will not participate as our weather very rarely allows for open water conditions prior to March 15<sup>th</sup>. Over the last five years, the Department has sold 17 non-resident reciprocal trapping licenses in 2010, 45 licenses in 2011, 107 licenses in 2012, 69 licenses in 2013, and for the 2014-15 season the Department has currently sold 33 licenses. The Department also issues damage permits to counties who are experiencing problems with muskrats burrowing in the banks of county and township roads. These permits allow the counties additional flexibility to deal with these situations through trapping efforts outside of the normal season parameters. In 2014 the Department issued a total of 13 permits, 16 for 2012, and 15 in 2011.

The second part relates to the season closure for residents. Setting a specific closing date for all muskrat trappers in state law would reduce our flexibility as an agency to best determine an appropriate season length based on species trends or other scientific indicators. Ultimately, it could have a potential to impact our ability to best manage the species if the Department would need to reduce the take based on lower populations. Since we do not have a bag limit or quota on muskrats, the way we would adjust for long-term muskrat population decline would be to reduce the season length. SB 2146 would not allow that to occur. Therefore, our Department has concerns with the second part of this bill and would request season-setting dates be determined by the proclamation process in order for the Department to continue to have the ability to make sound biological decisions.

# Testimony before the 64<sup>th</sup> Legislative Assembly

## House Energy and Natural Resources Committee

Thursday, March 5, 2015 at 9:00 A.M.

Engrossed Senate Bill 2146 Testimony

By Glen E. Baltrusch

Mr. Chairman, Representatives,

Good morning! Today it appears that we may finally be moving into more 'Spring like' temperatures! We hope so at least! My name is Glen Baltrusch, and I reside at Harvey, ND; which is in District 14. I am not able to stand before you this morning, but I respectfully request that you accept my written testimony in support of Engrossed Senate Bill No. 2146. This bill as Engrossed, is a sound and reasonable piece of legislation that is before this House Committee and the 64<sup>th</sup> Legislative Assembly for your consideration and enactment. However, in reading the language of this bill, I find that Engrossed Senate Bill 2146 must be amended in order to keep its original intent as was brought forth by the trappers and Legislative Sponsors. The original intent was to include at least two (2) weekends of muskrat trapping prior to the opening of the non-resident muskrat trapping season.

Engrossed Senate Bill No. 2146 provides that muskrat trapping for nonresidents must begin at least nine (9) days after the beginning of the resident muskrat trapping season, and must end on March fifteenth (15<sup>th</sup>). Herein is where the current language of Engrossed Senate Bill 2146 must be amended to keep its original intent:

### Proposed Amendment to Engrossed Senate Bill 2146

Page 1, line 7, after "days" insert "and must include at least two (2) full weekends"

Renumber accordingly.

Let me explain why this amendment to this legislation, as well as this legislation, is important to the residents of North Dakota:

First, it allows for our residents to have an early start and an extended season in trapping muskrats to supplement their income before and after the non-resident trapper invades North Dakota;

Second, most residents of this State that trap are working, employed, people, and for many families, it provides parental time with their children and instills the values and benefits of wildlife;

Third, North Dakota residents that trap generally practice the management of wildlife as a resource, as it provides income to support their families yearly;

Fourth, most non-resident trappers who come into this state are people who come in with the intent to catch every furbearer they are trapping for; even if it means putting that furbearer into extinction in those areas for several years or more before they can recover;

Fifth, wildlife is cyclical, especially muskrats; as their numbers are dependent on weather conditions, such as wet years with water, as well as years of drought with little to no water, including overpopulation – which may and often does result in disease and death within the species; which generally results in years (approximately four) for the muskrat to make a comeback; and

Sixth, muskrat huts and breather huts provide for safe nesting habitat for various waterfowl, which in turn benefits the waterfowl hunter, including the non-resident waterfowl hunter.

Generally, these non-residents are professional trappers who come in with enclosed trailers that are outfitted with freezers and all of the related equipment to complete the commercial process of trapping and sale of the targeted species pelts. Thus, eliminating virtually every species of furbearers they are in the process of taking, within the areas that they are trapping. When that happens, it generally takes a number of years to re-establish the populations, dependent on the type of species.

Members of the House Energy and Natural Resources Committee, there may be those individuals who wish to defeat Engrossed Senate Bill No. 2146 stating that this can't be done for a variety of reasons. May I bring to your attention several prior Legislative Assembly Sessions; the Legislative Assembly did enact statutes that provide for delayed opening date (N.D.C.C. 20.1-08-04.9) for non-resident pheasant as well as restrictions (N.D.C.C. 20.1-03-07.1) on non-resident waterfowl hunters. In reality, Senate Bill No. 2146 is nothing more than previously enacted statute currently related to the pheasant and waterfowl seasons, except that this relates to furbearers; specifically muskrats.

Therefore, I ask for your support and passage in committee of Engrossed Senate Bill No. 2146 with the **"adoption of the proposed amendment on Page 1"** and a **"Do Pass"** recommendation to the floor of the House of Representatives of the 64<sup>th</sup> Legislative Assembly for passage and enactment.

Thank you for your time and consideration of this pertinent matter.

#2  
2146  
3/5/15

Testimony to the

**House Energy & Natural Resources Committee**

Prepared March 5, 2015 by

Terry Traynor, Assistant Director

North Dakota Association of Counties

**Engrossed Senate Bill 2146 – Non-Resident Muskrat Trapping**

Good Morning Chairman Porter and committee members, on behalf of our county commissioners and road officials, I wish to communicate their opposition to Senate Bill 2146.

We somewhat overlooked this bill during the first half, and only this past week circulated it for discussion. I almost immediately received the following email in response:

*"Those little aquatic rats are a scourge. They swim like fish, breed like rabbits, and burrow like prairie dogs. They do a lot of damage to road beds, culverts, and stock dams. In my view, restricting the trapping of them in any way is not a good idea."*

This was followed very quickly by numerous "reply all" comments that can be summarized as:

*"I agree, oppose the bill." "Let everybody who wants to hunt or trap them, resident or non-resident, do it any time all the time." "They are wrecking county roads all over."*

The feeling of our county officials is that this bill is unhelpful and they would very much prefer a "Do Not Pass" recommendation.

#3

64th LEGISLATIVE ASSEMBLY  
House Energy and Natural Resource Committee  
Rep. Todd Porter, Chairman

Senate Bill 2146 - Relating to the resident and nonresident trapping season

9:00 a.m., Thursday, March 5th, 2015

Testimony Submitted by: Jeb Williams, Wildlife Division Chief  
North Dakota Game and Fish Department

The ND Game and Fish Department would like to offer the following information relating to SB 2146. This bill is intended to give preference to resident muskrat trappers by delaying the opening of the season (by at least 9 days) and closing it earlier (by 45 days) thus reducing the competition from non-resident trappers, particularly in the open water season. The open water trapping period is the most popular for non-residents. If they aren't allowed to trap before November 5<sup>th</sup> or after March 15<sup>th</sup> of each year, the majority will not participate as our weather very rarely allows for open water conditions prior to March 15<sup>th</sup> of that particular year. Here is some additional information showing how many non-resident reciprocal trapping licenses the Department has sold over the last five years:

2010 – 17 licenses sold

2011 – 45 licenses sold

2012 – 107 licenses sold

2013 – 69 licenses sold

2014 – 33 licenses sold

The Department also issues damage permits to counties who are experiencing problems with muskrats burrowing in the banks of county and township roads. These permits allow the counties additional flexibility to deal with these situations through trapping efforts outside of the normal season parameters. In 2014 the Department issued a total of 13 permits, 16 for 2013, and 15 in 2012.



#1 p.1 3/12/2015

64th LEGISLATIVE ASSEMBLY  
House Energy and Natural Resource Committee  
Rep. Todd Porter, Chairman

Senate Bill 2146 - Relating to the resident and nonresident trapping season

9:00 a.m., Thursday, March 5th, 2015

Testimony Submitted by: Jeb Williams, Wildlife Division Chief  
North Dakota Game and Fish Department

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