

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2033 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1425

2001 HOUSE NATURAL RESOURCES

HB 1425


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1425

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 4250
3	x		2330 to 3930
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: We will open the hearing on HB 1425. Anyone here to introduce this bill?

Rep. DeKrey: This bill is presented to you a little different than it has been in the past, right now we have a couple of non profits that can purchase land in ND. One is limited to 12, 000 acres, this bill would raise that limit to 50,000 acres. It would also put a sunset clause for 10 years from now on that limit. In 10 years we will take another look at the amount of land taken out of production. If we feel it is too much or too little we will adjust it then. The only other thing in the

bill changes the board that makes recommendations to the Governor and I believe Rep.

Boucher's amendments would make this bill in line with his similar bill.

Rep. Hanson: Under Rep. Boucher's bill, they took out the Garrison Diversion person and put on a representative of the county commissioner.

Rep. DeKrey: Yes, we will fix this one up to match.

Chairman Rennerfeldt: Any other questions? Anyone else to speak in favor of this bill?

Wade Williams - ND Association of Counties: I support a Do Pass on HB 1425. (see written testimony).

Chairman Rennerfeldt: Any questions from the committee?

Rep. Winrich: Concerning the issue of out migration... Do you have any numbers to show that out migration is increased when non profits purchase land?

Williams: I couldn't say. If you look at specific sites, there was displacement to some extent.

There are a couple farm families that are no longer there.

Rep. Nottestad: Also in comparison, they do still pay taxes in lieu of whatever the case may be? You spoke of the out migration. Doesn't the presence of these organizations increase the economic development in that community, with visitation to those sites, etc.? We also have land being idled by CPR and outside ownership and all you get is taxes. This is a case when the land is purchased, used for scenic purposes and used for tourism. Isn't that a factor in your towns?

Williams: That can be taken into consideration although the makeup of the County leadership is looking at keeping that land in private not public hands.

Vice Chair Nelson: We would be making quite a concession from the landowners standpoint raising the acreage from 12 to 50 thousand acres. Doesn't that concern you? That some of the concerns in your testimony would be realized in individual counties?

Williams: It isn't going to have that much effect right now. With the present leadership we have in these organizations that have agreed to pay the taxes. If that changes, and they have a different philosophy as far as taxes are concerned, it causes us great concern. If for some reasons they found a tract of land all in one County and they used up their 50 thousand acre limit. It would have substantial impact on the County. There is one other bill and a constitutional amendment that would take care of that issue.

Chairman Rennerfeldt: Any questions of the committee? Anyone else in favor of this bill?

Eric Aasmundstad - ND Farm Bureau: We support HB 1425. (see written testimony).

Chairman Rennerfeldt: Does the committee have any questions?

Rep. Droydal: If this bill is amended so the only change is the changing of the 12 to 50 thousand acres, would you still support the bill?

Aasmundstad: Yes, we would.

Rep. Winick: These non profits operate nationwide. Are there similar limits in other states. How does ND compare to the amount of land in these trusts as compared to other states?

Aasmundstad: I can't answer that on a state/acre basis. What I can say is that when you look at ND holdings of public lands, we are of a considerable less percentage than other states. We still feel that ND is tied up sufficiently by non profits and government holdings. It is about 11% of ND.

Chairman Rennerfeldt: Any further questions? If not, anyone else in favor of HB 1425?

Julie Ellingson - ND Stockmen's Association: I here to stand in support of HB 1425. The association does not believe that land purchases by non profits is in the best interest of the state. We welcome a cap of 50,000 acres. We realize this cap would be on total non profit purchases

not on an individual basis. We also support the change of the members on the board that advises the Governor.

Chairman Rennerfeldt: Any questions of the committee? Anyone else here to speak in favor of HB 1425. Is there any opposition?

Gerald Reichert - Nature Conservancy: We oppose HB 1425. (see written testimony).

Rep. DeKrey: Do you consider yourselves good stewards of the land? Of course the answer would be yes and my next question is "What are you doing about your Leafy Spurge problem on the land that you own"? I as a private landowner have to have that in place, what is your leafy spurge program, if you have one?

Reichert: I currently serve on a committee called the Grassland Stewardship Initiative. Formed to try and solve the issues in western ND amongst the grasslands. I am also part of the subcommittee on noxious weeds and we have offered the services of the Nature Conservancy to implement and fund a center to address the issues of leafy spurge. The property you may be referring to in the Sheyenne delta, the spurge was there before we purchased it and we have actively been involved in trying to eradicate that with chemicals. I feel strongly that we are trying to address it. That is our mission, land stewards of the natural community.

Rep. Winrich: You had some figures that the 50,000 acres was less than 1/10 of 1% of ND land, I guess I would raise the question, do you have any information on how that compares to other states?

Reichert: I can't give you an actual percentage, what I can tell you is that nationwide, we have more options and more tools on how to do conservation work. Land trusts and easements are all tools not allowed to us in ND. In ND, we would rather go about our work by utilizing those tools

and having the active involvement of the Farm Bureau, the Stockmen's Association, and the Farmer's Union, if we could get to that point. In other states, that is what is actually happening

Vice Chair Nelson: If the state of ND would allow more flexibility with land trusts and easements, would you still have opposition to acquisition limits? It seems from your comments that you are not interested in acquiring land, but going the other route, is that true?

Reichert: Since the bill in the law is as it is, I have to address my comments to what I am dealing with now. Since we can't use those tools. Certainly if those tools were made available to us, the limit would not be so critical. Actually, at the breakneck speed we are acquiring land, even if we went the next 20 years as a conservation group, we wouldn't be at the cap in 2020. The issue is principle, how do you deal with conservation issues and the economic viability of agriculture in your counties? I don't think there is any figure that would address that?

Vice Chair Nelson: How much land do you currently hold in ND?

Reichert: We currently hold under 19,000 acres. The Nature Conservancy. The 22,000 acres I mentioned earlier is the Nature Conservancy and the other 5 groups allowed to hold land. That 19,000 acres figure will be reduced by 3051 acres because of the sale of the north unit of the Davis ranch which is all crop land.

Vice Chair Nelson: From my perspective, what you have done with your holdings is commendable. Much of the concerns that Landowners groups have is with the perception of lumping conservation groups together with those that aren't quite as good stewards as yours. If the conservation easement situation fits the needs of your types of organizations, but also protects private land from some of the implications of perpetual easements, that is the dilemma. HB 1276 was heard last week and I don't believe you testified on that, what are your particular comments on that bill?

Reichert: There are others in the conservation community that that affected directly. We decided as a group that they would speak to that issue, since we do not do and do not plan to do easements in ND. The 10 year limitation on that bill will discourage conservation groups. The money we provide for conservation easements goes hand in hand with the economic viability of that producer on that land. We can't do our conservation without that family on that farm. Thus not having the money to provide them with the conservation easements seems to be defeating a great option that we could have.

Rep. Kelsch: What type of organizations are authorized to operate under the law?

Reichert: To acquire land? I believe 5 that can hold land, The ND Wetlands Trust, Ducks Unlimited, the Nature Conservancy, The American Federation for Wildlife, and the Audubon Society. As the law is stated, it excludes the Audubon Society.

Chairman Rennerfeldt: Any further questions from the committee? Anyone else?

Joe Satrom - Director of Land Protection Programs for Ducks Unlimited: As Gerry said, we currently don't own land in ND, but our organization does anticipate buying land on the Coteau landscape over the next 20 years. We buy land with the intent of not owning more than 60 months. We will buy land that has been cultivated with the intent of restoring prairie and wetlands. We then would place permanent easements on that property and hold them ourselves or sell them to private operators who would operate it in a conservation friendly manner. We oppose the section of this bill that limits acres. A few points, I am not opposed to adding the County Commissioner to the board of advisors. This entire section of law is so different from other areas of the country. Three or four points, first of all conservation is not about limits, but values and ethics. Many people believe that conservation as an ethic came out of Theodore Roosevelt's experience in western ND. We live in a world where natural resources and



biodiversity are threatened constantly. The idea of controlling an ethic is a bad precedence to set. Number 2, no industry has a greater stake in biodiversity than agriculture. Agriculture will depend on biotechnology. The key to biotechnology is biodiversity. Scientists all over the world say we should aggressively protect biodiversity for the benefit of society and modern agriculture. I am aware of your concern of the loss of agricultural land, but far more land is lost to urban sprawl. It seems we are more interested in capping the ability of conservation organizations to buy land and not interested in protecting the land. Another dimension is the fact that we are not allowed to hold permanent easements in the state definitely forces organizations to look at fee acquisition. There is only two types of permanent protection left to the private sector, fee acquisition by non profits and perpetual easement acquisition. When we can't have one the emphasis has to be on the other. It is important to understand that these groups buy land indiscriminately, each land is unique. Two more points, I hope you are attentive to the rights of land owners. Hundreds of landowners want to see their land protected. They recognize uniqueness in the wetlands or the Sheyenne river valley they own. Many seek a means outside of the government to protect those lands, we have fewer tools to allow the landowner to do that then in any other state. Fewer organizations, public agencies and virtually no fund appropriated for land acquisition. We are not attentive to those things. This section of law is unique and puts us in a very bad light, that this is a state that doesn't not allow private landowners to sell land to whom they please.

Chairman Rennerfeldt: Any questions of the committee?

Rep. DeKrey: Do you agree that ND has beautiful property?

Satrom: Yes.

Rep. DeKrey: They got that way in private ownership.

Satrom: I do not agree with that. My family has farmed since the 1880's in eastern ND, there was not one acres of biodiversity left on our farm. We made those decisions for economic reasons. Agriculture is driven by harsh economics. Those economics don't afford in some cases the opportunities to do what is right by the land. Studies reveal that a great deal of land is overgrazed, eroded by the wind and we have lost a great deal to cultivation that should never have been broken. We can't generalize.

Chairman Rennerfeldt: Any other questions?

Bill Pfeifer - ND Chapter of the Wildlife Society: The Wildlife Society opposes HB 1425. (See written testimony).

Chairman Rennerfeldt: Any questions of the committee?

Mike Donahue - USND & NDWF: The United Sportsmen are neutral on HB 1425. The ND Wildlife Federation opposes this bill and ask for a Do Not Pass.

Chairman Rennerfeldt: Any questions? Anyone else opposed to this bill?

Paul Crary - Cass County Wildlife Club: We would just like to go on record as being opposed to this bill and as that you Do Not Pass this bill.

Chairman Rennerfeldt: Any questions? Anyone else opposed to HB 1425, in not, I will close the hearing.

## **COMMITTEE WORK**

Chairman Rennerfeldt: Let's do HB 1425. Does it need an amendment?

Rep. DeKrey: I move to accept Rep. Boucher amendments be added to this bill.

Rep. Porter: I second. (some discussion)

Vice Chair Nelson: As I understand it on page 2, line 4 President of the Farm Bureau. And strike and the manager of the Garrison Conservancy District. And all of lines 5 and 6 up to the period. Correct. (more discussion).

Rep. Nottestad: I have one question as to how this amendment works. The wording pertaining to the County Commissioner is different on this bill than the last one. Here it speaks to the largest county, the other one just speaks to the County Commissioner. The language in that bill says that the committee will include the chairman of the County Board of any counties affected by the purchase. So it's conceivable that you could have two county board chairmen, if the purchase covered two counties. (more discussion).

Chairman Rennerfeldt: All those in favor of the amendment signify by saying Aye. Opposed?  
Amendments adopted.

Rep. DeKrey: One last shot, if you take a look at the total of lands that other outfits own in this state it is getting to be quite a bit. It might be true that the Nature Conservancy only owns .001% of the state, but they are only a small part of a very large problem that we have in this state. This actually raises the amount of land that the Wetlands Trust can own. We have limited them to 12 or 13,000 acres at this point and now they are eligible to go to 50,000 acres. So it is raising the limit, establishing a limit and putting a sunset clause on there that we can back in ten years and look at this issue again. We can see if it is a problem or not. I see it as good defensive legislation. Why do we want to continue to let nonprofit and government organizations to continue to buy up ND. I have seen the way the Nature Conservancy takes care of it's land. When they tell you, they talk the talk, but they don't walk the walk. Come and see how some of their spurge patches are growing.

Vice Chair Nelson: I move a Do Pass.

Chairman Rennerfeldt: I have a Do Pass on HB 1425. Do I have a second?

Rep. Brekke: I second.

Chairman Rennerfeldt: Any further discussion on HB 1425?

Vice Chair Nelson: I am going to come at this from a little different angle. Although I do agree with Rep. DeKrey, this is a larger issue. As we move forward in ND with private/public acquisition and the easement situation, we need to look at this from the big picture. There is going to have to be some compromises on both sides of the issue to make this thing fit. One of the things I have a problem with is the willing seller, willing buyer concept. When we restrict people that own land from doing what they want to, to get into this issue we need to start from a point where the private landowners are not at a compromise position when we begin the debate. So I think we begin from a standpoint where there is something to offer from both sides and that moves both parties to the middle. I am going to support a Do Pass.

Rep. Nottestad: I am going to oppose a Do Pass for a couple of reasons. Sure we can look at these 50,000 acres as being a long, long ways in the future. If the Nature Conservancy Districts do acquire more property, right now they are in a situation where they have acquired property. They are holding land that could be farmed, for a particular reason. If we get to that 50,000 limit, it is gone. It will affect them in how they diverse themselves out of tillable land, it's just going to change things. In using the spurge situation, I spray township roads in Grand Forks County and believe me the spurge isn't just on their land. The majority of spurge is on private land. Little or nothing is being done there. The old farmsteads are completely inundated with spurge. If we are going to use spurge as an example, then the hammer will have to go down on more than just them.

Rep. DeKrey: I just want to assure Rep. Nottestad that as a landowner you are required by law to take care of your noxious weed problem.

Rep. Winrich: I am going to oppose a Do Pass on this bill as well. I don't feel like this is moving towards the middle of any dispute. I think it is unfair to blame the nonprofits for what the Federal government does. I don't think we should lump those two considerations together. I think the non profits by and large have been very good citizens in this state and that this cap would bring organizations under the cap that currently aren't there and the existing law doesn't apply to. So it is not really increasing the amount of land that might be available. I would note also, if we are really concerned about taking agricultural land out of production that the threat from urban sprawl is much greater than it is from nonprofits. We had testimony this morning that in the last 15 years 45,000 acres of agricultural land in this state has been lost to urban sprawl. According to the chart last week of the nonprofits holding, in the last 15 years they have acquired less than a third of that, about 14,000 acres. So I think if the concern is over the loss of agricultural land, this doesn't address the problem.

Vice Chair Nelson: In response to Rep. Winrich, I don't think this bill does move to the middle at all, I am willing to draw a line in the sand, this is where we begin, this is where they begin from. I think nonprofits are lumped together with Federal agencies because of situations like Ducks Unlimited who are running their easements through the Fish and Wildlife currently. That's why they are lumped together, because they are using that ability of the Federal agency to come into our state and provide those perpetual easements through the back door. That is why that thing is linked to nonprofits. I agree with you that there should be a distinction between them. But they can't have it all. They can't have it both ways, they use the Federal government

and leased property and the easement situations when it is their benefit and they use the private comparison when it is to their benefit as well.

Chairman Rennerfeldt: Any further discussion. I will put in my two cents. Rep. DeKrey talks about noxious weeds. I guess I see it in the Badlands of ND and Montana, you travel through there and see all of the Federal and State land out there loaded with leafy spurge and knapweed, which is following the water sheds. I think it is a serious problem, not only them, but the Army Corps of Engineers. Like Rep. Nelson said these are nonprofit but they use those people at times to get involved with those lands too. They feel they don't have to do what the private landowner has to do. I guess I will support the Do Pass.

Rep. DeKrey: Just one more thing, on the weed deal. This was brought up to them two years ago in one of these hearings. Someone asked them about the leafy spurge on Pigeon Point and all the had out there was some goats and they refused to use chemicals. I was really surprised to hear them say today they were using chemicals now. That is a switch, I suggest they are probably using very little chemical, but at least they are using some so they can stand up in front of farmers and say, yes, we are using chemicals.

Chairman Rennerfeldt: If there is no further discussion, call the roll.

**MOTION FOR A DO PASS AS AMENDED**

**YES, 7    NO, 7**

**1 ABSENT AND NOT VOTING**

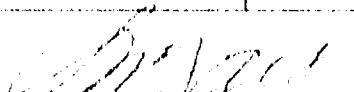
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1425

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		865 to 1260
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich,

Chairman Rennerfeldt: Okay let's take HB 1425. (discussion)

Rep. Porter: I move a Do Not Pass on HB 1425 as amended..

Rep. Nottestad: I second.

Chairman Rennerfeldt: Any discussion on that?

Rep. DeKrey: It has been said several times, but there is Wetlands Trust that already own up to 12,000 and dump them all together and they can own up to 50,000 acres. The only reason some of these organizations are paying taxes is that they want to purchase more land. You can look at other states, as soon as the land purchasers have gotten what they want, they haven't paid the

Page 2  
House Natural Resources Committee  
Bill/Resolution Number HB 1425  
Hearing Date February 2, 2001

taxes. It is protection for the state and the landowners, it has a 10 year sunset clause on it and I doubt that they would go from 12 to 50,000 acres in ten years. So it is going to get a second look, I don't know how you can make it any more palatable than it is. I will resist the Do Not Pass motion.

Rep. Nottestad: I think it is very interesting that Rep. DeKrey would come in with the accusation that it is not being paid under states at this point, when it could have been very, very interesting testimony and pertinent at the time the bill came up.

Rep. DeKrey: I just thought of it now.

(more discussion)

Rep. Droydal: I call the question Mr. Chairman.

Chairman Rennerfeldt: We will call the roll on a Do Not Pass on HB 1425.

**MOTION FOR A DO NOT PASS**

**YES, 7                      NO, 8**

**MOTION DOES NOT CARRY**

Vice Chair Nelson: I move a Do Pass on HB 1425 as amended.

Rep. DeKrey: I second.

Chairman Rennerfeldt: Any further discussion? Call the roll.

**MOTION FOR A DO PASS AS AMENDED**

**YES, 8                      NO, 7**

**CARRIED BY REP. NELSON**



10669.0101  
Title.0200

Adopted by the Natural Resources  
Committee

February 2, 2001

VR  
2/2/01

**AMENDMENT TO HB 1425**

**HOUSE NATURAL RESOURCES**

**02/04/01**

Page 2, line 4, overstrike "manager of the Garrison Diversion"

Page 2, line 5, overstrike "Conservancy District" and Insert 'immediately thereafter "chairman of  
the county commission of any county affected by the acquisition"

Renumber accordingly

Hold

Date: 02/01/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1425

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

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

Action Taken Do Pass as amended

Motion Made By Rep Nelson Seconded By Rep. Brekke

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson		✓
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh		✓
Curtis E. Brekke	✓		Lonnie B. Winrich		✓
Duane DeKrey	✓		Dorvan Solberg		✓
David Droydal		✓			
Pat Galvin	✓				
George Keiser					
Frank Klein	✓				
Darrell D. Nottestad		✓			
Todd Porter		✓			
Dave Weiler	✓				

Total (Yes) 7 No 7

Absent 1

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

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

Date: 02/02/01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1425

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

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

Action Taken DO NOT PASS as amended

Motion Made By Rep. Porter Seconded By Rep. Nottestad

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman		✓	Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman		✓	Scot Kelsh	✓	
Curtis E. Brekke		✓	Lonnie B. Winrich	✓	
Duane DeKrey		✓	Dorvan Solberg	✓	
David Drovdal		✓			
Pat Galvin		✓			
George Keiser	✓				
Frank Klein		✓			
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler		✓			

Total (Yes) 7 No 8

Absent \_\_\_\_\_

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

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

Date: 02/02/01  
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1425

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

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

Action Taken Do Pass As Amended

Motion Made By Rep. Nelson Seconded By Rep. DeKrey

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson		✓
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh		✓
Curtis E. Brekke	✓		Lonnie B. Winrich		✓
Duane DeKrey	✓		Dorvan Solberg		✓
David Drovdal	✓				
Pat Galvin	✓				
George Keiser		✓			
Frank Klein	✓				
Darrell D. Nottestad		✓			
Todd Porter		✓			
Dave Weiler	✓				

Total (Yes) 8 No 7

Absent \_\_\_\_\_

Floor Assignment Rep. Nelson

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

REPORT OF STANDING COMMITTEE (410)  
February 5, 2001 8:39 a.m.

Module No: HR-20-2328  
Carrier: Nelson  
Insert LC: 10669.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1425: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, ABSENT AND NOT VOTING). HB 1425 was placed on the Sixth order on the calendar.

Page 2, line 4, overstrike "manager of the Garrison Diversion"

Page 2, line 5, overstrike "Conservancy District" and Insert Immediately thereafter "chairman of the county commission of any county affected by the acquisition"

Renumber accordingly

2001 SENATE NATURAL RESOURCES

HB 1425

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1425

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 3-2-01

Tape Number	Side A	Side B	Meter #
1	X		23.8 - end
1		X	Start - end
2	X		Start - 3.0
3-8-01	X		36.0 - 45.8
3-23-01	X		Start - 15.2
Committee Clerk Signature <i>David James</i>			

Minutes:

SENATOR FISCHER opened the hearing on HB 1425.

REPRESENTATIVE DUANE DEKREY, of District 14 cosponsor, introduced HB 1425, A BILL RELATING TO ACQUISITION OF FARMLAND OR RANCLAND BY NONPROFIT ORGANIZATIONS. He testified that the bill is straight forward and that it caps the amount of property nonprofit organizations can obtain to 50,000 acres for the next ten years. The amounts are a compromise between some agricultural groups and groups from the governors office. He listed the numbers of acres that are presently owned by nonprofit organizations for a total of approximately 44,156,000. At this time they only own half the amount HB 1425 would allow and it would be for 10 years. HB 1425 is very appropriate this session with the topic of easements being very involved.

SENATOR KELSH asked what the difference was made with over stroke language of the bill.

SENATOR DEKREY answered that only the Wetlands Trust Organization was included before and now all nonprofit organizations are included.

WADE WILLIAMS representing the North Dakota Associations of Counties testified in support of HB 1425. He is concerned with the loss of tax base and that nonprofits could bring a county to their financial knees if they purchase a large tract of land because there is no requirement for nonprofits to pay property taxes. The other concern would be that once a nonprofit owns land it would never have private ownership again. One other concern is that HB 1053 was amended on the Senate floor to remove the State Engineer from the advisory committee and suggested the same for HB 1425 so that the bills mirror each other.

SENATOR KELSH asked if any of the nonprofits organizations have not paid the property taxes and why there is a concern that won't.

WADE WILLIAMS answered that all of the nonprofits pay the property taxes, and the constitution does exempt them, but there is SB 2185 that would remove that exemption along with a resolution to do the same.

CHUCK DAMCHEN lives in District 10 and testified in support of HB 1425 on behalf of LAND Association. He is concerned because private enterprise that is based on private ownership is being interfered with are things like easements or government ownership and nonprofit ownership. He said it is unfair that money that is raised by a nonprofit organization to make a purchase is not taxable and money is lost out of state revenue. He also feels nonprofits manage properties differently than private owners and does not put money back into the local economy. JULIE ELLINGSON representing the North Dakota's Stockman's Association testified in support of HB 1425. She said her organization do not believe land purchases by nonprofits organizations



is in the best interest of North Dakota and support the cap of 50,000 acres. They also support adding the county perspective be added to the governor's advisory committee.

GERALD REICHERT the North Dakota Field Representative of the Nature Conservancy testified in opposition to HB 1425 (See attached testimony).

BILL GORDER a Walsh County Commissioner testified in opposition of HB 1425 (See attached testimony). He presented information about the Red River Corridor and it's Flood Mitigation Plan. HB 1425 capping the amount of acreage owned by nonprofits will made the proposed program very difficult.

SENATOR CHRISTMANN questioned the amount of money being offered to buy out this flood mitigation project and how a citizen can possibly compete with these offers.

SENATOR KELSH questioned who was on the advisory board of the Governors office. (See attached testimony).

JOE SATROM., Director of the Land Protection Program of the Ducks Unlimited, Inc. testified in opposition to HB 1425 ( See attached testimony). He does support adding a county representative to the Governor Advisory Board.

KEITH TREGO, the Executive Director of the North Dakota Wetland Trust testified opposition of HB 1425. He wanted to dispel beliefs about nonprofit organizations. He explained that they are very specific about land acquisitions and if they meet they mission statement requirements before they will even consider a purchase. He hopes SB 2185 that would require nonprofits to pay taxes does pass so that issue is finally resolved. Nonprofits are regulated and have many check and balances.

BILL PFEIFER representing the North Dakota Chapter of the Wildlife Society testified in opposition to HB 1425 ( See attached testimony). He also presented information on Nonprofit Property and Taxes (See attached).

MIKE DONAHUE, representing the North Dakota Wildlife Federation testified in opposition to HB 1425 and encouraged a Do Not Pass.

WAYDE SCHAFER testified in opposition to HB 1425.

SENATOR FISCHER closed the hearing on HB 1425.

**MARCH 8, 2001**

SENATOR FISCHER opened discussion on HB 1425.

SENATOR KELCH felt if the nonprofits have taken this many years not to exceed the 25,000 acres limit and it has not been a problem why up into law a cap when it could be changed next session.

SENATOR CHRISTMANN had two thoughts that this bill would help eliminate the small farmers because they can not compete with the offers made by the non profits. The other is the Green Way along the river and how it might be mismanaged by owners and then release it to the non profits.

**MARCH 23, 2001**

SENATOR FISCHER reopened the discussion on HB 1425.

Discussion was held on the status of HB 1053 a bill containing some provisions that should be mirrored HB 1425. It has been amended, passed and already signed by the governor.

SENATOR TRAYNOR made a motion to adopt the deletion on Page 1, Line 16-24 and Page 2, Line 1-12.

Page 5  
Senate Natural Resources Committee  
Bill/Resolution Number HB 1425  
Hearing Date 3-2-01

SENATOR CHRISTMANN second the motion.

SENATOR FISCHER called for roll call vote #1 of HB 1425, indicating 7 YAYS, 0 NAYS,

AND 0 ABSENT OR NOT VOTING.

SENATOR TRAYNOR made a motion for a "DO NOT PASS as Amended" of HB 1425.

SENATOR KELSH second the motion.

SENATOR FISCHER called for a roll vote # 2 of HB 1425, indicating 5 YAYS, 2 NAYS AND

0 ABSENT OR NOT VOTING.

SENATOR TRAYNOR will carry HB 1425.

10669.0201  
Title.

Prepared by the Legislative Council staff for  
Senator Tallackson  
March 9, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1425

Page 1, line 13, replace "Nonprofit" with "Except for land located within ten miles of the Red River in any county that borders the Red River, nonprofit"

Renumber accordingly

Date: 3-22  
Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1425**

Senate      NATURAL RESOURCES      Committee

☐ Subcommittee on \_\_\_\_\_  
or \_\_\_\_\_

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Amended

Motion Made By Boysen Seconded By Christman

[illegible]

Total (Yes) 7 No 0

Absent 0

### Floor Assignment

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

Date: 3-23-01

Roll Call Vote #: 2

## 2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

**BILL/RESOLUTION NO.** 1425

Senate NATURAL RESOURCES

## Committee

☐ Subcommittee on

or

☐ Conference Committee

**Legislative Council Amendment Number**

### Action Taken

**Motion Made By**

## Secondded

By

[illegible]

**Total (Yes)**

No

2

**Absent**

0

## Floor Assignment

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

**REPORT OF STANDING COMMITTEE**

**HB 1425, as engrossed: Natural Resources Committee (Sen. Fischor, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed  
HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsections" with "subsection" and remove "and 3"

Page 1, line 5, replace "Subsections" with "Subsection" and remove "and 3"

Page 1, line 6, replace "are" with "is"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 12

Renumber accordingly

2001 TESTIMONY

HB 1425

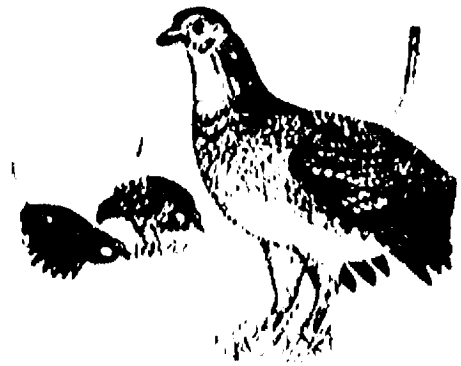




*North Dakota Chapter*

## **THE WILDLIFE SOCIETY**

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER  
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY  
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE  
ON HB 1425, February 1, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes HB 1425 as this Bill can have some long-range negative effects on the landowners in North Dakota.

Land use changes are occurring rapidly; the uncertain farm program is an example. It's difficult to project how farm and ranch management will need to change in order to remain viable. Placing any restrictions on land managers may well cause the loss of opportunities that may be offered by nonprofit organizations. It's quite likely the near future will result in partnerships involving landowners and nonprofit organizations. With this in mind, it would be a mistake to limit or place any restrictions on any activities that could help landowners.

Concerning the expiration of this Act as stated on page 2, line 12, what happens upon expiration? Does this Bill simply get wiped off the books and the nonprofit organizations revert back to acting within the present constraints?

There exists a lot of uncertainty in this Bill. Legislating more restrictions merely adds more confusion and resolves nothing. Therefore, The Wildlife Society opposes HB 1425 and asks this committee to do the same with a DO NOT PASS.

**TESTIMONY TO THE  
HOUSE NATURAL RESOURCES COMMITTEE**  
Prepared February 1, 2001 by the  
North Dakota Association of Counties  
Wade Williams, NDACo Government Relations

**Concerning House Bill 1425**

Chairman Rennerfeldt and members of the committee, I am here today to express the counties and county officials support for HB1425. County officials feel very strongly that there should be some type of cap on the number of acres a non-profit corporation may own.

We are concerned that there could possibly be a loss of tax base. We are also concerned that a non-profit organization would have the ability to bring a county to its financial knees by purchasing a large tract of land in a particular county. The need for the limit would be diminished if the counties had final approval of the purchase. If a non-profit organization adopts the US Fish and Wildlife's Chemical Program, we could also see potential problems with weed control. There is also an issue that many county commissioners are concerned with. Once purchased by a non-profit organization, a good percentage of this land will never be owned privately again.

Out-migration, or the loss of people within the counties is one good reason to support this bill. Another reason to support this bill is that there is a very good chance that farming practices would change with the purchase of large amounts of land by non-profit organizations. The out-migration is self-explanatory. The change in farming practices would have an economic impact on the communities near the purchase area and you would likely see the loss of equipment sales, parts, seed, fertilizer and chemical sales.

Mr. Chairman and members of the committee, we also support placing the chair of the county commission of an affected county on the governor's advisory committee. Currently the governor's advisory committee meets jointly with the county commission to hear testimony on the possible purchase of land. At that meeting, the county commission votes on whether to approve or disapprove the purchase. The advisory committee then recesses and meets at a later date to make their recommendation to the governor; sometimes the recess period is short, other times much longer. It would be very beneficial having the county commission chair on the governor's advisory committee in those cases when it takes longer to make a decision. I would also ask that your committee consider an amendment to the language on line 24 page 1, through line 6 on page 2, so this bill will mirror HB1053. This committee heard testimony earlier on HB1053 which also dealt with the governor's advisory committee.

Mr. Chairman and members of the committee, thank you for the opportunity to express our support for HB 1425.



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## **North Dakota Farm Bureau**

[www.ndfb.org](http://www.ndfb.org)

**Testimony Of North Dakota Farm Bureau  
House Bill 1425  
Presented by Eric Aasmundstad**

Chairman Rennerfeldt and members of the House Natural Resources Committee, my name is Eric Aasmundstad. I am a farmer from the Devils Lake area and the President of North Dakota Farm Bureau. I am here today representing myself, and the 26,000 member families of North Dakota Farm Bureau.

North Dakota Farm Bureau supports House Bill 1425. Although we feel non-profits have fee title to more than enough land in North Dakota, we will support raising the allowable limit to fifty thousand acres. We support this, with the understanding that the current limit applies only to the Wetlands Trust. We believe that the acquisition of land by all non-profits should be limited to avoid any possible negative ramifications to local tax bases. We are also of the understanding that the proposed limit applies to non-profits collectively and not on an individual basis.

We also support the proposed change to the land acquisition advisory committee. We feel that the chairman of the board of commissioners of the affected counties must be allowed representation. The possible loss of tax base, or the possible reduction in taxable value of the property, could have a negative impact in those counties affected and should certainly be addressed. We would respectfully request the Natural Resources Committee consider removing from the advisory committee the Garrison Diversion Conservancy District, the Director of State Parks and Recreation, and the State Forester.

Testimony House Bill 1425, 50,000 acre restriction  
Natural Resource Committee, 02-01-01

Chairman Rennerfeldt

Vice-Chairman Nelson and the members of the Natural Resource Committee,

I want to thank you for allowing me the time to appear before the Committee.

My name is Gerald Reichert, I am the North Dakota Field Representative for The Nature Conservancy.

I appear before you this morning to offer testimony in opposition to HB 1425.

The discussion to further restrict Non-profit Conservation organizations beyond current law, by placing a cap on total acres owned, is not new and as been visited by many of us in prior legislative sessions.

It is not at all clear to me, my colleagues at the The Nature Conservancy or the rest of the Non-profit Conservation Community, the motivation of an acreage limitation.

Is it because the sponsors of this bill feel that the State of North Dakota should further restrict landowners the mere option of selling their land to whom they would like. No, I do not think so.

Is it because 50,000 acres represents the absolute number of acres to preserve the plants animals and natural communities that represent the diversity of life in North Dakota. No, I do not think so.

Is the motivation because the Non-profit conservation organizations already own too much, at 22,079 acres of a possible 45,250,000 or .048%, less than one tenth of 1%. No, I don't think so.

Is it that 50,000 acres represents the maximum loss of property taxes to the affected counties. No, I don't think so since the Non-profits have paid, are currently paying and have committed to pay the same property taxes as all of our neighbors. Additionally the Non-profit Conservation organizations have been active in the support of SB 2185 which will require us to pay property taxes.

Is the motivation that 50,000 acres would represent the maximum amount of land taken out of production so as not to threaten the economic viability of agriculture in North Dakota. No, I don't think so given the fact that the majority of The Nature Conservancy property remains in full production by our neighbors as part of their operations, primarily cattle, along with 100's of thousands of dollars we spend locally, with sales tax, in support of these properties as evidenced by our recent purchase of a 50,000 dollar tractor in Washburn for our Cross Ranch, a like pending purchase of a similar tractor at the Brown Ranch.

In my effort to get to the heart of what motivated this legislation I looked at only the facts and realities of land ownership by Non-profit Conservation groups. I was mistaken. It is not in the facts and realities of what we do or who we are as Conservation groups. The answer is very simply a perception of what we do and who we are. And that perception by those who support this legislation Mr. Chairman and members of the committee could not be more wrong.

These perceptions are born out of the fact that without question agriculture in North Dakota with its traditional family operations continues to fight for its economic life. HB 1425 does nothing to help the economic viability of our Farm and Ranch families, but in

fact will in many ways hinder these Families by taking away options they may find attractive to solve there local concerns.

I would argue that, the Non-profit Conservation groups in North Dakota are in fact part the solution to the long term survival our traditional family operations and the retention of the natural values that make our State so great.

From the murky world of Insurance sales I would like to run for all of you "a what if". A hypothetical situation.

In Walsh County ND there is approx. 22,000 acres of prime cropland, bordered on the east by the Red River along with 1,000 acres of riparian zone running in a corridor from south to north. In 3 years out of 5 the cropland is flooded by the Red River, causing great economic hardship for the affected landowners. The effects of the flooding don't stop with the landowners but continue to the local communities, the county, the state of ND and on to the Federal Govt. Disaster aid comes but will never be enough to make everyone whole. This is a never ending cycle. The County and the landowners begin to look for solutions to a problem that can't continue. Examples of a solutions are found in MN, MT and CO. One of the solutions is the formation of a Land Trust which would do a buy-out of the affected acres with funds coming from various entities, providing the landowners a way to get their capitol out of the land and into their pockets, while retaining agricultural control over the acres they owned. But that's not all remember this Land Trust is formed and operated by the affected landowners so they can continue to farm it the 2 years it does not flood. They also structure it so that they can pass the trust owned acres on with the rest of there farm operation to their sons and daughters.

There is one catch, under current law, the same law which restricts to only 4 Non-profit conservation groups to own and acquire land will not allow the formation of this land trust. A possible solution which ND Law will not allow.

However there is another solution. How about having one the 4 Non-profit conservation groups the only ones allowed under state law to acquire land, consider holding the land much the way the Trust would, with the same agricultural parameters for operation in return for protecting the 1000 acres of Riparian Zone. May work, however I doubt with a 50,000 acre cap as HB1425 calls for, would we risk using our pool of conservation acres to hold 22,000 of cropland. This is but one of many examples I could give making the Non-profit Conservation groups part of the solution.

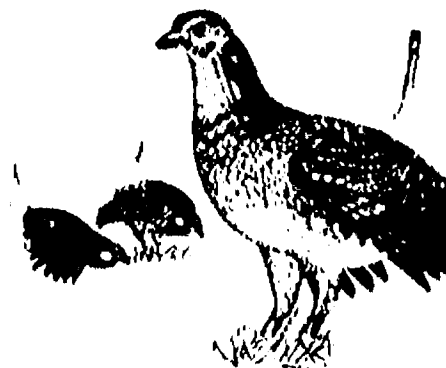
- In summary Mr. Chairman and members of the committee, we the Non-profit Conservation organizations are part of the solution to the economic viability of agriculture, I know this for certain because without are traditional family agriculture in North Dakota I guarantee that we will not be successful in our mission of conservation. Sense of respect for the human community on the land goes to heart of the organizational values of The Nature Conservancy. To this end HB1425 does nothing to serve well the residents of North Dakota. I respectfully ask therefore that you the members of the Natural Resource Committee give HB 1425 a do not pass.



*North Dakota Chapter*

## **THE WILDLIFE SOCIETY**

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER  
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY  
PRESENTED TO THE SENATE NATURAL RESOURCE COMMITTEE  
ON HB 1425, March 2, 2001**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer speaking on behalf of the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes HB 1425 as this Bill can have some long-range negative effects on the landowners in North Dakota.

Land use changes are occurring rapidly; the uncertain farm program is an example. It's difficult to project how farm and ranch management will need to change in order to remain viable but one thing is sure, the landowner needs all options available, including working with nonprofit organizations. Placing any restrictions on land managers may well cause the loss of opportunities that may be offered by nonprofit organizations. It's quite likely the near future will result in partnerships involving landowners and nonprofit organizations. With this in mind, it would be a mistake to limit or place any restrictions on nonprofit organizations or on any activities that could help landowners.

Nonprofit organizations have always been good neighbors in North Dakota. As landowners, they have the same responsibilities as all other landowners such as mowing roads, controlling weeds, and paying taxes. Full, ~~in-lieu~~ taxes are always paid. Taxes remain levied as agricultural lands and do escalate the same as on all other lands.

There exists a lot of uncertainty in this Bill. Legislating more restrictions merely adds more confusion and resolves nothing. Therefore, The Wildlife Society opposes HB 1425 and asks this committee to do the same with a DO NOT PASS.

## ND WETLANDS TRUST PROPERTY AND TAXES

**AMERICAN FEDERATION OF WILDLIFE PROPERTY AND TAXES**

**NATIONAL AUDUBON SOCIETY Property and Taxes**

[illegible]

# THE NATURE CONSERVANCY Property and Taxes

Preserve and Location	Year Acquired	Acres	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Cross Ranch, Oliver Co.	1982	4,953	\$6,045	\$6,511	\$6,835	\$7,753	\$6,996	\$7,640	\$8,179	\$8,241	\$8,731	\$8,996
Williams Preserve, McLean Co.	1986	1,794	\$887	\$1,033	\$1,054	\$1,175	\$1,355	\$1,334	\$1,448	\$1,442	\$1,426	\$1,583
Sheridan Preserve, Sheridan Co.	1984	1,440	\$1,711	\$1,870	\$1,887	\$1,900	\$1,909	\$2,040	\$2,142	\$2,345	\$2,394	\$2,513
Davis Ranch <sup>1</sup> , Sheridan Co.*	1997	8,629									\$18,096	\$17,269
Pigeon Point <sup>2</sup> , Ransom Co.	1994	572					\$2,166	\$2,286	\$2,449	\$2,884	\$2,925	\$1,556
Brown Ranch	2000	1,531										

\*TNC purchased the Davis Ranch in calendar year 1997. The 1997 property taxes totaling \$15,816 were paid by the Davis Family and TNC per the sales agreement.

<sup>1</sup> Approximately 3,051 acres of Davis cropland is under contract to be sold.  
<sup>2</sup> 289 acres of excess crop land at Pigeon Point were sold in 1999.



March 2, 2001

Good morning Mr. Chairman and Members of the State Senate Natural Resources Committee. My name is Joe Satrom. I live here in Bismarck and am the Director of Land Protection Programs for the eight-state Great Plains Regional Office of Ducks Unlimited, Inc. Ducks Unlimited doesn't currently own farm or ranch land in North Dakota but our organization anticipates buying marginal lands on the Missouri Coteau, restoring the grassland and wetland components of the property, placing a permanent easements on the property and selling the property to an appropriate conservation owner. We do not plan to own these lands more than five years and do not plan to own any land for a longer term than the 60 months needed to do restoration work.

I am here today to oppose the section of this bill that proposes that we limit conservation organizations to the acquisition of 50,000 acres. I want to note that I am not opposed to adding the chairperson of the county commission to the advisory group. Thank you for giving me an opportunity to briefly explain my objections to the acreage limitation proposal.

-Conservation is not a value or ethic that can or should be limited by acreage or other arbitrary means. We live in world where natural resources and biological diversity are limited and conservation is more and more important to our quality of life and the sustainability of this planet. When the Legislature passed the protection measure for the purple coneflower last session it didn't say we want to protect a maximum of 50,000 flowers, it said we want to protect purple cone-flowers. The Legislature did a very good thing.

-The proponents for limiting conservation acreages seem to suggest that these lands are of no economic value to the State. This is not the case in North Dakota. Grazing remains a major activity on North Dakota's prairie preserves. Nature areas contribute substantially to the State's tourism and provide valuable habitat for producing wildlife and, in some cases, areas for public hunting. Lastly and most importantly, as one of the Nation's most agricultural states we have a huge economic interest in protecting biodiversity. Many scientists believe that doing our best to protect biodiversity is key, in fact, to protecting the viability and sustainability of modern agriculture, cereal crops and food production as we know it.

-Committee members should be aware that far more agricultural land is being lost to development and urban sprawl than is being acquired by conservation groups. In the areas around our major cities this involves some of the State's best and most productive land. It seems disingenuous to me to limit conservation acres under the banner of protecting land for agriculture but to stand idly by as the State's best farmland is lost to haphazard development, ranchettes and sprawl.

-There is another dimension to a discussion of protecting agricultural lands. Since North Dakota doesn't allow non-profit conservation organizations to hold permanent conservation easements, conservation groups view fee title acquisition as their only means of land protection on various properties. This legislature will have an opportunity to change current law and allow permanent easements in some areas. I believe that allowing landowners the use of permanent easements will reduce the amount of land that conservation groups seek to acquire.

-Please don't forget the rights and desires of conservation-minded landowners. I have become keenly aware during my career in land conservation that literally hundreds of landowners want to see their land in some type of protection or conservation ownership. Current law and the proposed changes to this law, in my opinion, seek to deprive landowners of private property ownership rights that I think are guaranteed by our Constitution. Existing law already places our State in the position of not being a "property rights" state and further restrictions will only add to that onerous standing. Please be suspicious of groups or politicians that claim to be protecting the rights of property owners and who at the same time want to limit the ability of other landowners to sell their land to who they want, when they want.

-a final point in all of this is that North Dakota has a wonderful natural heritage to protect. We are one of the Nation's most rural and agrarian states. Our open spaces, prairies, wetlands, riparian forests, floodplains and unique western badlands together with the diverse flora and fauna of the northern Great Plains are tremendous natural and economic assets. Limiting conservation of natural and economic assets makes no real sense in a world where these assets have dramatically increasing value.

Thank you for your attention! I would be pleased to answer any questions.

**Written Testimony HB 1425, Acquisition of no more than 50,000 acres by non-profit conservation organizations.**

**Senate Natural Resources Committee, March 02, 2001  
Gerald Reichert, The Nature Conservancy**

Chairman Fischer, Vice Chairman Tollefson and members of the Senate Natural Resources Committee, my name is Gerald Reichert, I am the North Dakota Field Representative for The Nature Conservancy. I would like to thank you for allowing me the time to appear before you as a part of our legislative process.

I appear before you this morning to offer testimony in opposition to HB 1425. The discussion to further restrict non-profit conservation organizations beyond current law, by placing a cap on total acres acquired, is not new and has been visited by many of us in prior legislative sessions. I would like to point out that current law restricts land acquisitions to only four non-profit conservation organizations, The Nature Conservancy being one of them. Also, a process we must follow to the eventual approval or disapproval by the Governor of North Dakota further restricts us. This current law represents requirements we face nowhere else in the United States.

The punitive nature of this bill begs the question of the sponsors, why now and why 50,000 acres? What is it that the non-profit conservation organizations have done or not done to prompt this legislation? Mr. Chairman and members of the committee there is no legitimate reason for this bill. According to The Forum of Fargo, in an editorial dated 02/13/01, "The bill is flawed. It's unnecessary. There is no reason to punish conservation organizations that are doing good work".

The record of The Nature Conservancy in North Dakota is one that the staff, the members and the Board of Trustees are very proud of. We arguably are doing very good work in our effort to develop ways to conserve biological diversity while at the same time enabling humans to live productively and sustainably on the landscape.

This record is evidenced by what we have done and are going to do in the future. We have and will continue to pay property taxes whether we are required to or not. We will continue to pay sales tax on the hundreds of thousands of dollars we spend to support our operations. All of our properties will remain in full production, much of it by our neighbors as part of their operations. We will continue to only acquire land from willing sellers, at appraised value. We will continue to honor the right of every landowner to sell to whom they would like. These lands also must meet our mission of preserving plants and animals, and the natural communities that represent the diversity of life on Earth. This in it self is a restriction because a vast portion of North Dakota does not meet this criteria because of past and current development. We are committed to only the best land stewardship.

In conclusion Mr. Chairman and the members of the committee, we the non-profit conservation organizations are part of a solution to a bright future, which includes among

other things the economic viability of agriculture. We have demonstrated through our actions that we are a proud partner in North Dakota and have worked hard to retain the natural values that make our State so great. I guarantee that without traditional family agriculture, we will not be successful in our mission of conservation. Sense of respect for the human community on the land goes to the heart of the organizational values of The Nature Conservancy. To this end, HB 1425 does nothing to serve well the citizens of North Dakota. I respectfully ask therefore that you the members of the Senate Natural Resource Committee give HB 1425 a Do Not Pass.



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## Forum Editorial: Land bill is flawed legislation

*The Forum - 02/13/2001*

A bill that would limit the amount of land in North Dakota that non-profit conservation groups can own is bad legislation.

The bill, sponsored by Rep. Duane DeKrey, R-Pettibone, passed the House. It should be given a quick burial when it reaches the Senate.

DeKrey's bill would limit non-profit organizations from owning more than a combined total of 50,000 acres in the state. Those organizations now own about 23,000 acres. Therefore, DeKrey reasoned, his bill is not a problem.

Yes it is, but for reasons that have nothing to do with his arbitrary acreage limit.

First, interfering in a sale between a willing buyer and willing seller is government intrusion at its worst. DeKrey, who considers himself a conservative, obviously is not. And there is some question whether such a law could survive a court challenge.

Second, the organizations the bill targets - Nature Conservancy, Ducks Unlimited and others - have excellent records of managing their lands, working well with neighbors and ensuring counties do not lose a dollar of property tax revenues. That record is there for anyone to examine.

Third, the organizations are private. They are not public wildlife agencies or environmental bureaucracies. They depend on private support from members and donors. They operate under the laws and regulations that govern any private non-profit organization.

Finally, as conservation organizations, they do good work. Not only do they protect the natural heritage of the state, they also manage their lands to accommodate traditional farming uses, including grazing, haying and crop production.

The bill is flawed. It's unnecessary. It's inherently punitive when there is no legitimate reason to punish conservation organizations that are doing good work in North Dakota.

The Senate has a chance to fix the House's mistake. The legislation should be rejected.

(Forum editorials represent the opinion of Forum management and the newspaper's Editorial Board.)

[Back to Top](#)

HB - 1425

Senate Natural Resources Committee

March 2, 2001 - 9:30 - Fort Lincoln Room

Current Law - four non-profit groups meet North Dakota code for land acquisition.

1. Nature Conservancy;
2. Ducks Limited;
3. The Wetlands Trust;
4. American Foundation for Wildlife.

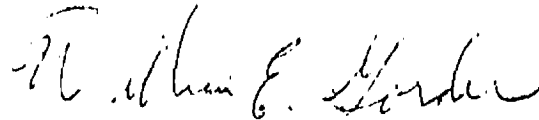
Only Wetlands Trust falls under the 12,000 acres limitation. This bill replaces with 50,000 acres for all groups. All groups about 25,000 acres for now.

I believe it is bad legislation:

1. Interferes between willing seller and buyer;
2. Organizations are privately dependent upon public support - operate under laws that govern non-profit organizations;
3. Protect natural heritage of State;
4. Shows lack of trust for the Advisory Committee, County Commissioners, and Governor, who make the final decision. Takes away some local control;
5. Could severely limit conservation in my District, freeway along the Red River;
6. Mitigation plan - 553 acres plan.

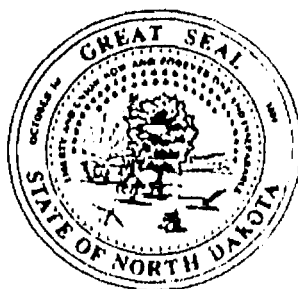
Thanks for your attention. I would hope the bill could die in the Senate.

Sincerely,



BILL GORDER  
Walsh County Commissioner

COMMISSIONER OF AGRICULTURE  
ROGER JOHNSON



PHONE (701) 328-2231  
(800) 242-7535  
FAX (701) 328-4567

DEPARTMENT OF AGRICULTURE  
State of North Dakota  
600 E. Boulevard Ave. Dept. 602  
Bismarck, ND 58505-0020

To: ND Natural Areas Acquisition Advisory Committee Members  
Dean Hildebrand, Director – ND Game & Fish Department  
Doug Prchal, Director – ND Parks and Recreation Department  
Dale Frink, Acting State Engineer – ND Water Commission  
Warren Jamison, Manager – Garrison Conservancy District  
Robert Carlson, President – ND Farmers Union  
Eric Aasmundstad, President – ND Farm Bureau  
Larry Kotechman, State Forester – ND Forest Service  
Paul Gernolus, Attorney General's Office  
American Foundation for Wildlife  
Walsh County Commission  
Bob Harms, Governor's Office

From: Commissioner of Agriculture Roger Johnson, Chairman  
Natural Areas Acquisition Advisory Committee

A handwritten signature in black ink, appearing to read "Roger Johnson".

Dt: February 6, 2001

Re: American Foundation for Wildlife proposal to acquire the Joliet Ferry WRP tract in Walsh County

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The American Foundation for Wildlife has submitted a proposal to acquire the Joliet Ferry WRP tract in Walsh County (See Attachment).

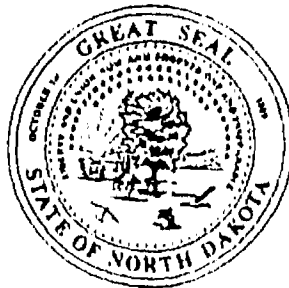
Pursuant to NDCC § 10-06.1-10, I have arranged for a local hearing with the Walsh County Commissioners. **The hearing will be held on Tuesday, February 20, at 1 pm CST in the Basement Meeting Room of the Walsh County Courthouse (600 Cooper Ave) in Grafton.**

The North Dakota Department of Agriculture will notify the local media of the hearing and will take minutes at the hearing. A tour of the Joliet Ferry WRP tract will be held prior to the hearing on February 20, 2001. Anyone interested in participating in the tour should meet at the Walsh County Courthouse at 11:00 a.m. CST.

A van will be reserved for the meeting. If anyone wishes to ride with us, please call Patrice Eblen of my staff at (701) 328-4757 by Friday, February 16. The van is tentatively scheduled to leave from the north door of the Capitol building at 6:00 a.m. CST on February 20, 2001.



COMMISSIONER OF AGRICULTURE  
ROGER JOHNSON



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(800) 242-7535  
FAX (701) 328-4567

DEPARTMENT OF AGRICULTURE  
State of North Dakota  
600 E. Boulevard Ave. Dept. 602  
Bismarck, ND 58505-0020

**Natural Areas Acquisition Advisory Committee  
Walsh County Commission  
Public Hearing  
Regarding the Joliet Ferry Tract proposal  
Walsh County Courthouse  
Grafton, ND  
February 20, 2001  
1:00 pm**

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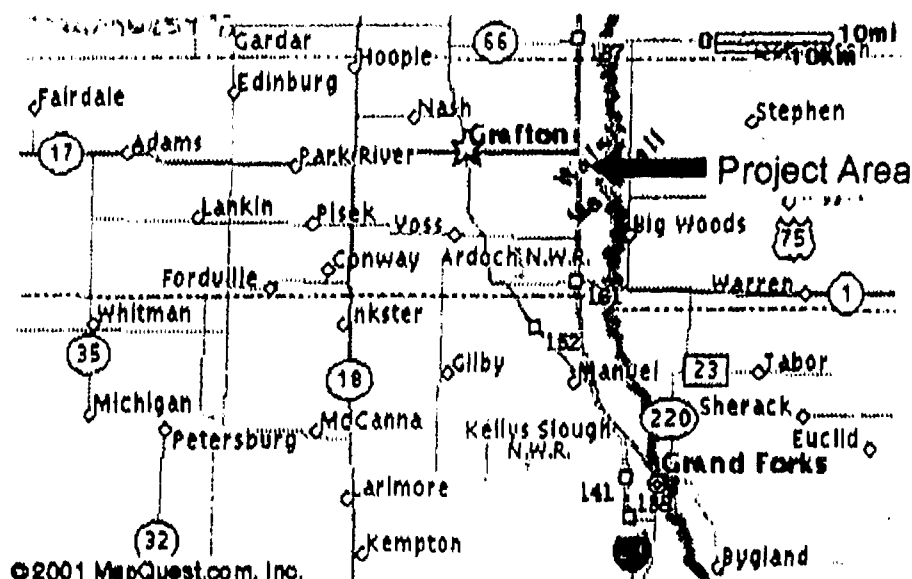
**Proposed Agenda:**

- ◆ Call hearing to order
- ◆ Introductions
  - Walsh County Commission
  - Natural Areas Acquisition Advisory Committee members
- ◆ Explanation of state statutes
  - Non-profit corporation process
  - 45-day recommendation period
  - Governor makes decision (additional 30 days)
- ◆ Hearing Process
- ◆ Presentation by American Foundation for Wildlife
- ◆ Q&A – Commission/Committee questions first, then public
- ◆ County Commission statement(s)
- ◆ Public comment
- ◆ Adjourn hearing

## FACT SHEET

### ACQUISITION OF WALSH COUNTY LANDS BY THE AMERICAN FOUNDATION FOR WILDLIFE

- LOCATION:** 12 miles SE of Grafton on the Red River floodplain
- SIZE:** 555 acres of mostly farmland. Contains one large (125 ac.) drained wetland and six small (< .5 ac. ea.) drained wetlands.
- OWNERSHIP:** Six landowners own the tract. All landowners have expressed a desire to sell their lands because of flooding damage and crop loss.
- DESCRIPTION:** The lands are, with the exception of roads, ditches, riverbanks and wooded areas, floodplain crop lands. The Red River borders or severs parts of the NE¼ and the SE¼ of the section (Sec. 36-157-51). The 125 acre drained wetland covering the center of the section drains to the SE thru a large culvert and flap-gated structure that dumps into the River. Gravel access roads border the tract on the south and west and a prairie trail borders on the north. No occupied farmsteads remain on the lands.
- JUSTIFICATION:** The acquisition will enable the restoration of all of the wetlands and establishment of a tall grass prairie ecosystem in a location where very little of that habitat type remains. Permanent protection of the wetlands and tall grass prairie will be provided along with public access and use for broad based outdoor recreation and education.
- MANAGEMENT:** The Foundation will enroll the property in the Wetlands Reserve Program (WRP). When restoration of the wetlands and uplands are completed, the lands will be transferred to the ND Game and Fish Dept (G&F) for future management. G&F will manage the lands for optimum wildlife use and for outdoor recreation and education.
- The Foundation will pay property taxes when lands are in their ownership.  
The G&F will pay property taxes when lands are in their ownership.



VB 7.85

FOR A COPY  
CONTACT WALSH COUNTY WATER RESOURCE DISTRICT

CHAIRMAN MERLIN

LINSTAD

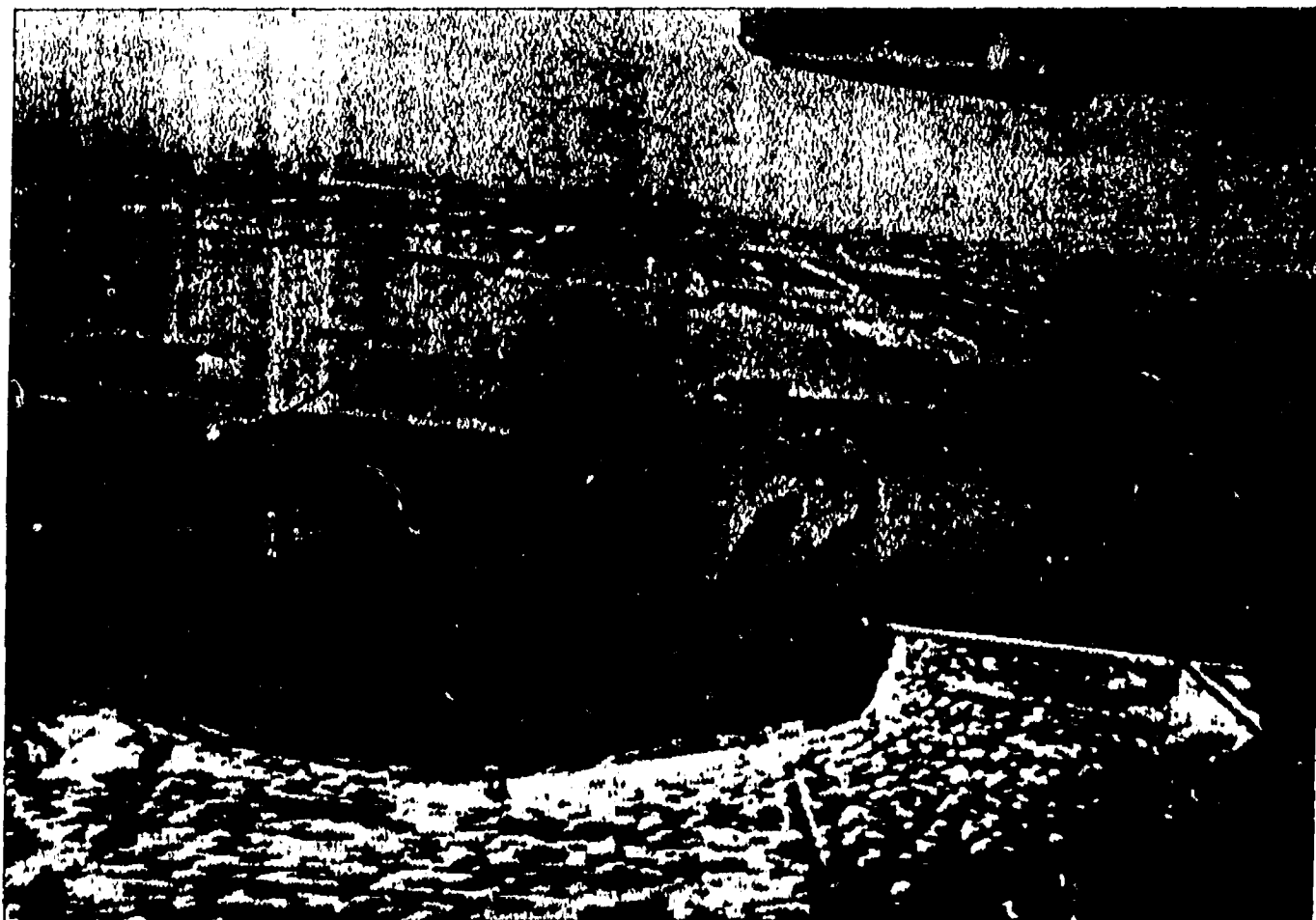
AT

384, 6172 IN

FORDVILLE

OR CONTACT STATE WATER COMMISSION OFFICE

# Red River Corridor



## Flood Mitigation Plan

Walsh County