

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2025

2001 SENATE AGRICULTURE

SB 2025

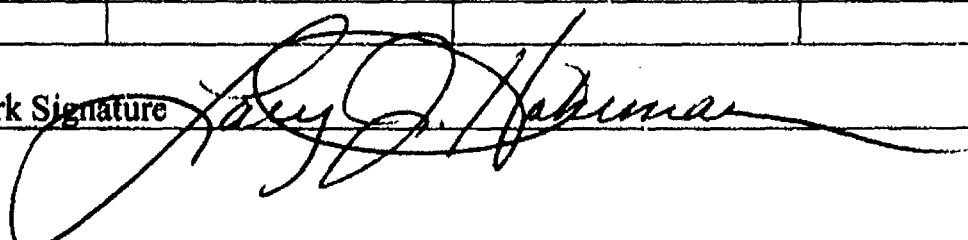
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2025

Senate Agriculture Committee

☐ Conference Committee

Hearing Date January 18, 2001

Tape Number		Side A	Side B	Meter #
January 18	2	X		0.9 - 40.0
January 19	2	X		21.6 - 30.6
Committee Clerk Signature 				

Minutes:

The hearing was called to order.

REP. JOHN WARNER, See attached testimony (meter # 1.1 - 3.3).

TIM DAWSON, (meter # 3.4 - 6.8).

WADE MOSER, North Dakota Stockman's Association, testified in support of this bill (meter # 6.9 - 9.9).

We think that when there is a problem out there, like this, it should be the responsibility of the Game and Fish Department to step forward and help solve without putting unnecessary restrictions on solving this problem. This will help solve problems for cattle ranchers and land owners. These changes would be very beneficial.

BRIAN KRAMER, North Dakota Farm Bureau, testified in support of this bill (meter # 10.0 - 10.6).

ROGER RUGTVET, N D Game and Fish testified against this bill. See attached testimony (meter # 11.4 - 29.8).

SENATOR KLEIN, Have you had to impose this and it that where this is coming from?

ROGER RUGTVET, We have not had anyone who has had to repay or anyone who has asked to repay, however you have had individuals that have operations in place already request yards that have been denied.

MIKE DONAHUE, North Dakota Wildlife Federation, testified in opposition of this bill (meter # 30.0 - 39.5). We oppose this bill for a number of reasons, we concur with the testimony of the Game and Fish Department, the current law and the rules established to administer that law are fair to the cooperating producers, the contract is fair. We do not want our Game and Fish funds used as a subsidy to a big game fee operation. We believe that allowing posting is adequate compromise, realizing that some people that post allow people to come in hunt to help manage the herd and other do not want anyone to come in and hunt.

The hearing was closed.

On January 19, 2001

Discussion was held.

Action was taken on this bill as follows:

SENATOR NICHOLS motioned to DO PASS. The motioned was seconded by SENATOR ERBELE. Roll call vote as follows: 6 Yeas, 0 No, 0 Absent and Not voting. SENATOR WANZEK will carry the bill.

FISCAL NOTE

Requested by Legislative Council
12/14/2000

Bill/Resolution No.: SB 2025

Amendment to:

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$10,000		\$10,000
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

On the average about four or five additional hay yards would be paid for each biennium.

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

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

None

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

Each hay yard costs about \$2,000. With this bill the Department will be required to fund four or five additional hay yards each biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Paul Schadewald	Agency:	ND Game and Fish Department
Phone Number:	328-6328	Date Prepared:	12/22/2000

Date:
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2025

Senate Agriculture Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By SEN NICHOLS Seconded By SEN. ERBELE

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment SEN. WANZEK

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

REPORT OF STANDING COMMITTEE (410)
January 19, 2001 12:58 p.m.

Module No: SR-09-1300
Carrier: Wanzek
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2025: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the
Eleventh order on the calendar.

2001 HOUSE AGRICULTURE

SB 2025

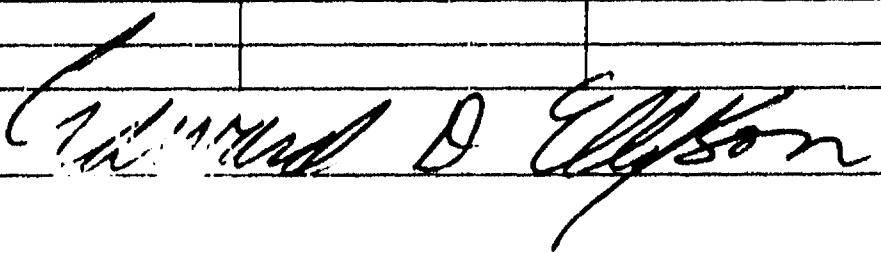
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2025

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--01--02

Tape Number	Side A	Side B	Meter #
ONE	A		00 TO 4484
Committee Clerk Signature 			

Minutes:

1A:00 CHAIRMAN NICHOLAS: Chairman Nicholas opened the hearing on SB 2025.

JOHN WARNER Good morning Mr. Chairman. My name is John Warner. I represent District four. We are one of the leading producers of durum. SB 2025 came out a committee that I have chaired. It is a concern that ranchers have in the western part of the state of deep depredation. The deerproof hay yard program is not a new program. This Bill is written as to sound as if it is. The only new portion of the Bill is that the director may not discriminate against or penalize any landowner applying for or participating in the deer proof hay yard program on the basis of that landowner allowing hunting in exchange for compensation. What this Bill dose is recognize this roll that the farmers and ranchers have in providing habitat for wild life. The committee did not feel that the farmers and ranchers should have to bear the entire burden of cost of degradation which is caused by deer in hay yards. Tim Dawson with the legislative council is here to testify as to the Bill. Any questions?

CHAIRMAN NICHOLAS: Thank you Representative Warner.

REPRESENTATIVE KOPPANG: How many people are directly involved in the magnitude you are talking about.

REPRESENTATIVE WARNER: People from the Game and Fish are here and they would be able to give you a better answer than I can.

REPRESENTATIVE JOHN NELSON: I serve District Seven. The middle of the duram parading in North Central N.D. I am here to speak in favor of the Bill. I do have a hand out from an individual in my District who is currently a guide and outfitter. One of the situation that this Bill tries to correct is the situation where this gentleman is the first ranch off the Clarks something refuge. The deer that he protects on part of his land as you can see he dose leave open some he keeps for his guiding business. The situation like this year, when there is a lot of snow and they are coming off the Clark Cellular Refuge. Some of his land he dose leave open and some he posts for his guiding business. The situation like this year when there is a lot of snow, there coming up the seven miles outside the Clark Cellular Refuge and the Fish and Wild Life has not helped them and they will not help this gentleman. In my opinion, an oversight and gross crime with the number of deer coming in there. He is going through one hundred dollars of feed a week and three bails of alfalfa hay a week that these deer are eating. I have been to his farm twice. There is a large number of deer out there. The Deer population in the state is out of control. This Bill will give Game and Fish Department some flexibility. I know there is some concern with this going to far but as it stands right now the Game and Fish Department can't do anything to help this gentleman out because of the law that is in place. With the passage of this Bill Director Hildabrant he feels that he would have the latitude to

or at least the legislative intent that they could move forward and help some of these ranchers. In situations like this. It desperately is need in some cases right now. It is going to become an increasing problem if the deer population don't start gong down. This is one step that will help solve part of this problem. I hope you give this Bill a green light. The reason they can't help him now is that current law reads reads that you have to allow hunting on the land that the rancher owns or manages. That is the stipulation in law now. There would be a lot more leeway under this Bill.

JIM DAWSON: I am with the legislative council. I am not here for or against the Bill. I am here just merely to explain the Bill. SB 2025 prohibits the Game and Fish Department from discriminating against or penalizing any landowner in the deport hay yard program for entering into a hunting for compensation agreement. Within the present halyard program there is a fifteen year contract that prohibits fee hunting. IF there is fee hunting, the depreciated material is due from the land owner to the Game and Fish Department. Under this Bill draft the owner would not have to pay half the value of the depreciated material if there was fee hunting. REPRESENTATIVE WRANGHAM: The requirement that they pay it back. Is that in statue or by rule.

DAWSON: That is in the contract between the land owner and the Game and Fish Dept. There are two provisions in there that there is reasonable access to the land which is a separate issue and then that there is no fee. hunting.

Under this new law it would be for all future contracts. It would not be retroactive. The contract just says that the land has to be open to reasonable public customer.

CHAIRMAN NICHOLAS: Anyone else wanting to make comments in support of this Bill.

WADE MOSER: from Stockman's Association. We do support this legislation. We feel that it is a problem that needs to be resolved and that there are ranchers out there that do not fee hunt do not intend to fee hunt but feel offended to have to sign a fifteen year contract that says I will not fee hunt. That rubs them wrong. This problem was not created by the ranchers except for the fact that he has gotten feed in one area and it just need to be resolved. The Game and Fish has got nineteen million in reserves. The halyards are not expensive. The rancher has some obligation to put them up. It dose help and I think it will go a long ways to build better relations between the Game and Fish and the Ranchers. This is not a low, It was a policy that was sent by the Game and Fish. During the intern, we have decided that if the Game and Fish is not willing to cooperate with the ranchers out there the law has to be passed to say that you can not discriminate against those ranchers out there.

ROGER FREBRY: I am here to testify in support of this Bill. We are going to have a shortage of hay. The hay is being destroyed by deer. We need this Bill to keep our operation afloat and in the black where they should be.

CHAIRMAN NICHOLAS: Anyone else here in support of this Bill.

REPRESENTATIVE JOHNSON: For the committees information. I also visited with the gentleman that Jon Nelson was talking about and he said he had up to 400 head of deer and 60 some antlers he picked up. It is up to \$400.00 that he is feed per week right now.

CHAIRMAN NICHOLAS: Any more support for this Bill. Any opposition.

ROGER ROSTEVET: I am DEPUTY DIRECTOR OF THE ND GAME AND FISH DEPARTMENT: Printed testimony.

Please read attachments.

REPRESENTATIVE LEMIEUX: Roger, do you have any estimation what the total deer depredation, or do you have any ideal what the cost of the land owners suffer as to deer depredation?

ROGER: I do not know. It runs substantial. In 1997 we extended over a million dollars in deer depredation. The average cost of one hayyard is about two thousand dollars. They very in size. The large ones about one and a forth acre and the smaller ones a half acre.

REPRESENTATIVE BRANDENBURG: If the farmer, rancher accepts help as to the hayyard they can't post their land. There are a lot of deer out there. Don't you think it would be good to keep the peace out there. Some land owners simply don't want to be committed to a long term contract as to no hunting posting. Don't you think it would be a good idea to get as many hayyards out there as you can.

ROGER: We don't say they can't post, we say they should consider not posting. There is no mandate allowing access to the hunter. The part that dose require a commitment on their part is it is agreed upon and they go into commercial deer hunting, Then then a repayment is required.

MUELLER: An issue that I have is some of the people back home are looking to make a few extra bucks people that want to come out and hunt deer and start a business and generate some income. I know where you are coming from too.

REPRESENTATIVE KOPPANG: Roger how do you define that. Do you have a definition on a guy from Minneapolis come out and wants to give me fifty bucks to hunt. I don't have a business as such. Is that considered fee hunting?

ROGER; You are holding yourself out, someone comes up to you, or do you advertise

REPRESENTATIVE MUELLER: How do you know that stuff?

ROGER: There are fee operations that we probably don't know about. If it is advertised we know. We as the farmer, rancher, they are honest with us

REPRESENTATIVE KOPPANG: The fiscal not is for ten thousand dollars. Did I misunderstand you. Did you say you have seventeen million dollars in the fund.

ROGER: That is our total department reserve. The actual private lands program which is the access program deprivation program generally is appropriated at about two to two point five million dollars. Appropriation per biennium. Meaning that is for hayyards, access programs, things like that. The program itself is very successful. It works out well. We have been criticized but the bottom line came down to the commercial operations. Where we contribute.

REPRESENTATIVE FROELICH: How much money do you have in your depredation fund right now?

ROGER: The two million dollars is for all to the private ground programs. Any expenditures that we make toward private land. Internally we generally appropriate about three hundred thousand for deer depredation. With the idea that we can come back to the commission for emergencies if we have a bad year. The \$300,000.00 is not a large fiscal note.

We welcome a review by this committee so that we know what our policy should be on this. Most people in ND are not familiar with the commercialization of sportsman. We welcome a review.

REPRESENTATIVE LEMIEUX: Jay Clark Refuge. We are looking at a case where a gentleman is suffering substantial deportation. The deer are probable in the normal hunting season not on his property. Dose Jay Clark Refuge limit the people? Do they charge fees in

excess of the normal hunting fees. Are there limitations to the number of deer that can be taken off the refuge. Dose the Jay Clark Refuge have funds.

ROGER: Jay Clark Refuge dose have limits. I personally think that Jayl Clark Refuge is a contributing factor. Jay Clark dose have limitations on the number of special permits. Our department has expressed concern with that refuge that they are over conservative on number of permits that they issue out. They are like outer land owners in ND. We can make suggestions to them. to allow more access. The number between us has been in dispute.

REPRESENTATIVE NICHOLAS: Roger, I would just say this. We should not even be here looking at this Bill. You should go out there and take care of these situations regardless. The only reason these farmers do this is to stay out there in the country side. With \$2.50 wheat and \$1.30 barley, and we sold most of our durum crop for \$.70 cents and the the fish and wildlife service says we are bating to let hunters go out there hunt on the land. Don't get me started on this. We are going to pass this Bill. You can talk the governor into not signing it. These deer move around. Just a comment.

ANY OTHER COMMENTS ON THIS LEGISLATION:

MIKE DONHUE: I represent The United Sportsman of North Dakota. We have about nine hundred members. The N.D. WILD LIFE CONFEDERATION, approximately twelve hundred members. We are in opposition to this Bill. The money for the fences come out of the license fee. The Game and Fish Department program has been helping. It has been a win in situation for all sportsman, the hunters to have access. That program probably runs about six dollars per acre a year. This deer proof fence. They average sixteen hundred dollars So much for the department to deliver it to the land owners. There fore it is two thousand

dollars. We are talking three hundred and thirty three acres of program is out. We don't argue give the hayyard to the producers. If they cooperate with the goals of other people in the state. We all have goals. We don't object to them getting a fence, except when it is a business operation as far as big game goes. They say I am going to advertise. Why should we subsidize big game hunts. We don't object the fence going to someone that is going to post. In principal, why should we give a fellow a fence if he is charging \$4,000.00 to hunt. We think the Game and Fish Department with the current Code is and with the current contract is fair. They have to cooperate with some access.

REPRESENTATIVE FROELICH: Do the people you represent go out and feed any of these deer.

DONHUE: Not that I am aware of.

REPRESENTATIVE FROELICH: My point Mr Chairman is that there is not feed on the refuge so they have to go on to other land to feed.

DONHUE: We are back to the principal again. This rancher that we are talking about has two hayyards.

REPRESENTATIVE BRANDENBURG: I think we could put a hayyard on every farm. We have to work together. I don't think there is any issue here. You should be happy about the situation. You should support this Bill.

LARRY KANOPIC...JAMESTOWN. I am with the ND Sportsman Alliance. We don't support the Bill. I am almost in a neutral position.

1A:4484 CHAIRMAN NICHOLAS: WE WILL CLOSE THE HEARING ON SB 2025

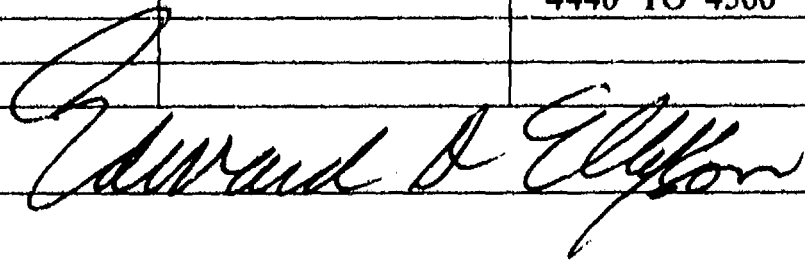
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2025

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--01--01

Tape Number	Side A	Side B	Meter #
FOUR	A		4440 TO 4560
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: Committee Members we will open on SB 2025

The chair will entertain a motion of SB 2025.

REPRESENTATIVE LEMIEUX MOVES FOR A DO PASS AND REPRESENTATIVE

D. JOHNSON SECONDED THE MOTION.

ANY ADDITIONAL QUESTIONS COMMITTEE MEMBERS:

THE CLERK WILL TAKE THE ROLL.

THERE WERE "14 YES""1 NO"" AND NO ABSENT;

CHAIRMAN NICHOLAS CLOSE ON SB 2025

4281

3-1-01

Date:
Roll Call Vote #:

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

House AGRICULTURE SB 2025 Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By LE MIEUX Seconded By JOHNSON

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux	✓	
Rick Berg	✓		Philip Mueller	✓	
Michael Brandenburg	✓		Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	
Myron Koppang	✓		Dennis J. Renner	✓	
Edward H. Lloyd	✓		Dwight Wrangham		✓
Bill Pietsch	✓				

Total (Yes) 14 No 1

Absent 0

Floor Assignment JOHNSON

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

REPORT OF STANDING COMMITTEE (410)
March 1, 2001 3:51 p.m.

Module No: HR-35-4644
Carrier: D. Johnson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2025: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

SB 2025

SENATE BILL 2025
Testimony of Rep. John Warner
Before the Senate Agriculture Committee
18 January 2001

Mr. Chairman, Members of the Committee,

This bill arose through the Legislatures Interim Committee on Agriculture from concerns that an existing program which provides for fencing materials to protect hay yards from depredation by deer was not being used because ranchers, who had concerns about private property rights, were shut out of the program by a provision that they not be compensated for providing access for hunters.

Landowners who enter the deer proof hay yard program must sign a contract not to charge for hunting for the next 15 years. Some public access must be allowed under the contract because the contract requires "reasonable public access" for deer hunting. If a landowner violates this agreement, the contract contains a schedule of depreciation for the fence and the rancher must pay for the depreciated value of the fence.

The critical portion of the bill begins on line 9 where it states, "the director may not discriminate against or penalize any landowner applying for or participating in the deer proof hay yard program on the basis of that landowner allowing hunting in exchange for compensation".

It was the feeling of the committee that remediation from the effects of a force of nature is a proper function of government and that it was not proper to require landowners to surrender the right of controlling access to their land as a condition of receiving relief.

Mr. Chairman, members of the committee, I would respectfully request that you give a favorable recommendation for the passage of SB 2025.

**TESTIMONY OF THE NORTH DAKOTA GAME AND FISH DEPARTMENT
SB2025: DEERPROOF HAY YARD PROGRAM
SENATE AGRICULTURE COMMITTEE
JANUARY 18, 2001**

The North Dakota Game and Fish Department has been actively involved in a deer proof Hay yard program since the late 1970's. Hay yards are recognized by producers and the Department as a cost effective way of protecting high quality winter feed supplies. This has been a very successful program designed as a tool to be used to prevent significant losses to livestock producers wintering feed supplies. The Department provides producers with materials to build a hay yard of the size, number, and configuration that fits his needs.

The Department has had an ongoing program with approx 125 hay yards in place prior to 1997. During the 1997 legislative session the Department recognized the need to increase funding for additional hay yard and requested a \$500,000 appropriation from The Department's reserve fund to initiate a more aggressive program to address a need demonstrated by the winter of 1997-97. Between July 1997 and January 1998, the Department offered free hay yards to 287 producers with 186 yards being accepted.

Hay yards are given to producers who have experienced past depredation and a hay yard is determined to be a economical tool to prevent significant future losses to the producers and significate future expenditures by the Department.

SB 2025 address one portion of this successful program, who is eligible to receive them. The Department has developed an internal policy of not offering yards to producers who are engaged in big game leases and big game fee hunting operations, in addition our agreement also calls for a pro-rated repayment of actual costs of the hay yard, if a producer converts to a big game fee operation in the future. A copy of this agreement is attached.

The Department developed this policy based on factors that in general big game leases and fee hunting:

- ◆ Encourages abnormally high big game populations which contribute to the depredation problems of not only the property in question but also neighboring properties.
- ◆ Encourage limited harvest of select animals.
- ◆ The perception by Sportsmen that they are subsidizing a free enterprise business that is capable of financing itself, and that the use of limited funds should go to areas and producers who allow nonfee access.

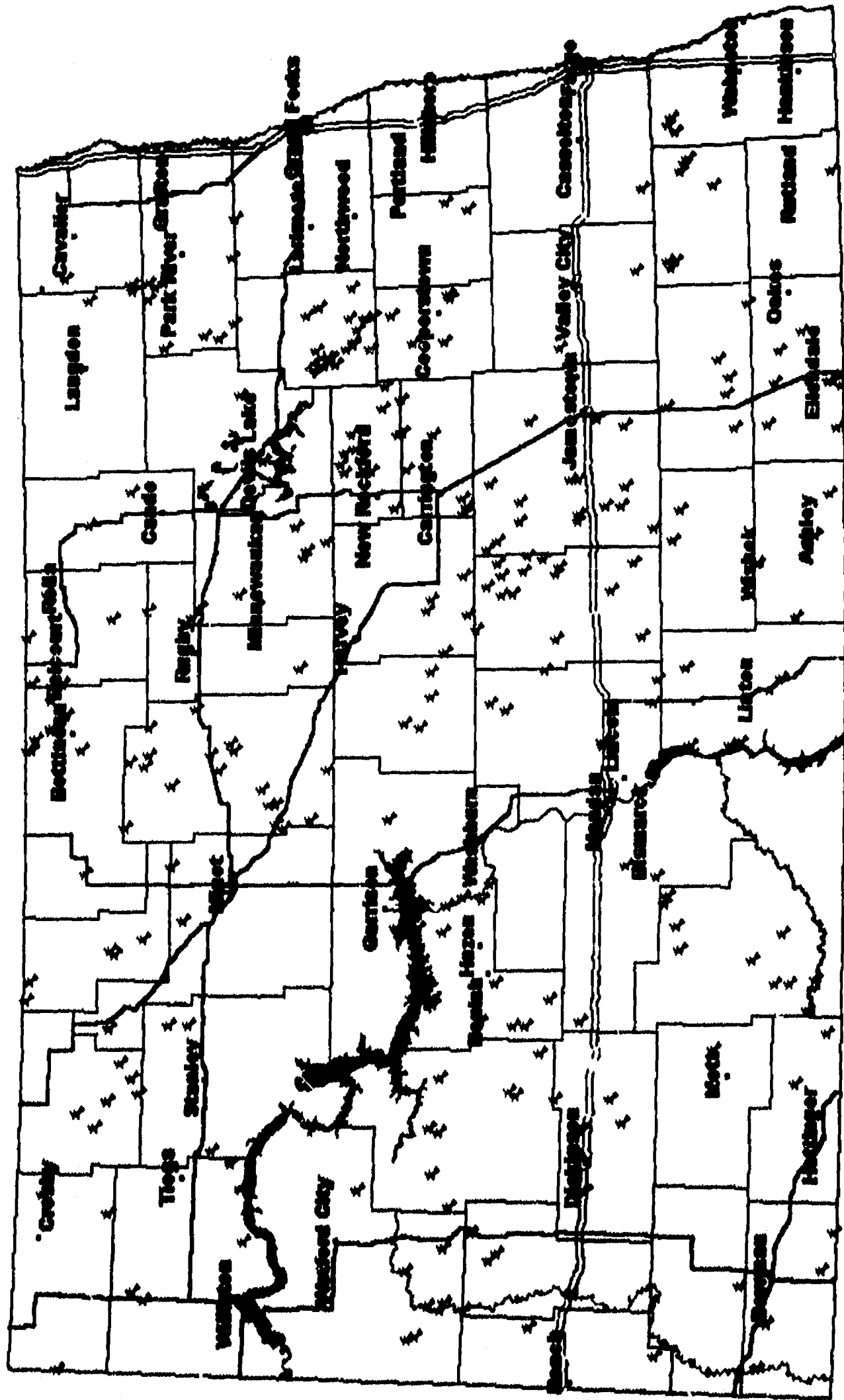
Although there is no direct legislative prohibition on this particular fund, other laws dealing with funds in the private lands program such as: NDCC 20.1-02-27. Public access program - Private landowner assistance to promote public hunting access. States in subsection 3. The Director may not structure a program in a manner that provides assistance to a private landowner who charges a fee for hunting access to private land that is enrolled in the program. The North Dakota Game and Fish Department feels that its current policy is reasonable and responsible and supports a **Do Not Pass** on SB2025.

Deer-Proof Hay Yards 1979-2001



Years	No. of Hay Yards	No. of Landowners
'79-96	125	120
'97-01	199	174

Hay Yard Locations



Locations of Hay Yards in North Dakota, 1999.

AGREEMENT

For Deer-Proof Hay Yard Fences

I. PARTIES

THIS AGREEMENT is entered into this ____ day of _____, 20__ between the North Dakota Game and Fish Department, hereinafter referred to as the Department, and _____, whose mailing address is: _____
_____, City, State, Zip: _____, hereinafter referred to as the landowner.

II. PROJECT LOCATION

The parties desire to construct a deer-proof fence around hay yard(s) of the landowner located in ____ ¼ of Sec. ____ Twp. ____ Rge. ____ County _____. The purpose of the deer-proof fence is to deter deer from livestock feed supplies stored during the winter.

III. DEPARTMENT ENCUMBRANCE

All financial obligations incurred by the Department are subject to the availability of funds authorized for expenditure by legislative approval.

IV. RESPONSIBILITIES

The Department shall be responsible for:

1. The purchase and delivery of a standard package of materials for the construction of deer-proof hay yard(s).
2. Final inspection of the completed yard.

The landowner shall be responsible for:

1. Providing a location for the hay yard where snow will not normally pile against or over the fenced hay yard. Snow removal to keep the outside edge of the hay yard clear of snow drifts which may allow deer to jump or walk over the fence.
2. All labor for the construction of the hay yard according to guidelines provided by the Department.

3. Annual maintenance of the hay yard.
4. Any materials beyond the standard package provided by the Department.
5. Complete construction of the hay yard by December 31, 2000.

V. GUIDELINES

The fence shall be constructed according to the following guidelines. Fence construction variations are acceptable provided those variations do not decrease the quality and effectiveness of the fence.

1. Posts

The wooden post should be approximately 12 feet in length with a 5 inch top diameter. Posts shall be set at least 3 feet in the ground. The maximum distance between line posts shall be one rod (16.5'). Fence corners shall consist of a 7 post assembly, with 3 posts in the ground and 4 brace posts. Brace post shall be 8' x 5" pressure treated posts. A 2 post brace (2-12' x 5" post in the ground with 2 - 8' x 5" brace posts) will be constructed on both sidelines of the gates. Wood posts should be separated by 3 or 4 - 10 ft steel T-posts.

2. Wire

The wire will be furnished by the Department and will consist of a high-tensile, woven wire game fence. The wire is 6 ft. 6 in. in height. The game fence should be placed no higher than an average of 2" off the ground. Brace wire shall be No. 9 smooth domestic steel wire. If the landowner prefers, one or two strands of barbed wire can be placed above the game fence.

Gates

3. Gates will be furnished by the Department and will consist of one drive-through entry gate. Standard gates will be 2 - 12' x 6' units (24 ft opening). Gates are tubular steel and covered with chain-link. Gates should be hung approximately 6 inches off the ground. Any other gate openings will be the responsibility of the landowner.

VI. FAILURE TO COMPLY

Upon failure of the landowner to construct the hay yard by December 31, 1998, the Department may, at its option, and after consultation with the landowner, enter upon the property of the landowner and remove the fence and any unused fencing materials.

VII. DEER HUNTING

The landowner should be aware that hunting is a management tool to reduce deer numbers which may alleviate depredation. Therefore they should consider allowing reasonable public access for deer hunting to harvest animals which may cause depredation.

VIII. FEE HUNTING OPERATION

By acceptance of materials, the landowner agrees not to enter into any Big Game lease or fee hunting operations for a period of 15 years. Failure to comply requires the landowner to reimburse the Department for the actual cost of the fencing materials and delivery. The landowner may terminate the agreement at any time by reimbursing the Department for the actual cost of the fence materials and delivery. The reimbursement will be based on the following pro-rated scale. Values are based on 100% of the fencing materials cost depreciated over a 15 year period. For example, if the landowner chooses to terminate the agreement in the 8th year after signing the agreement, that landowner would be responsible for reimbursing the Department for approximately 51% of the initial cost of the fencing materials.

Reimbursement

Year fence was built	100%
2nd year	93%
3rd year	86%
4th year	79%
5th year	72%
6th year	65%
7th year	58%
8th year	51%
9th year	44%
10th year	37%
11th year	30%
12th year	23%
13th year	16%
14th year	9%
15th year	2%

IX. INDEMNIFICATION

Landowner agrees to indemnify, save and hold harmless the North Dakota Game and Fish Department and its officers and employees (State) from any and all claims of any nature which may result from or arise out of this project and agreement, except for claims arising out of or resulting from the State's sole negligence.

WITNESS:

NORTH DAKOTA GAME & FISH DEPT.

By _____

Title _____

Date _____

LANDOWNER

Date _____

Cabela's OUTDOOR ADVENTURES

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Wednesday, January 17

North American Big Game

[Elk](#) | [Moose](#) | [Caribou](#) | [Mule Deer](#) | [Antelope](#) | [Sheep](#) | [Bear](#) | [Goats](#) | [Lion](#) | [Exotics](#) | [Whitetail](#)

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Trophy Archery Whitetails in North Dakota

Guaranteed Landowner Tag for Rifle Hunters Now Available

NA Big Game

- Elk
- Moose
- Caribou
- Mule Deer
- Antelope
- Sheep
- Bear
- Goats
- Lions
- Exotics
- Whitetails
- Bison

This unique situation will excite any avid bowhunter, especially if you are interested in a great value for a big buck. The hunt takes place on over 5,000 acres that border a National Wildlife Refuge. The best part is that the property has been intensively managed the past five years for trophy hunting. The deer population here is incredible with a great percentage of mature bucks. This could be your best bet for arrowing an outstanding buck coupled with some down-home hospitality. In 1999, we had three hunters that took three nice bucks. Call today, only 10 hunts available in 2000.



Wingshooting

- Canada
- Waterfowl
- Arkansas
- Pheasants
- Quail
- Old Mexico
- Texas
- Africa
- South America
- Wild Turkey

Rates:	\$2,500 - Archery \$3,995 - Rifle
Dates:	Archery: September 3 through December 31; 5-day hunts Rifle: November 16-20; 5-day hunt; 1x1
Includes:	Airport pick-up, lodging, meals, 2x1 guide service, in-field transportation, trophy care and delivery to processor.
Transportation:	Fly to Minot, ND, where a representative will meet your flight.
License:	Purchased upon arrival, \$170.

Fishing

- Alaska
- Trout
- Flats & Terpon
- Canadian Lodges
- Bass
- Billfishing

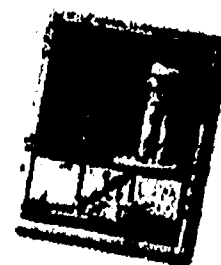
Intl. Big Game

- Africa
- South Africa
- Asia
- South Pacific
- South America
- Russia

[More Whitetail Hunts....](#)



Order your Cabela's Outdoor Adventures 2000 Catalogs today!



"Goodman"
<goodibm@utma.com>
>

To: <jonelson@state.nd.us>
cc:
Subject: deer depredation

02/28/01 11:05 PM

I am sorry I can not be there in person to present my views of the deer depredation problem that is occurring on my ranch. In 1999 we had a large loss due to deer that moved into my calf pens and feed lots because of the heavy snow cover. The deer ate about \$4600.00 worth of creep feed from my feeders and 3 alfalfa bales a week at a cost of \$30.00 per bale. Because of the excess flooding we encountered on our property we purchased a guide license, canoes and did camping paid hunts and leased canoes as a sustainable agriculture project to keep our ranch afloat. Because of the way the law reads this makes me not eligible for help for deer depredation. In 2000 the deer problem was not as bad because of the open winter. We feed between 50-75 deer that winter. This year starting the end of November the deer moved in and right now we are feeding around 200 deer in each of our two farmsteads. They are in our creep feeders eating a ton of creep a week at a cost of \$120.00 a ton, 3 bales alfalfa a week and we feed a ton of screenings at \$20.00 a ton each week in the yard to keep them out of the evergreens. I am asking for your assistance to help amend the law to not punish guide license holders who are trying to run there business' of their ranches and farms by developing a sustainable ag related business to maintain their livelihood. I own 4000 acres and only post 1/4 of my acres and leave the rest open to hunting.

These quantities of deer are not always here they gather in the winter during bad conditions because of the large availability of the feed source that I have. I am asking for your help to change the law to help protect my feed sources.