

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1440

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10/16/03  
Date

2003 HOUSE NATURAL RESOURCES

HB 1440

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1440

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
1		xx	0-3476
Committee Clerk Signature			

Minutes:

**Chair Nelson** called the hearing on HB 1440 relating to leasing land enrolled in the conservation reserve program for game and fish purposes; and to provide an appropriation to order.

**Rep. Gullickson:** introduced HB 1440. This bill came out of an advisory committee. This bill will move us towards increased access. We wrote the bill for a shorter term lease. There will be a greater turnover. The land put into this program must be posted by the director as open hunting. I hope the third point will be open for amendments. The state game and fish director will be able to move these leases around. There may be areas that are not as desirable for hunting. The rental rate must be \$3 per acre.

**Rep. DeKrey:** I thought that payment could not be received if they are already on the program. Can these landowners even accept this?

**Rep. Gullickson:** I asked the chair of the FSA that question. He did not think there was any problem with that. Game and Fish does this already.

Page 2

House Natural Resources Committee

Bill/Resolution Number 1440

Hearing Date January 30, 2003

**Chair Nelson:** The landowner is responsible to post the land.

**Rep. Gullickson:** It has to be walking land only.

**Rep. Ammerman:** Support of 1440. Testified that this would help the access issue.

**Dennis Daniel:** I am in support of the bill. However I have some concerns. First, the mandatory revolving. This may handcuff the game and fish dept. The Game and Fish Department should make this decision with the advisory committee.

**Chuck Damchen:** Supported HB 1440. This is a voluntary and compensatory program. This also overcomes part of the access issue.

**Greg Link:** ND game and Fish. (See Attached Testimony).

**Chair Nelson(2230):** Define the term using our own money.

**Greg Link:** It would use Game and Fish Department Funds.

**Chair Nelson:** Some would argue that the reason that fund has grown is because of the revenues from game and fish licensees. These funds can be used to help mitigate the access problems.

**Greg Link:** These funds are not growing from that.

**Rep. Keiser:** Has the department had any discussions in designing an approach to expanding the CRP cost sharing program?

**Greg Link:** This program gives up front funding to establish a CRP. The new sign ups present an opportunity.

**Bill Pfeifer:** North Dakota Wildlife Society. (See Attached Testimony)

**Chair Nelson:** Do you see any additional programs that would be of benefit to the rest of the state?

**Bill Pfeifer:** I do not know enough on the specifics to comment on it.

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House Natural Resources Committee

Bill/Resolution Number 1440

Hearing Date January 30, 2003

**Harold Neameyer:** Opposed to HB 1440.

**Mike Donahue:** (See Attached Testimony)

**Chair Nelson** closes the hearing.

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10/6/03  
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1440

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 13, 2003

Tape Number	Side A	Side B	Meter #
2	XX		175-408
Committee Clerk Signature <i>G. M. Mc</i>			

Minutes:

**Chair Nelson** called the meeting to order on HB 1440.

**Rep. Porter** motioned a **Do Not Pass**. Seconded by **Rep. Clark**.

**Rep. DeKrey** pointed out the lack of a funding source.

**Chair Nelson** explained the problems associated with administrative costs.

Motion carried by a vote of 13-1-0. **Rep. DeKrey** will carry.

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*To Costa Richard*  
Operator's Signature

*10/16/03*  
Date

Date: 2/6/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1440

House House Natural Resources Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Porter Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter	✓				
Rep. Byron Clark	✓				
Rep. Duane DeKrey	✓				
Rep. David Drovdal	✓				
Rep. Lyle Hanson	✓				
Rep. Bob Hunsakor	✓				
Rep. Dennis Johnson	✓				
Rep. George Keiser	✓				
Rep. Scott Kelsh		✓			
Rep. Frank Klein	✓				
Rep. Mike Norland	✓				
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment DeKrey

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

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Yolanda Richardson  
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10/6/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 13, 2003 2:19 p.m.

Module No: HR-28-2618  
Carrier: DeKrey  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1440: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT**  
**PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1440 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-28-2618

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2003 TESTIMONY  
HB 1440

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10/16/03  
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Testimony  
HB 1440  
House Natural Resources Committee  
by Mike Donahue (Lobbyist 215)  
January 30, 2003

The North Dakota Wildlife Federation and the United Sportsmen of North urge a **Do Not Pass** for this bill.

As you have heard, the bill creates excessive administrative cost per enrolled acre.

Making contracts biennial, and rotating them, keeps the recreating public guessing.

HB 1440 puts the cost and time of placing signage on the landowner.

There are a number of bills this session that require placements of funds generated into various habitat access programs. We are pleased to see this effort, but we think bill language should support letting the Game and Fish Department make the decisions on what funds to put where as conditions change.

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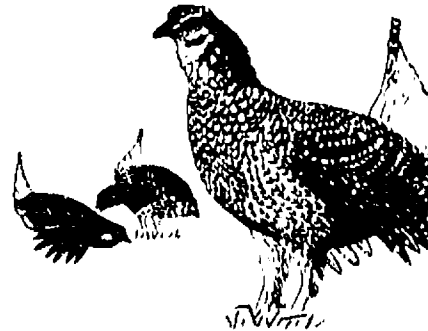
10/16/03  
Date



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 1440, JANUARY 30, 2003**

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 is opposed to HB 1440 because of price, location, and time.

Line 10. Short-term, two-year leasing contracts are inefficient and are cost prohibitive because it becomes labor intense for the benefits received. The overhead labor costs could be better utilized by obtaining additional contracts.

Line 14. The geographical location basis lessens the desirable access problem due to the rotational location requirement. A region within the state may have high access demand. HB 1440 would require the game and fish department to rotate those dollars to a lesser desirable region merely to satisfy the location criteria but it may not do much in providing desirable access. Biologically, not all CRP fields are the same.

Line 18. The annual three dollars per acre is much higher than the present game and fish CRP leasing program costs. It would put dollars in landowner pockets but would reduce the access acres available.

Line 20. The appropriated sum of \$1,500,000 would be of more benefit if those dollars were utilized in the present game and fish CRP leasing program.

HB 1440 would be competitive to the present CRP leasing program, therefore, The Wildlife Society opposes HB 1440.

Dedicated to the wise use of all natural resources

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*10/16/03*  
Date



"VARIETY IN HUNTING AND FISHING"

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

**TESTIMONY RELATED TO HB1440: 2-YEAR (\$3/AC.) CRP LEASE PROGRAM**  
**HOUSE NATURAL RESOURCE COMMITTEE**  
**JANUARY 30, 2003**

The North Dakota Game and Fish Department has had a formal private land and habitat program for over 20 years, although its working partnership with the state's private landowners goes back a lot further than that. The Department's private lands program, known as the Private Lands Initiative or PLI, currently consists of a broad menu of programs developed to provide for the diverse needs and objectives of North Dakota's private landowners and agricultural producers as we address the demand of our hunting public. The three goals of the Department's Private Lands Initiative (PLI) are to:

- Conserve habitats for fish and wildlife populations
- Build relationships with private landowners by providing financial assistance to help them enhance wildlife habitat and hunter access on their property
- Provide the public with opportunities to access fish and wildlife resources on private land

The fundamental components on which the program was built are:

- Development of working relationships with landowners based on mutual trust through mutual commitment - the program has to be fair to both parties.
- Adaptive and diverse programs that stay current with new farm programs, changing markets, and evolving land use
- Cost-effectiveness - getting a fair return on sportsmen's dollar. This means providing a quality hunting experience at a reasonable price, i.e, easily accessible, well-marked tracts containing quality habitat in areas with good populations of desirable game.

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The types of programs available through PLI have changed dramatically through the years, in number, structure, agreement length, price, and purpose. It's narrow focus of 20 years ago has expanded dramatically in recent years due to increasing demand on the landscape for quality hunting habitat and public access to it. In the past, the program spent only the revenue brought into the private land fund, generated from interest on the Department account and habitat stamps sales. However in recent years as demand for access significantly increased, the Department has used our regular account reserves to supplement PLI and bolster its output on the land. The program and the Department, as a whole, have kept pace with rapidly changing times, attitudes, and demands.

The program, in its recent expansion has also addressed:

- Critical and high demand areas of the state
- Opportunities created by the new Farm Bill and its programs
- Providing a broad menu with varying contract lengths and degrees of landowner commitment
- Increased quality of the both habitat and the access to it

In order to continue the success of the Department's PLI program, it needs to be build on the foundation earlier described: landowner trust, adaptive approaches, applicable to the times, quality, and cost/effective to the sportsmen.

We understand and agree with the intent of HB 1440; additional public access to quality CRP acres is a goal consistent with ours. However, it is our believe, this bill's specific requirements which dictate: acreage rates, agreement length, program focus, funding level, and enrollment criteria, will erode rather than build on the program's foundation. Here's why:

- Contract rates need to be modified periodically to stay current - mandating a lease rate at \$3/acre will tie our hands
- Annual or biennial contracts sign-ups requiring the program to be rotated amongst landowners would hurt the overall program because of the following:
  - ✓ Would not allow a good relationship between landowner and Department to

develop. Even if both parties want to continue or maintain the contract, a rotation requirement may force the termination.

- ✓ Hard for landowners to stay apprized of changing program objectives, focus, and guidelines. Continuously changing focus areas or moving targets alienate landowners
- ✓ Limits long-term planning for program stability - no ability to maintain a long-term acreage base in the program. Market changes could result in the major loss of previous year's acreage and ability to take on new tracts.
- ✓ Very expensive and intensive to administer. High turn-over means increased contract signing/negotiating, put-up/take-down of signs, map and PLOTS guide changes.
- ✓ Limits any additional Department involvement, i.e, habitat development or management
- ✓ Not all CRP is good for hunting depending on location, age, and composition. Some CRP tracts may not have legal access.
- ✓ Annual changes in PLOTS locations will confuse and frustrate hunters
- Legislatively directing a specific level of the Department funding be tied to a 6-year federal farm bill program severely limits flexibility and adaptiveness required to properly direct and manage the program and the agency.
- PLI currently has a CRP cost-sharing component and is working on additional incentive features for CRP habitat and access improvement.

In closing, I would like to reiterate that we support the overall goal of HB1440. However, for the reasons I have outlined, the Department must recommend a **DO NOT PASS** on this bill.

La Costa Rickford  
Operator's Signature

10/16/03  
Date

PRIVATE LAND INITIATIVE  
By  
John W. Schulz  
Private Lands Section Leader  
North Dakota Game and Fish Department

The North Dakota Game and Fish Department's mission is to protect, conserve, and enhance fish and wildlife populations and their habitats for sustained public use. The Private Lands Initiative is the department's overall program for applying this mission onto the private landscape of North Dakota. The Private Lands Initiative Program has three primary goals in fulfilling the Department's mission: 1) To conserve and enhance habitats for fish and wildlife populations; 2) To provide landowners interested in wildlife conservation with financial assistance for developing and protecting wildlife habitat; and 3) To provide the public with opportunities to access fish and wildlife resources on private land, the primary focus being hunting access. These goals are accomplished by providing financial and technical assistance to private landowners through cost-sharing programs, rental/ easement programs, cooperative project agreements, assistance with wildlife depredation as well as education and awareness activities focused on wildlife habitat needs and natural resource stewardship.

The North Dakota Private Lands Initiative Program contains many program components made up of a combination of department-sponsored programs, USDA cost-share programs and partnerships with many state and federal agencies and non-government organizations. These primarily habitat-based access programs have created a "menu" of choices for private landowner consideration.

A brief discussion of the Private Lands Initiative Program components follows with the number of producers enrolled and compensation levels for the current biennium.

CRP Cost-sharing Program: The CRP cost-sharing program offers cost-share funds to landowners for establishing cover on acres enrolled in USDA Conservation Reserve Program (CRP) in exchange for public access to these tracts. Producers are paid for establishing grass; shrub and food plot cover types on their CRP acres. The department has agreements with 429 landowners, primarily in the southern half of the state. The department has paid out to producers \$838,449.00 since June of 1998. The department has paid out \$381,142.00 to producers during the 2001-2002 biennium.

Habitat Plot Program: The habitat plot program is a short-term and multi-year rental of private land providing nesting, wintering, and other key wildlife habitat. The habitat plot can be newly established cover, existing cover, or a combination of both. Producers are compensated based on soil classification based rental rates. The department has agreements with 345 producers from across the state. The department will pay out \$1,033,000.00 to producers for established contracts during the 2001-2002 biennium.

CREP / CoverLocks Program: CREP / CoverLocks is a Conservation Reserve Enhancement Program (CREP) partnership with landowners, FSA, NRCS, SCD's, NDGFD and Pheasants Forever developed to create wildlife habitat, hunter access, and improve water quality on private lands. CoverLocks comprise a 20-acre habitat development inside 160 acres of land. The CoverLock is dedicated to habitat for 30-years and the entire quarter to hunting access for 30 years. The department has 30-year easements with 44 producers and has paid out \$300,000 to these producers for land use / access payments, grass seed costs, and tree costs. Approximately 30 new producers will enter the program and be compensated prior to the end of the current biennium.

Private Forest Conservation Program: The private forest conservation program is a multi-year rental program that works to provide protection and enhancement in unique forested systems and also provides public access. The department has agreements with 40 producers, all from the Turtle Mountains and Pembina Hills. The department will pay out \$150,000.00 to producers enrolled in this program during the 2001-2002 biennium.

John W. Schulz  
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Tree Planting Cost-share Program: This relatively new program provides assistance with the establishment costs of tree plantings. The goal of this program component is to enhance winter resident wildlife habitat and conservation on private lands. This program provides higher incentives to producers who improve wildlife habitat and provide public access. Six producers are enrolled in this new program and have been compensated approximately a total of \$25,000.00. Since the 1950's the department has assisted landowners planting trees through department or USDA sponsored tree planting cost-share programs.

The Waterbank Program: Provides funds to landowners for 10-year rental contracts for wetland / upland tracts along priority watersheds through ND Department of Agriculture sponsored program. Public access is a feature of the program. The department will contribute \$200,000 towards producer payments during the current 2001-2002 biennium. The department had expended \$700,000 on this program up to the current biennium.

Food Plot Program: The food plot program is a short-term program that provides producers with cost-share for developing a wildlife food source and allows public access. The department has food plot agreements with 69 producers and has paid out \$84,721.00 to these producers in 2002.

Beginning Farmer / Rancher Program: The North Dakota Game and Fish Department and the Natural Resources Trust are partnering in this relatively new program to provide up-front payments to producers that are purchasing land in exchange for conservation practices, habitat development and public access during a 10 to 30 year lease contract. The department has paid out \$12,500.00 to two producers enrolled in this program.

Wetland Reserve Program Incentive: New program partnership between USDA - NRCS and NDGFD, which provides additional financial incentives to producers currently enrolled or enrolling their land in the Wetlands Reserve Program (WRP). The primary purpose of the WRP program is to restore, protect or enhance wetlands and surrounding uplands on private property as well as provide for public access for a 30-year easement term. The department has contracted with six producers for 30-year habitat development/maintenance and public access agreements. The department has expended \$88,340.00 on producer compensation in 2002. An additional 12 producers will enter the program and be compensated prior to the end of the biennium.

Other Habitat Establishment Cost-sharing: The department will partner with federal and state agencies, private landowners, and wildlife clubs to develop and maintain habitat. Usually, public access is not a requirement of these cooperative ventures.

Depredation Assistance: The department assists landowners in alleviating / minimizing damage to private livestock feed supplies caused by big game animals. The department provides manpower, technical assistance, temporary fencing, repellents, scare devices, intercept baiting, and deer-proof hay yard fences. In the current biennium, \$97,012.00 has been spent assisting producers. Department expenditures for this program are dependent on the severity of the winter. For example, during the very severe winter of 1996-1997, department depredation related expenditures approached 1 million dollars.

The program and funding authority the department has achieved and secured through the years has enabled the North Dakota Game and Fish Department to work with producers to establish and make available thousands of acres of wildlife habitat, more than 225,000 acres of which will be available for the public to access for hunting in the fall of 2002.



# Private Lands Initiative

## Access Acres Provided - PLOTS Program

<b>PROGRAM</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
CRP C/S	20,112	40,750	61,108	82,428	113,824
Habitat Plots	37,430	39,631	46,905	53,874	96,890
Native Forest	5,111	5,414	7,728	7,728	8,962
Waterbank	2,203	2,203	2,793	3,053	4,096
Food Plots	1,484	701	695	231	1,501
CREP/Coverlocks				640	10,140
Tree Planting C/S				568	1,527
CRP C/S Replacement					10,250
WRP Incentive					1,424
Beginning Farmer					1,200
<b>TOTALS</b>	<b>66,340</b>	<b>88,699</b>	<b>119,229</b>	<b>148,522</b>	<b>249,814</b>

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PLI Program Acreage, Contract Length, and Cost/Acre of Access

Program	Total Acres	Term of Contract	Access Cost/acre/yr	Signing Cost/acre	Mileage Cost/acre	Salaries/acre	Per Diem/acre	Post Cost/acre	Plots Guide Cost/acre	Indirect Costs/acre	Total Cost/acre
CRP Cost-share	127,735	10-15yrs	\$0.80	\$0.09	\$0.03	\$0.06	\$0.03	\$0.02	\$0.01	\$0.07	\$1.11
Habitat Plots	98,410	3-6yrs	\$5.29	\$0.14	\$0.05	\$0.09	\$0.04	\$0.04	\$0.02	\$0.11	\$5.78
CRP Cost-Share Replacen	10,250	1-2yrs	\$0.00	\$0.89	\$0.31	\$0.59	\$0.25	\$0.24	\$0.14	\$0.68	\$3.10
CREP/Coverlocks	10,140	30yrs	\$3.00	\$0.03	\$0.01	\$0.02	\$0.01	\$0.01	\$0.01	\$0.02	\$3.11
Native Forest Plots	8,991	3-6 or 10-30yrs	\$5.83	\$0.14	\$0.05	\$0.09	\$0.04	\$0.04	\$0.02	\$0.11	\$6.32
Waterbank	4,256	10yrs	\$20.06	\$0.09	\$0.03	\$0.06	\$0.03	\$0.02	\$0.01	\$0.07	\$20.37
Tree Planting Cost-share	1,527	10yrs	\$1.58	\$0.09	\$0.03	\$0.06	\$0.03	\$0.02	\$0.01	\$0.07	\$1.89
WRP Incentive	1,523	30yrs	\$2.51	\$0.03	\$0.01	\$0.02	\$0.01	\$0.01	\$0.01	\$0.02	\$2.62
Food Plots	1,501	1yr	\$52.00	\$0.89	\$0.31	\$0.59	\$0.25	\$0.24	\$0.14	\$0.68	\$55.10
Beginning Farmer Plots	1,200	15yrs	\$1.19	\$0.06	\$0.02	\$0.04	\$0.02	\$0.02	\$0.01	\$0.05	\$1.41
<b>TOTAL</b>	<b>265,533</b>									<b>Average Cost/acre for all programs</b>	<b>\$3.77</b>

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