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2003 SENATE NATURAL RESOURCES

SB 2279

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### 2003 SENATE STANDING COMMITTEE MINUTES

#### **BILL/RESOLUTION NO. SB 2279**

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 1-31-03

Tape Number	Side A	Side B	Meter #
1	X		.2 - 51.0

Minutes:

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Senator Thomas Fischer, Chairman, brought the Senate Natural Resources Committee to order.

Attendance was taken indicating all members of the committee were present.

Senator Fischer opened the hearing on SB 2279, relating to elk management.

Senator Fischer introduced the bill explaining it deals with elk management, surveys and the responsibilities of Game & Fish department. He introduced this bill at the request of many who think we should be managing the elk in the state including the Theodore National Park, and make them available for hunting.

Rep. David Drovdal of District 39 testified in support of SB 2279. He stated that last session he sponsored a bill to conduct a study on the elk problem in Theodore Roosevelt National Park (TRNP). It was a very interesting study with an amazing amount of input. They meet in Dickinson, ND and visited farms, ranches and communities that were effected by the elk problem. He invited the committee to acquire the minutes from that meeting and to read them for

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Page 2 Senate Natural Resources Committee Bill/Resolution Number SB 2279 Hearing Date 1-31-03

a real eye opener on this problem. The National Park Service was included in this meeting and they were asked what they intended to do about the problem. Their response was to stay out of their business and their management of the elk. When asked about not being able to ship the elk out of state because of Chronic Waste Disease (CWD) they felt it would not be a problem, but of course by the fall it was a problem and they could not ship out of state nor to the reservations. Elk have no natural predecessors with no where to go, breaking out of the park causing a lot of depredation. As the study is made we need include the input of the farmers and rancher. His biggest concern is not to put to much of a burden on business people, farmers and ranchers to be able to defend their rights and properties by expecting them to travel all the time. He cautioned that the down side of a study can be that the bureaucrats get the input and the citizens of North Dakota that our grass roots, view points are not considered.

Senator Ben Tollefson asked that if an elk leaves the park, are they under the jurisdiction of the ND Game and Fish Department or are still under the federal jurisdiction.

Rep. Droydal replied that once the elk leave the park they are under North Dakota jurisdiction.

And the problem with this is that once the elk leave the park because of the mismanagement of the park and are diseased or destroy property it becomes the liability of North Dakota. That could be a large expense for the state although the farmers and ranchers do not want to be paid, they just do not want the nonnative elk around.

Senator Tollefson asked if all the elk are tagged.

Rep. Droydal said that they were not all tagged.

Whate and the property of the

Harold Neameyer, (5.9) on the behalf of the Wildlife Club testified in support of SB 2279 (See attached testimony).

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Bill/Resolution Number SB 2279
Hearing Date 1-31-03

Russ Johnson (7.0) representing the Alliance to Manage Elk in North Dakota (A.M.E.N.D.) testified in support of SB 2279 (See attached testimony).

Senator John Traynor asked if objective of the survey was to relocate the wild elk.

Russ Johnson responded that the objective of the survey was to get feedback from land owners and sportsmen and then create a pro active program to address the issues.

Senator Traynor asked that after the survey are you going to relocate the elk in a confined environment.

Russ Johnson responded that in the last months there has been a variety of suggestions given to the Judiciary B Committee. Most of those suggestions have been met by criticism and skepticism. The proponents of this program who want to enhance our hunting opportunities and economic stimulus opportunities that this resource presents are not trained biologists that know the intricalies of the resource, so a specific solution can be offered. So he feels these matters should be left to those whose responsibility it is.

Senator Traynor asked if the objective is to have a hunting season in North Dakota.

Russ Johnson said as he sees it, the ultimate objective is to retain the animals in North Dakota and allow increase hunting opportunities and economic opportunities for the area where these elk are relocated.

Senator Tollefson asked if this wouldn't just be spreading the depredation.

Russ Johnson said that certainly there would be increased depredation but it is his hope that with the creation and implantation of such a program, provisions can be made so that funds are available to compensate landowners.

Senator Traynor asked if elk growers allow hunting on their property.

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Page 4 Senate Natural Resources Committee Bill/Resolution Number SB 2279 Hearing Date 1-31-03

Russ Johnson responded that he thought some do allow hunting.

Senator Joel Heitkamp wanted to know that if an animal is put some place other than in its natural habitat will it wander from the area.

Russ Anderson admitted that the big game will move if the habitat is not what they prefer.

Senator Fischer asked for opposing testimony.

Mike Donahue representing the united Sportsman of North Dakota and the N.D. Wildlife Federation testified of SB 2279 (See attached testimony). He also added the he has no idea of the cost and recommend the state through the Game & Fish Department consult with the national park representatives and the EIS before any moves be made.

Senator Fischer asked if he really thought that the Federal Park Service will do anything and how he would propose to get them interested to do anything for North Dakota.

Mike Donahue admitted he did not know how the language of this bill would inspire them do that if they didn't want to.

Roger Rustvet (21.4) representing the North Dakota Game & Fish Department testified in opposition of SB 2279. Many times the department does help with relocation of wild life but in this case they are not in favor. Judiciary B Committee worked on this issue for many years hearing input from both sides, but what was very interesting was that even when incentives were offered, land owner still were not interested in having elk deposited on their property or in their counties. It has been questioned if there is hunting outside the park. Excess bulls are harvested around the park. The department policy is that the department does not encourage or participate in any elk relocations however if elk herds are naturally established any where in the state they will be managed by the state. He also talked about that in SB 2279 there is not giggle room. It

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says we "shall" relocate animals and that we "shall" take all responsibility for relocated park animals. There is only the words 'Shall" and not "May" in the bill. There is a moratorium in the federal parks right now because of CWD. The Game & Fish has been asked to be included in a working committee to develop an "environment impact statement" which has several options including not doing anything to having some kind of management plan. In conclusion this bill does not look like a responsible action taken by a state agency mandating that the department have a relocation program no matter a survey would indicate.

Senator Traywor asked Roger what "random" survey means and who private landowners would include.

Roger Rustvet answered that random would mean a selective amount and that although the bill does says this they assume the bill's intent is landowners who are effected by the problems caused by the elk.

Senator Heitkamp wanted to know if the department knows the migratory history of elk in the state.

Roger Rustvet answered that the elk will increase migratory habits with increased human activity.

Bill Pflefer representing the North Dakota Chapter of the Wildlife Society testified in opposition of SB 2279. (See attached testimony). He also commented that the bill is good in principle, as most any nunter would like the opportunity to hunt an elk, but in reality the bill has problems as pointed out by Mr. Rustvet.

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Senate Natural Resources Committee
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Senator Fischer commented that another study would cost the tax payers more money, but at least SB 2279 brings things off dead center and maybe it could be amended to make it more tolerable. He then asked if he has any solutions to address the elk situation in the state.

Bill Pfeifer answered he did not know and that maybe the bill was the answer, but it seemed to him to be so many hang-ups and there should be more studying done before action like this bill be considered.

Dennis E. Danil (44.1) thought he might have some solutions. Fix the fence. Elk ranchers can keep their elk fenced. He suggests doing like they do in Montana that if ranchers have problems with the elk, they contact the Game & Fish Department and a hunter can get a depredation (E7 tag) and then hunts on the landowners property.

Tom Bodine (47.9) representing the North Dakota Farm Bureau testified in opposition to SB 2279. He agrees with the North Dakota Game & Fish. He quoted the Farm Bureau's policy that states "they oppose the release of any elk on private or public lands".

Senator Traynor asked if the policy is based upon disease dangers.

Tom Bodine admitted that was a big part of it.

Senator Fischer asked for neutral testimony.

Senator Fischer closed the hearing on SB 2279.

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#### 2003 SENATE STANDING COMMITTEE MINUTES

### **BILL/RESOLUTION NO. SB 2279**

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date 2-6-03 Discussion and Action

Tape Number	Side A	Side B	Meter #
1		X	36.7 - 39.6

Minutes:

Senator Thomas Fischer, Chairman of the Senate Natural Resources Committee opened discussion on SB 2279.

All members of the committee were present.

Senator Joel Heitkamp stated there was not a lot of positive discussion in regards to the bill.

Senator Fischer stated he would like to see something done about the elk and didn't know if this is the right vehicle.

Senator Stanley Lyson stated he thought the bill might be dead because of the fiscal note.

Senator Every made a motion for a Do Not Pass of SB 2279.

Senator Lyson second the motion.

Roll call vote was taken indicating 5 YEAS, 2 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Layton Freborg will carry SB 2279.

Senator Fischer closed the discussion on SB 2279.

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### FISCAL NOTE Requested by Legislative Council 01/22/2003

Bill/Resolution No.:

SB 2279

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.

	2001-2003 Blennium		2003-200	5 Biennium	2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$30,000		
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision. 2001-2003 Biennlum 2003-2005 Blennium 2005-2007 Blennium School School School **Districts** Counties Cities Districts Counties Cities **Districts** Counties Cities

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

There are two potential fiscal impacts. The first is the cost of a survey. The second is establishing and carrying out an elk relocation program. Relocation would probably be requested by the park service only periodically - every 3 to 4 years.

- 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.
  - 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.

It is estimated that a survey of big game hunters and landowners would cost about \$30,000. No estimate is included for an elk relocation program because no details or plans for one have been developed.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the blennial 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:	01/23/2003

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Date: > 6 Roll Call Vote #: /

### 2003 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 2279

Senate Senate Natural Resources					Committee	
Check here for Conference C	Committee					
Legislative Council Amendment l	Number _					
Action Taken	Do )	lot	Pass		•	
Motion Made By <u>Pro</u>	cy.	Se	conded By hyson			
Senators	Yes	No	Senators	Yes	No	
Senator Thomas Fischer		1	Senator Michael A. Every			
Senator Ben Tollefson	1		Senator Joel C. Heitkamp			
Senator Layton Freborg						
Senator Stanley W. Lyson	V					
Senator John T. Traynor						
				l		
ت  Total (Yes)		No	a 2			
Absent	· ·			ود مستورة المناوة والمسار		
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If the vote is on an amendment, bri	efly indicate	intent				

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REPORT OF STANDING COMMITTEE (410) February 6, 2003 12:54 p.m.

Module No: SR-23-1841 Carrier: Freborg Insert LC: . Title: .

REPORT OF STANDING COMMITTEE SB 2279: Natural Resources Committee (Sen. Fischer, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Eleventh order on the calendar.

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Page No. 1

SR-23-1841

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2003 TESTIMONY

SB 2279

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Date



## Cass County WILDLIFE CLUB

Box 336 Casselton, ND 58012



# TESTIMONY OF HAROLD NEAMEYER CASS COUNTY WILDLIFE CLUB PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE ON SB 2279, JANUARY 31, 2003

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club supports SB 2279.

The thrust of the bill is to start the process of finding a way to retain and hunt the excess elk from the Theodore Roosevelt National Park. The bill states that the survey be of a random nature and controlled by the department. This should allow the department flexibility in the development and magnitude of the survey.

This bill shows that some effort is being considered. The cost of the survey could be taken from the funds described in SB 2215.

Cass County Wildlife Club supports SB 2279.



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### A.M.E.N.D.

(Alliance to Manage Elk in North Dakota)

January 31, 2003

Chairman Fischer and members of the Senate Natural Resources Committee:

My name is Russ Johnson, and I live in West Fargo, ND. I am here today to testify in favor of SB 2279.

Since the last roundup and export of wild elk from Theodore Roosevelt National Park in January of 2000, much has been discussed, read and reported about elk-related issues. For example, we know for now, that the concern for Chronic Wasting Disease at the Federal level is preventing interstate shipment of wild elk from our state. From all reports I have seen or heard, we are blessed in North Dakota to be CWD disease-free. This is due, in no small part, to the good work of the Office of our State Veterinarian as well as established testing practices by the North Dakota Elk Growers. No doubt there are other animal health organizations and wildlife biologists that deserve credit for this enviable, disease-free status.

There has been speculation from various groups about what we should, or should not, do about our wild elk dilemma in the South Unit of Theodore Roosevelt National Park. Over the past couple of years, some of us have attempted to get an idea of how the people of North Dakota feel about future exports of our wild elk. These copies of a signed petition represent over 4,500 residents who strongly oppose future shipments of wild elk from our state. Since the CWD concern eliminates that as an option, we are left with a decision about what to do with this majestic resource. We should not turn our heads and allow this to be just a "Federal" issue. This issue represents an OPPORTUNITY for North Dakota!

That is why SB 2279 is a very timely piece of legislation. It will provide the "tools" necessary to do the job that needs to done. What better way of obtaining valuable feedback about relocation opportunities than by directly asking the people? An objective, professional survey, designed and conducted by trained biologists whose responsibility it is to manage our wildlife resources, seems to be a logical course of action to begin this process.

The collaborative effort required by this legislation makes sense. Working together in the creation and implementation of an elk relocation program, the Game & Fish Department and National Park Service should seek input from interested landowner, sportsmen's and conservation organizations and agencies. Such collaborative efforts have been, and continue to be, successful endeavors in many of our neighboring states. SB 2279 "sets the stage" and provides the impetus to learn from our neighbors and to follow their good examples. That is not to say that we can, or should, adopt the exact, same program of another state. Due to a variety of differing factors between states, the

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program should be custom tailored to meet the unique needs of North Dakota. If other states can create, implement and administer programs to suit their unique needs, we should be able to do so as well.

Chairman Fischer and members of the Committee, on November 7, 2000, the people of North Dakota sent out a very clear message. By an 80% approval, we voted to enshrine our strong hunting heritage by amending the highest law in our state, the North Dakota Constitution. Consistent with that definitive action, we should embrace and adopt this legislation. In doing so, we would be taking steps in the right direction for North Dakota. We would be enhancing the availability of a scarce resource that represents OPPORTUNITY, hunting opportunities for our sportsmen and sportswomen, and an economic boost for some rural communities that may very well need it.

In summary, let me say that we should have had some type of relocation program in place since 1993. We can only imagine how many dollars and lost opportunities it has cost us in these past ten years. But that is hindsight; what's done is done. Today, we have a new opportunity. An opportunity to pass SB 2279, end the speculation and move forward with optimism. I urge you to do just that; I urge you to vote for a "DO PASS" recommendation on this bill from your committee. Thank you.

Mr. Chairman, I would be happy to take any questions the Committee may have.

Russ Johnson West Fargo, ND

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## TESTIMONY REFERENCING SB 2279 By Mike Donahue, Lobbyist #215 January 31. 2003

### **Senate Natural Resources Committee**

The United Sportsmen of North Dakota and the N.D. Wildlife Federation are neutral on this bill; although we lean somewhat to a DO NOT PASS based on western landowner concerns.

The language seems to create a Pandora's Box. We have no idea of the cost of the requirements in the bill. We recommend a consultation with the National Park Service representatives to see where they think their EIS (over the next two years) will take them.

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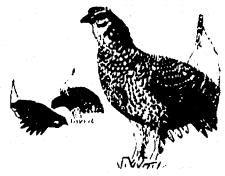
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### North Dakota Chapter

### 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 SB 2279, JANUARY 31, 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 opposes SB 2279.

This bill is requiring the game and fish department to attempt to manage elk in a manner in which game and fish has little or no control.

Line 7. "A random survey of all resident big game hunters and private landowners" is a big undertaking. A survey of this magnitude is expensive and time consuming. The interpreted results, and elk releases, may have little bearing on what the elk want to do.

When wild elk are turned lose, they become free roaming. Research has shown that free-roaming elk may move hundreds of miles on their own accord. What will be the landowner tolerance of elk that have moved many miles from the original release site? Will the game and fish be responsible for elk behavior after release? SCR 4002 is already attempting to make the U.S. government responsible for any human or vehicle damages because the elk were released in Roosevelt park by the government.

Line 9. Can the elk be relocated from Roosevelt park or is there a moratorium on relocating animals due to disease potentials?

The cost of surveys and the liability potential could well be a needless expense of game and fish funds, therefore, The Wildlife Society opposes SB 2279.

Dedicated to the wise use of all nutural resources

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