

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1102

2005 HOUSE NATURAL RESOURCES

HB 1102

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1102

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 7, 2005

Tape Number	Side A	Side B	Meter #
1	x		4958-END
1		x	0-3712

Committee Clerk Signature

Heaven Bonnet

Minutes: Chr. Nelson opened the hearing on HB 1102. Roll was taken, Rep. Drovdal absent

Bill was read aloud.

Chr. Nelson: I will take testimony in support of HB 1102.

Roger Rostvet, ND Game & Fish, WRITTEN TESTIMONY ATTACHED: Urges Do Pass.

Chr. Nelson: Are there any questions of Mr. Rostvet?

Rep. Solberg: Has your department a count of the number of mountain lions in the state?

Roger Rostvet: No. There have been increasing number of sightings although they are extremely difficult to see. We want the carcass of killed animals within 24 hours before meltdown (decaying) begins or it is hard to get the reproductive structure which shows the breeding status of the animal. The lion recently seen in Grand Forks county was collared and tracked by the SD Game & Fish. We have a contingency plan in ND only if the animal is causing trouble, we don't capture and relocate.

Rep. Solberg: On lines 9 and 10 of the bill, it says a person shall notify the department before killing an animal, then later says to notify after. Please clarify that.

Rostvet: It would require sighting of *bears* to be registered with the department. They aren't usually a danger to animals nor people as they are usually after honey.

Rep. Hanson: If while hunting, a mountain lion kills my dog, would I be in violation by killing that animal?

Rostvet: That would probably be viewed as an exemption.

Rep. Hunsakor: Are the pelts of mountain lions valuable on the international market?

Rostvet: Not the pelts, but the gall bladder and reproductive structure are very valuable.

Chr. Nelson: Regarding the mountain lion seen recently in Grand Forks county, did it have a collar? What is the extent of the SD Game & Fish findings in their study?

Rostvet: This study was of dispersal of the animals to the outside area. It's learned that the animals are increasing in population in Eastern Montana.

Chr. Nelson: What if there is evidence of killing of lions whether they are SD's or not?

Rostvet: Lions are not loved by everyone. They are always transient animals because there is not enough habitat in North Dakota for a permanent residence. There is a reason for looking at the lion population. In 1991 in the Badlands, a lion was killed by kids. Then there was no protection of mountains. A bill was introduced to protect them under fur bearers. The people of ND didn't want random shooting of the animals but if they were causing trouble it was O.K. to take them.

Rep. Charging: As a matter of record, on the Berthold Reservation, specifically in the Mandaree area, a mother and cubs have often been sighted. A horse rancher has been losing colts each spring.

Rostvet: We try to follow up every notification.

Rep. Porter: What would a study such as South Dakota is doing entail and cost?

Rostvet: A lot, you need to find, catch and collar, then two days later the cat might be in. We need to study whether they're transient or have an established home range. The home range of some in the South Dakota range has been identified at 90 square miles.

Rep. Porter: What would stop us with the proper management tools? Could people who would be willing to hunt them with dogs also record the sightings?

Rostvet: Montana has district quota. When a certain is reached, the season is closed. South Dakota is hoping to determine whether they come back to the territory where they were collared.

Rep. Keiser: I have a problem understanding the rational of 24 hour notice of sightings. The wording is "shall" but becomes obligatory. Does that mean I now have to drive (ie. 60 miles) to report it. What's the penalty if I don't do this?

Rostvet: Under the chapter heading, it would probably be a class B misdemeanor. The reason for the need of notification with 24 hours is to get as much work done as possible especially of the reproductive tract before it "melts down."

Rep. Charging: I believe the previous reports of sightings. I believe there are more animals than are reported. Ranchers in the Beulah-Hazen area have also reported many sightings. I'm concerned with children's safety as well if there are a lot of lions around.

Rostvet: In 1991 we were forced to put mountain lions on the fur bearers protected list. I attitudes have changed, we can take another look. We were grappling with the public's image of wholesale slaughter of the animals.

Chr. Nelson: Is it possible to have an interim study on the problem of mountain lions in the state and report back at our next hearing?

Rostvet: The current study is a good study. It is of sightings and mapping. We aren't sure at this time whether the animals sighted are transient or established. In a low impact study if we know of an animal, we can capture and collar it and move on from that.

Rep. Porter: What would it take to do a survey, say with a person with dogs, to go where the known animals are and of collaring them. We've heard the reports from the Beulah-Hazen area of reported sightings.

Rostvet: We need to do a study properly in order to have any scientific validity to it. We don't currently do that. For example, should they even be here? From current knowledge, we know that mountain lions need about 5,000 sq. Acres to survive and feed cubs, so we know that they wouldn't be local at this time due to lack of proper habitat here.

Rep. Hanson: I read that South Dakota has 250 mountain lions in a study. Is it costly?

Rostvet: Their study was five years, through a university grant.

Rep. Nelson: Any further questions?

Dean C. Hildebrand: We've been working on this a long time. There are many transients. Just to tag a lion is a waste of money. We must lay out the parameters. We just talked about it on Monday morning. The current parameters are extensive. There were 58 sightings reported so far this year and six were confirmed. The deputy sheriff in Grand Forks county photographed one

crossing the road from his patrol car. Long ago, the public wanted them protected, that was done. We don't rush reports. They're out there. Last fall, a bow hunter killed one in the Badlands and we have done an extensive investigation of that killing to determine if it was legitimate. The arrow was in the front of the animal and due to the angle of the hunter and of the animal have determined that it was a necessary kill. After the bow hunter shooting a lion, we had nasty e-mail that he was out of line for killing the lion. We were told we should bring in the information on what we were doing. If we need to bring the study to this hearing, we can do that.

Rep. Keiser: I can understand using the resources of hunters and farmers but placing the onus on individuals with a misdemeanor isn't right. We should not make it a criminal penalty.

Hildebrand: For example, if a bear is knocking down bee hives, in the act of destruction of property I can't imagine that with all the cell phones around, that they can't call within 24 hours. We use common sense and side with the public in general.

Rep. Hanson: Why don't you radio collar transient animals or those living here since you are currently working with South Dakota?

Hildebrand: In defense of the wildlife division, I could take the blame. I have held up due to the cost. We know where many of the mountain lions are and have mapped them. I was unaware of Rep. Chartings' note of a mother lion with kits. That is new information to me. Greg Link and Randy Kreil have pushed hard for this. I will bring the study along and share it with you, if you as representatives, particularly Rep. Charging (and the Beulah/Hazen area), would like me to. We do investigate thoroughly in the best interests of people involved and for protection of the species. In the Colorado area there were reports of a metro jogger killed. God forbid that a

mountain lion should kill a child while we're testifying, but we can't totally prevent it. We'll do what you want.

Rep. Charging: I have been enlightened by this. I wasn't aware of the extent of the studies you have been doing. Also cats are elusive and rarely seen.

Rostvet: There is a good article in the ND Outdoors with exactly what we're talking about. I will bring copies of what has been done.

Rep. Charging: In defense, we're not always privy to information.

Rostvet: We have to be certain, too. When the Dept. Of Wildlife is contacted, is it a scare, a barbed wire cut, or a cat. We have to identify the cut correctly.

Chr. Nelson: Any further questions? Further testimony in favor of HB 1102? I will now take opposing testimony to HB 1102. Seeing none I will now close the hearing on HB 1102.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1102

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1		x	2900 - short

Committee Clerk Signature *Loren Bonnet*

Minutes: **Chr. Nelson:** Reopened the hearing on HB 1102. Do we need a subcommittee on HB 1102, the mountain lion issue?

Rep. Charging: This would help our livestock producers. If they would at least say that they (mountain lions) are more than transient it would help our ag producers in trying to recover any losses they have.

Chr. Nelson: Let's put a subcommittee together and see if we can get this bill in a form that we can act on it.

Rep. Hanson: I visited with Dean (Hildebrand, Game & Fish) this morning about this and he has some ideas. I think we ought to hold the bill a while anyway.

Chr. Nelson: We'll let a subcommittee work on that bill. I will appoint Rep. Norland, Charging and Solberg to that committee.

Rep. Charging: May I share with the committee one of the incidents that I brought up? It had not been previously known by the Dept. (G & Fish). It might be because it was on the

Page 2

House Natural Resources Committee

Bill/Resolution Number HB 1102

Hearing Date January 13, 2005

reservation and they had no way of knowing that information so I took it upon myself to contact the proper authorities out there. They do feel it's a problem and they have a similar stand as the ND G & F has but they did confirm the sighting of mothers in den with cubs. They started developing a partnership there with Watford City, Killdeer and surrounding communities.

Chr. Nelson: Rep. Porter has some issues with that bill, too. You might want to include him with your discussions regarding that bill.

Close hearing on HB 1102

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1102

House Natural Resources Committee

☐ Conference Committee

Hearing Date: January 20, 2005

Tape Number

2

Side A

Side B

x

Meter #

1360-4587

Committee Clerk Signature

Loren Bonnet

Chr. Nelson: We will take up HB 1102. Your subcommittee has met on this bill and has a proposed amendment. Rep. Norland, were you at that meeting?

Rep. Norland: Yes. We met with two members of the Game & Fish and with the Director of Fargo Control Agency in the state. It was felt by the group that this would be the place to start. You each have a copy of this. The way they explained this is whether it is state wide or nationally, whenever you have an animal you need to find out if that animal has habitat. A good way to explain is that mule deer are found in a certain part of the state and very few places in the United States unless they have the habitat where they can function. Lions aren't any different. So they need first of all to determine if ND has the habitat to sustain cats. If they do, that's determined by the research, then it's taken to the next step. If it doesn't (have the habitat), then they can say that if a cat is in the area that it is just a transient moving through. They also said that while they're doing this it's not going to be a problem if someone runs into a cat that is on a ranch or destroying property or a threat to them, they have (the right) to shoot the animal. They

didn't feel at this point that it was time to just open season on them without doing some type of study to begin with. They will use the biologists as well as Phil Mastrangelo, the head of the fire control agents in the state.

Chr. Nelson: Would the proposed amendment begin on Line 16, as new language to the bill?

Norland: Yes.

Chr. Nelson: Does everyone understand the proposed amendment? Rep. Hanson?

Rep. Hanson : Are you ready for debate?

Chr. Nelson: Are you proposing the amendment, Rep. Norland?

Rep. Norland: Yes.

Chr. Nelson: Is there a second to that motion?

Rep. Solberg: Second.

Hanson: I don't know whether you have all had time to read the book that was handed out with the (lion) survey. They've already had the study and they recommended that they have a season and a quota, so do we need another study?

Norland: I mentioned having a season. Dean wasn't against that, but Randy really was against having a season right away. He was afraid of public opinion on having a season at this point. Part of his reason was...how many of you have seen a moose in ND? Probably all of us. How many of you have seen a cat? Public opinion to an open season on mountain lions, is where are they? They felt that they needed to get the information out to the public that they are doing this and then follow up with a season, rather than just jumping into it.

Rep. Charging: I was supposed to be with the committee and couldn't make it. First, my opinion would be that I would never challenge the biological approach to study this. But I agree

with Rep. Hanson. I don't understand what the department's hesitation is in agreeing or coming to some sense that they are a resident. I think we need recommend that they be more aggressive, either by air or tracking.

Norland: May I make one more comment?

Chr. Nelson: In talking to Phil, I asked him point blank, have your agents in the field ever come across a cat? He said no. How about when they are flying? No. They had reports where a horse was killed, they skinned the horse, they did everything to it to determine cause of death in the case. They also mentioned that if this problem persists in a certain area, in this case in the Mandaree area, that it would be a good place to start with the Reservation Game Wardens, and utilize them as long as they are in the area. Maybe they can determine if there is a problem and address it right away.

Chr. Nelson: I wish Rep. Porter was here. He was contacted by people in the Hazen area that have some concerns as well. I would think that if we provide some legislative intent that the department make this a priority item, I would further think that this is one issue where a coalition of the Game & Fish Dept. and the Tribal entity at Three Affiliated Tribes could work together on a project like this to come to some understanding as to what exactly is happening with mountain lions. I understand your concern, Rep. Hanson, but I think we are going to be facing this issue in the future.

Rep. Hanson: The Dept. won't admit it but they've been losing big horn sheep out there. One of the Dept. guys told me they've lost seven radio-collared sheep. Roger did tell me the other day that he thought it was three, but they are hush/hush on it.

Rep. Drovdal: I missed the hearing on this bill and listening to the discussion here and reading what the bill says, I'm totally lost at where you're going with it. If amended, I agree with Rep. Hanson's conclusion. We don't need to tell them to study it; they already know they have mountain lions out there. Why put more paper on the books when it's already being done?

Hanson: Next time you go home, talk to (Larson) on the Reservation. He says there is a big problem there.

Drovdal: I agree.

Rep. Charging: I don't want to put Tiffany Johnson on the spot, but she is from the Three Affiliated Tribes and it is her family that has actually sighted these animals, numerous times. I contacted T. Hall, Three Affiliated Tribes. Today, they are going to start motion on a Senate Bill on Indian and tribal relations. It was 6-0 Do Pass which will open the door to this study which I believe will go through. Tribal Game & Fish agreed that there is grant money available but we need to urge the State Game & Fish to work with them.

Chr. Nelson: I think there are people in this department who are looking for direction as well, and I think this would provide the legislative intent so the department can take this issue more seriously than they have in the past.

Rep. DeKrey: I have a question for Lyle (Hanson). Is this like the Spearfish case where they just wouldn't have a season, so we said they *could* have a season and they still wouldn't have one? They came back the next session and we said they *will* have a season and now they have it. Is that what we're going to have to do?

Rep. Hanson: They don't *want* a season! If we said they had to have a season with a quota of two, they'd have it.

Chr. Nelson: I'm uncomfortable with that personally. I don't think they have collected the data.

I think the handout that Dean (Hildebrand) had was compiling other states programs more than what has been done in ND.

Rep. Hanson: They made the recommendation in that article that we ought to have a season and a quota. They've already studied it, why would we want to study it again?

Rep. Solberg: This bill says that if you've got one (lion) that's depredating and killing livestock, you can shoot it and call the Game & Fish.

Chr. Nelson: We're discussing the amendment now at this time and the rest of the bill we'll discuss later.

Rep. Charging: Sure, it says that, but there is an in-depth investigation on whether that animal was pursuing livestock. It's tough to prove. I think it's important to push the (G & F) department to move up. This amendment doesn't do it, it just does a study on a study. If we could have another amendment with more intent.

Rep. Hanson: "Shall have a season with a quota?"

Rep. Charging: I'm against determining what their biological data is. I don't think we should set policy regarding it. I trust the biologists, but I just don't think it's getting to the biologists.

Chr. Nelson: What would you suggest?

Rep. Norland: Correct me if I'm wrong, but once we establish a season we might have gone too far. If we have a season in ND, that's when you kill the animal or the bird. You don't shoot it outside the season. They're already telling us that if there is a problem and you need to shoot the lion, shoot it. If we establish a season, you can't do that, it's illegal.

Rep. Keiser: If you want an amendment that requires them to address the issue, you should attach language that says that they must do whatever they will do and report it to the Natural Resources Committee at the next general session. That becomes part of the law and puts them on notice. I have a problem telling the professionals how to do their business. I have no problem in saying do your business and then come to us and tell us what you've done. As that amendment is drafted, there is no time requirement, it's associated with another study and if they don't do anything, I think they have a lot of reasons for not doing so.

Chr. Nelson: So, your amended amendment would be to add language....

Rep. Keiser: We'd ask them to assess the current status of mountain lions in ND and report their findings at the next general session.

Chr. Nelson: "In regards to opening a season," would you like to go that far?

Rep. DeKrey: If they're trying to cooperate with the tribes, there should be language in it that they have to cooperate in conjunction with the tribes. I wouldn't say anything about a season.

Rep. Charging: Language could be "in cooperation with the state and tribal governments in known problem areas."

Chr. Nelson: I wouldn't make it specific to one tribe. This problem could be larger.

Rep. Hunskor: Just make it "areas that are affected."

Rep. Norland: Hildebrand has already said that in the study, "Some sort of investigation is needed, to determine the status of mountain lions in ND. How large that study will be has yet to be answered."

Rep. Keiser: Motion for amendment: "That the Game & Fish Dept, in cooperation with tribal authorities, will assess the status of the mountain lions in ND and report their findings to the Legislative Council at the 60th Legislative Session."

Chr. Nelson: Amendment has been moved by Rep. Keiser, is there a second?

Rep. Johnson: Second.

Chr. Nelson: Rep. Johnson seconds that. Would you read the whole amendment back, Karen?

Clerk Bonnet: Quote, "That the Game & Fish Dept, in cooperation with tribal authorities, will assess the status of the mountain lions in ND and report their findings to the Legislative Council at the 60th Legislative Session."

Chr. Nelson: Is there any discussion on the amended amendment? Seeing none, call for a voice vote. All those in favor, signify by saying Aye. Opposed? Motion carried on the amended amendment. Is there any discussion on that?

Rep. Drovdal: Does that just zero in the area where the tribe would be? We have a problem out west, too.

Rep. Hunskor: This doesn't just limit it to Game & Fish working with tribal areas.

Chr. Nelson: That's correct, Rep. Hunskor, they would continue to work off the Reservation as well. I think that's understood.

Rep. Nottestad: I think this would cover statewide because there were more sightings in the eastern part of the state than in the west.

Rep. Charging: Rep. Norland, in your discussion with the Division of Fish and Wildlife through Agriculture...I spoke to them on behalf of a particular individual who was having the problem. This language will help them as well.

Rep. Norland: I asked Phil whether their agents had reported lions while in the field. They had *never* come across a lion, even while hunting coyotes, nor while flying in the field.

Rep. Charging: I spoke to Phil Masterangelo. It appeared to be a dead-end for this particular rancher. There was no possible way for them to recoup damage. This language will at least recognize that they live here. That would be (a reason) for investigating death loss in livestock.

Chr. Nelson: As we discussed the bill in it's entirety, those provisions are still in place to shoot the animal and report it afterward. That would be proof that they're here.

Rep. Drovdal: I find this discussion disheartening in regard to the fact that it sounds like they're not acknowledging that there are mountain lions in ND where in fact mountain lions have been shot in the last few years on the Little Missouri Grasslands. They are well aware of it, they have seen pictures of it, I think they recovered the carcass of it. As long as the only official sighting of it has been from a police officer or law enforcement before it makes sense. They're *here*, not in large numbers, but you can call my game warden in Watford City and he will tell you that they're here. Why they're not acknowledging it, I don't understand.

Chr. Nelson: Is there further discussion on the amendment?

Rep. Norland: The Game & Fish are aware the cats are here. I think they have a responsibility as professionals. They talk about rumors in (the article). They can't just jump on the bandwagon when someone blows a whistle on their decisions. Before we ever brought this us, they were already putting articles in their "Outdoor" magazine, they are doing something. Maybe this will give them a little more push to recognize the fact.

Chr. Nelson: Any further discussion on the amendment? Hearing none, I'll call a voice vote on the amendment. All those in favor, signify by saying Aye. Opposed? Motion carried. What's the committee's wishes?

Rep. Solberg: Motion Do Pass as amended.

Rep. Norland: Second.

Chr. Nelson: Committee discussion?

Rep. Charging: Thank you for considering my amendment.

Rep. Keiser: I'm now in a quandary. I was going to vote against the bill but now that it has the amendment I might have to support it. But, I hate when we say "*shall* report," Line 14. We're taking a problem that is their issue and placing a burden and responsibility on our citizens. It'd be great if they did report it; it would be important information to have. The way it's worded, they are in violation if they don't report. The heart of the bill initially was to require people to report.

Rep. Hanson: They just want the dead animal.

Keiser: I understand that.

Chr. Nelson: I understand that concern as well. If we want to collect data to determine what that population is in the state we have to have some numbers to work with; better numbers equal better decisions.

Keiser: With the amendment, the "*shall*" has more value than without the amendment.

Rep. DeKrey: I'm going to oppose the motion. I think the last thing Fish & Game or anybody needs is another study. Our standard procedure seems to be to conduct another study when we can't make a decision. I think the study is there; they've got the recommendation. I think if we

had a bill with a season and a limit I could support that. The only redeemable thing I see is the fact that it forces the Game & Fish to work with the tribe.

Chr. Nelson: They do have to report back in two years at the 60th Legislative Assembly. This is a directive.

Rep. Hunsakor: If there is a problem with mountain lions as a result of this bill, Game & Fish is going to respond more quickly because they know they have to report.

Chr. Nelson: This issue has been a concern within the department, and I think this directive will help those in the department who want to be more aggressive with the mountain lion issue may have some tools to work with. With that, we may get some good data. The ability to work with Tribal governments in this arena in this bill is a very good first step for continued relationships with Tribal government.

Rep. Hanson: One of the reasons this bill is in is because the (G & F) Department wants the cat back if someone kills one. I mentioned about the killing of big horn sheep in Rep. Drovdal's district. A rancher out there tracked that lion down with dogs. He had the hide tanned. The department wanted it and he wasn't going to give it back. I think that's one of the reasons why we have the bill, to give the hide or carcass back.

Rep. Keiser: Question.

Chr. Nelson: Point of order. This is not going to have a fiscal note on it. Question has been called on a **Do Pass as Amended** motion. Will the clerk call the roll.

Vote: 9-Yeas; 4-Nays; 1-Absent. Carrier: Charging

VR
1/21/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1102 NAT. RES. 1-21-05

Page 1, line 2, after "animals" insert "; and to provide for a report"

Page 1, after line 16, insert:

"SECTION 2. GAME AND FISH DEPARTMENT TO ASSESS STATUS OF MOUNTAIN LIONS - REPORT TO LEGISLATIVE COUNCIL. The game and fish department, in cooperation with tribal authorities, shall assess the status of mountain lions in North Dakota. The department shall report its findings to the legislative council before July 1, 2006."

Renumber accordingly

Date: 1/20/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1102

House

NATURAL RESOURCES

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number : 58152.0101 Title: 0200

Action Taken : Do Pass as Amended

Motion Made By : Solberg Seconded By : Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson		✓
Vice Chairman - Todd Porter		Absent	Rep. Bob Hunsakor	✓	
Rep. Dawn Marie Charging	✓		Rep. Scot Kelsh	✓	
Rep. Donald L. Clark	✓		Rep. Dorvan Solberg	✓	
Rep. Duane DeKrey		✓			
Rep. David Drovdal	✓				
Rep. Dennis Johnson		✓			
Rep. George J. Keiser	✓				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad		✓			

Total (Yes) 9 No 4

Absent 1 - Porter

Floor Assignment Charging

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

REPORT OF STANDING COMMITTEE

HB 1102: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1102 was placed on the Sixth order on the calendar.

Page 1, line 2, after "animals" insert "; and to provide for a report"

Page 1, after line 16, insert:

"SECTION 2. GAME AND FISH DEPARTMENT TO ASSESS STATUS OF MOUNTAIN LIONS - REPORT TO LEGISLATIVE COUNCIL. The game and fish department, in cooperation with tribal authorities, shall assess the status of mountain lions in North Dakota. The department shall report its findings to the legislative council before July 1, 2006."

Renumber accordingly

2005 SENATE NATURAL RESOURCES

HB 1102

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1102

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date February 24, 2005

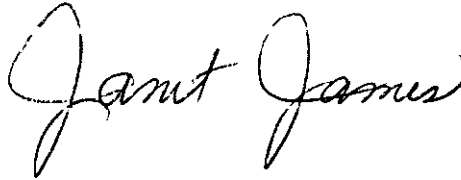
Tape Number
1

Side A

Side B
X

Meter #
12.5 - 20.1

Committee Clerk Signature



Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on HB 1102 relating to the destruction and disposition of depredating fur-bearing animals: and to provide for a report.

All members of the committee were present.

Roger Rostvet, Deputy Director of the North Dakota State Game and Fish Department introduced HB 1102 (See attached testimony).

Senator Michael Every asked where the black bear are in North Dakota.

Roger Rostvet answered black bears have been sited since the 1970s in the Turtle Mountains, Pembina Hills, Grand Forks, Fargo and other places. Mountain lions are of more interest at this time because of their nature and wide spread movements.

Senator Lyson asked if any of these animals might be released pets.

Roger Rostvet confirmed this to be the case of escaped, released or transient animals.

Senator Layton Freborg asked if anything is done with the hides of the animals.

Roger Rostvet responded that in the past the hides have been donated for educational purposes or exhibits.

Senator John Traynor asked what kind of animal would take poultry.

Roger Rostvet answered that any fur bearing animals like mink, raccoons, coyote, skunks, fox and mountains lions.

Dean Hildebrand, Director of the North Dakota State Game and Fish Department commented about the black bear that needed to be taken down at the Minot Air Base and that it was released to them to be used for display.

Harold Neameyer representing the Cass County Wildlife Club testified in support of HB 1102

(See attached testimony).

Written testimony of **Tex Hall**, Chairman of the Mandan, Hidatsa and Arikara Nation in support of HB 1102 was distributed to the committee after the hearing was closed (See attached).

Senator Lyson asked for opposing testimony, hearing non closed the hearing on HB 1102.

Senator Traynor made a motion for Do Pass of HB 1102.

Senator Every second the motion.

Roll call vote for a Do Pass of HB 1102 was taken indicating 7 YEAS, 0 NAYS AND 0

ABSENT OR NOT VOTING.

Senator Every will carry HB 1102.

Date: 2-24-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1202

Senate Senate Natural Resources

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DO PASS

Motion Made By

Traynor

Seconded By

Every

Senators
Senator Stanley Lyson, Chairman
Senator Ben Tollefson, Vice Chair
Senator Layton Freborg
Senator Rich Wardner
Senator John Traynor

Yes	No
✓	
✓	
✓	
✓	
✓	

Senators
Senator Joel Heitkamp
Senator Michael Every

Yes	No
✓	
✓	

Total (Yes)

7

No

0

Absent

0

Floor Assignment

Every -

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

REPORT OF STANDING COMMITTEE (410)
February 24, 2005 1:38 p.m.

Module No: SR-34-3598
Carrier: Every
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1102, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1102 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1102

**NORTH DAKOTA GAME AND FISH DEPARTMENT TESTIMONY
HB 1102
HOUSE NATURAL RESOURCES COMMITTEE
JANUARY 7, 2005**

This bill was submitted at the request of the Game and Fish Department. This is a very straightforward request. The Department would like to have individuals who take either mountain lions or black bears under exception of law during closed season, notify the Department and turn over those animals to the Department for biological reasons.

Currently the number of sighting of these animals in on the increase and public interest is high. More important than just the total number of animals taken is their sex, age, genetic markers and past reproductive performance, all of which can be determined by the carcass. With this information, extrapolations can be made as to whether these animals appear to be established or transient, population composition and trends, and even the geographic origin of animals.

Currently hunters and trappers are required to turn in the carcasses of all bobcats taken in North Dakota. Sufficient data is collected using this method to model there population sufficiently to allow North Dakota to qualify for international fur export under federal CITES regulations.

To a lesser extent it is also felt that this may reduce the incidence of claiming depredation to obtain a pelt. Current law prohibits the sale of animals taken during closed season under the depredation exemption.

Please consider a **DO PASS** recommendation for HB 1102

Mountain lion research projects: South Dakota State University in cooperation with South Dakota Game, Fish and Parks.

1. First study was conducted 1999-2003

Study Title: Development of indices for monitoring trends in American marten and mountain lion populations in The Black Hills of South Dakota.

Objectives:

1. Develop habitat suitability models for the American marten and mountain lion in the Black Hills, South Dakota to predict distribution and establish survey routes.
2. Estimate population size and develop and evaluate population indices to monitor relative abundance of American martens and mountain lions in the Black Hills, South Dakota.
3. Evaluate habitat suitability models for American marten and mountain lion based on density estimates and population indices.
4. Determine food habits of American martens and mountain lions in the Black Hills, South Dakota.

Cost: approximately \$50,000 per year for 5 years (and this included pine marten work as well)

2. Second and current study is being conducted 2003-2007

Study Title: Evaluation of survival, dispersal, and density of mountain lions in the Black Hills of South Dakota.

Objectives:

1. Estimate survival and document causes of mortality of mountain lion kittens in the Black Hills, South Dakota.
2. Determine longevity of established adult mountain lions occurring in the Black Hills, South Dakota.
3. Document dispersal distances, dispersal routes, and destinations of subadult mountain lions.
4. Compare estimates of population size of mountain lions derived from home range size and overlap to those generated from probability sampling and computer modeling techniques.

Cost: approximately \$60,000 per year for the first 3 years and \$30,000 for 4th year and \$23,000 for 5th year. Field work is conducted first 3 years. Approx total of \$233,000 for 5 year.

NORTH DAKOTA

OUTDOORS

PUBLISHED BY THE NORTH DAKOTA

GAME AND FISH DEPARTMENT

\$2.00 JANUARY 2005

1/13/05 Per Dean Hildebrand
Game+Fish for
add'l info for
HB 1102, hearing of 1/7/05





Protected Cats

Mountain lions are currently protected in North Dakota unless they are an immediate threat to people or livestock. However, they are considered a furbearer, and the State Game and Fish Department could open a season, by governor's proclamation, if it was warranted.

An amendment to a law will be introduced during the 2005 legislative session that would require anyone catching or killing a mountain lion or black bear that was threatening humans or livestock to turn the animal over to the Department within 24 hours. Animal carcasses will provide additional information wildlife managers need to understand the state's current mountain lion situation.

A Status Report

By Ron Wilson

Mountain lions are living in North Dakota.

More than a century ago, this reclusive animal was said to have disappeared from the state, only to make infrequent curtain calls – a set of four-toed tracks left here, a fleeting sighting there – starting in the late 1950s. Most of the well-established reports came from the badlands in southwest North Dakota where – oil rigs and development aside – the country seemed well-suited for an animal that hungers for both secrecy and venison.

Lions in North Dakota

"There is no question about us having mountain lions in North Dakota."

For years, mountain lions reported in the state were dubbed as transients or maybe the occasional territorial animal in some remote neck of North Dakota like the rugged badlands or forested Turtle Mountains. With cougar populations expanding in other Western states, and evidence of animals sometimes venturing hundreds of miles east looking for new and not-spoken-for territory, it's certainly not a stretch to imagine lions settling in North Dakota.

"There is no question about us having mountain lions in North Dakota," said Dean Hildebrand, Director of the State Game and Fish Department. "Some of them are transient animals, and some are likely resident lions. With that said, there is still a lot that we don't know."

Most of the transient wanderers are probably juvenile males looking for their own territory; country not inhabited by adult males that would kill them for the intrusion. According to recent research, cougars will travel longer distances than originally believed in search of new digs. It was reported in 2004 that a mountain lion wearing a radio tracking collar was killed by a train near Red Rock, Oklahoma. To get there, the animal had traveled 661 miles in 266 days from the Black Hills in South Dakota; twice as far as earlier research had indicated the cats would venture.

"It tells us they can move long distances in relatively short periods, and that extends their range considerably," Jonathan Jenks, a South Dakota State University researcher who tracks mountain lions, told USA Today. He said it is unclear whether cougars have established new populations outside their traditional range or whether a small number of young males are simply straying farther. At least 50 cats, Jenks continued, are probably needed to create a population that reproduces itself.

Trying to put a figure on the number of mountain lions – also known as cougar, puma, panther and catamount – in North Dakota would simply be a wild guess. For sure, reports of mountain lions in the state – confirmed or otherwise – have shot up. In 2004 alone, there were 58 reports, with seven confirmed and 10 others ruled as probable by wildlife officials. Of note, one of the confirmed reports was a young female lion shot by a nonresident bowhunter, who felt threatened by the animal, while hunting deer in September in the badlands.

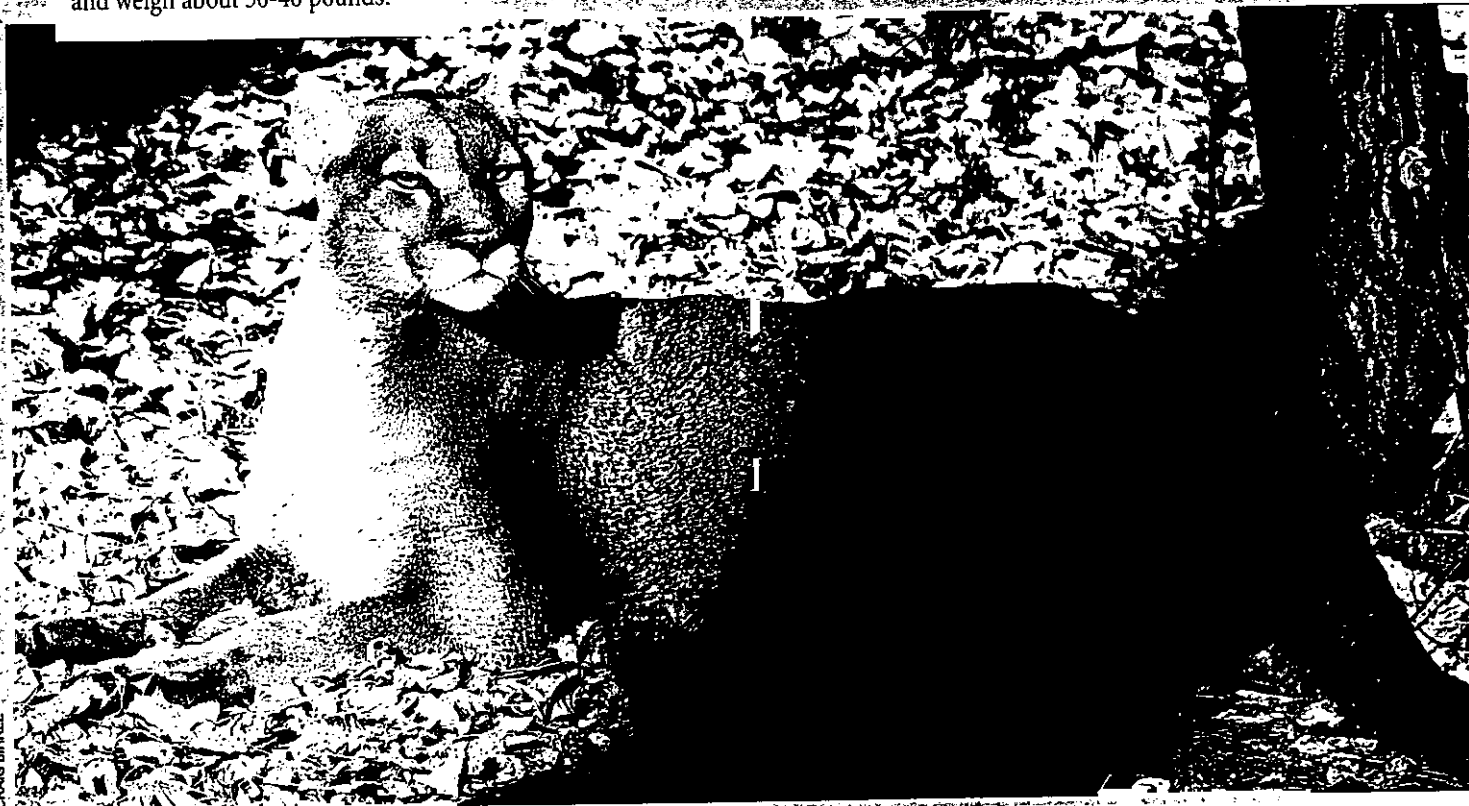
In the previous 40-plus years, however, there were fewer than 100 reports. While 36 of those reports were confirmed, officials figured in some instances it was the same animal being reported more than once.

Because a young female lion was killed in the badlands in 2004, it could be suspected,

Appearance

Mountain lions are typically tawny to light cinnamon in color with black-tipped ears and tail.

Animals vary in size, with males being larger than females. Adult males may be more than 8 feet in length, including the tail, and weigh 120-180 pounds. Adult females may be up to 7 feet long and weigh 85-130 pounds. Bobcats, in comparison, average 30 inches in length, have short tails and weigh about 25 pounds. Coyotes average 42-52 inches in length, have long tails and weigh about 30-40 pounds.



said Dean Hildebrand, Director of the State Game and Fish Department.

considering young males do most, but not all, of the long distance dispersing, that she was born in western North Dakota. "Nearly 100 percent of the males disperse from their mothers, but typically the females don't disperse very far from home," said Jacquie Ermer, Game and Fish Department furbearer and disease biologist. "We can't say for sure she was born and raised in North Dakota. But there is a good chance she was because females typically don't disperse far from where they were born."

Mountain lions are ambush hunters, waiting in concealment for prey to wander by. A silent stalk ensues, followed by a quick sprint, and ending with the big cat breaking the neck of unsuspecting prey. The lion feeds – sometimes 20 or more pounds of meat in a single meal – then caches what is left under leaves and other debris. Scientists tell us these predators feed mostly on deer and elk, but also supplement their diets with porcupines, mice, rabbits, and other small game. "Mountain lions not only need prey to survive, but they need concealment cover that enhances their chances of catching prey," said Dorothy Fecske, a South Dakota researcher who studied cougars for five years in the Black Hills. "Parts of North Dakota have these needed components."

Some sort of investigation is needed, Hildebrand said, to determine the status of mountain lions in North Dakota. "How large that study will be has yet to be answered," he said. "These things can be expensive, yet we need to make some type of determination of what's out there and what to do."

That's easier said than done as mountain lions are unlike a lot of other animals, which makes them difficult to study. "They are an elusive animal, not highly visible and not easy to study," Ermer said. "There aren't any quick, reliable methods to determine their numbers. We just can't go out and fly an aerial survey and find out how many mountain lions we have in North Dakota."

The idea, maybe, would be to capture and radio-collar some animals for study purposes. "I think we could find five lions to put collars on in the western part of the state, and maybe the Turtle Mountains, but it might take us a while," Ermer said. "At this point, I think it's just as important to say that we do have lions in the state, and that not all of them are just dispersing through. My gut feeling is that we have both – animals moving in from other states and animals that are breeding here."

The reason for the jump in cougar sightings the last few years – 2004 in particular – is likely manifold. "Since the young female lion was killed in the badlands this past September, the reports jumped significantly," Ermer said. "Mountain lions are on people's radar screens. They are something people find interesting, new, intriguing, and even scary. And if they see something, they can't wait to call and let us know."

Unconfirmed reports, however, outnumber confirmed sightings. "People are mistaking cougars for dogs, coyotes..." Ermer said. "It's hard to tell what you are looking at in the middle of the night through your headlights."

Reports have climbed, Hildebrand said, because more people are hunting today than



CRAIG BURRLE

COUGAR REPORTS

Mountain lions are elusive animals, but they are not invisible. In the past few years, there has been a significant increase in reports of sightings in North Dakota. This is a good thing, as it allows us to better understand the status of the population and to take steps to protect them if necessary. However, it is also important to remember that many of these reports are unconfirmed, and that some people may be mistaking other animals for cougars.

One of the reasons for the increase in reports is that more people are hunting today than in the past. This means that there are more eyes out there looking for animals. Another reason is that the population of mountain lions in North Dakota may be larger than we thought. This is possible because of the increase in reports of sightings in recent years.

It is important to remember that mountain lions are a protected species in North Dakota. It is illegal to hunt or kill them without a permit. If you see a mountain lion, please do not approach it. Instead, call the Game and Fish Department to report the sighting.

The Game and Fish Department has a database of confirmed and unconfirmed sightings of mountain lions in the state since 1958. Officials here want sightings to be reported, and you can do that by calling your local Department district office, or call Game and Fish headquarters in Bismarck at 328-6300, or Jacquie Ermer, Department furbearer and disease biologist at 654-7475.

While confirming a sighting of one of nature's most elusive animals takes some doing, Game and Fish officials don't want to discourage citizens from making the call. More often than not, reports of mountain lions turn out to be dogs running in the shadows or maybe a fleeting glimpse of a coyote in fading light. Media accounts of livestock tangling with mountain lions – rather than with barbed wire fences as officials later determined – have also fueled the rumor mill.

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Even so, make the call and let wildlife experts help to determine what you've seen.

The law says we are going to protect mountain lions in North Dakota.

Cat Facts

- Mountain lions are classified as a furbearer in North Dakota. Since there is no open season, it is illegal to kill a lion in the state, unless for self-protection, or if the animal is depredating livestock.

- Deer and elk are most common prey. Hunt by ambush and stalking, but can outrun a deer for only short distances. Mountain lions are good climbers and jumpers; can leap up to 20 feet.

- Cover unconsumed portions of their kills with dirt and leaves.

- Prefer dense cover or rocky, rugged terrain.

- Home ranges, depending on terrain and availability of food, is about 50-75 square miles for females and 90-120 square miles for males.

- Females can breed at 18 months, but generally do not until they establish a territory. Females give birth at 2-3 year intervals, with litter sizes from 1-5 kittens.

- Kittens are born blind and weigh about a pound. Young leave mom at 12 to 18 months.

ever before, some venturing into remote parts of the state. "More and more people are hiking and biking the Maah Daah Hey Trail in the badlands, too. With more people out and about in the badlands, the more opportunities there are for sightings."

Rumors of lions on the landscape also have a way of escalating reports. "Once a rumor starts, it's easy to start seeing things," Hildebrand said. "Dogs running in the shadows, tracks in the mud that you're convinced were left by a lion. It takes a pretty skilled person to determine if it's an actual cougar print."

To get a fix on how extraordinary it is to see a mountain lion in the wild, understand that Fecske, who spent five years studying cats in the Black Hills, can count on one hand her chance encounters. "In all that time, I had only two sightings," she said. "One sighting was when I was looking for tracks and saw a female with three kittens. Another was when I was doing some work with pine martens and saw a cat in some spruce stands. It's a rare and special thing to see a cat in the wild."

Mountain lions are brighter on the Game and Fish Department's radar screen today than, say, 10 years ago, Hildebrand said,

because of public concern and increased sightings. "We sat down with USDA-Wildlife Services and came up with a response plan," he said. "One of the factors we have to consider is how the citizens and landowners in western North Dakota, where the mountain lion population has a better chance to be more predominant, feel about having these animals on the landscape."

The law says we're going to protect mountain lions in North Dakota. After a female lion was shot in a barn in the badlands in 1991, a law was written to classify these animals as furbearers. Mountain lions cannot be caught or killed unless they are an immediate threat to livestock.

Since the mid-1960s, regulations on harvesting mountain lions by all Western states and Canadian provinces, Texas not included, have fostered a rebound from historical low levels. The cougar population in Montana, for example, has grown and expanded into the eastern portion of the state where a season was opened in 1989. Initially, hunters could take five lions in this eastern region bordering North Dakota, but that number has now grown to a quota of 20 animals.

Confirmed reports from states like Iowa, Minnesota and farther east continue to pop up. High deer populations in these states, like North Dakota is experiencing, might explain this unusual presence of mountain lions, some speculate. Then again, fat deer numbers may just be the easy answer. "Scientists don't have a good answer for the eastward movement of mountain lions into habitat that is seemingly not well suited for these elusive animals," Ermer said. "It's a question biologists here and elsewhere are trying to answer."

The other question state wildlife managers must answer is what to do with mountain lions now that we have them – at least, possibly, in countable numbers – after such a long hiatus? "There are differing views: some people say to leave them alone, some say let's have a season, and some want them killed," Ermer said. "How we view mountain lions is one of the dilemmas the Department is facing now."

RON WILSON is editor of *North Dakota OUTDOORS*.

Tracks

In an unhurried walk, mountain lions place their hind paw in the imprint made by their front paw. They have four teardrop-shaped toes with three distinct lobes at the base of the pad. Claw marks typically are not visible since their claws are retractable.

Mountain lion tracks are big, roughly 3 to 3.5 inches across. Compare that to a coyote track that is about 2 inches across.

Mountain lions are solitary animals. Adult males almost always travel alone. If tracks indicate two or more lions traveling together, it's probably a female with kittens.



1/13/05 Dean Heldebrand
Add'l info re
HB 1102 of 1/7/05

Mountain Lions in North Dakota

A Report to the Director



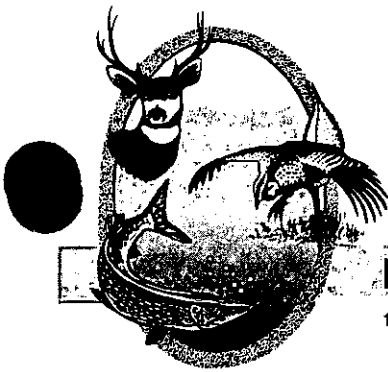
Submitted by Michael McKenna, Jacquie Ermer, Sandra Hagen,
Steve Dyke, Randy Kreil, Greg Link, and Michael Johnson

April 2004

*Copy available through ND State Library
w/ Game & Fish*

HB 1102

The department shall, in accordance with its mountain lion action plan, conduct a study to learn more about habitat availability and the ecology of mountain lions in North Dakota.



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

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

NORTH DAKOTA GAME AND FISH DEPARTMENT TESTIMONY HB 1102 SENATE NATURAL RESOURCES COMMITTEE February 24, 2005

This bill was submitted at the request of the Game and Fish Department. This is a very straightforward request. The Department would like to have individuals who take either mountain lions or black bears under exception of law during closed season, notify the Department and turn over those animals to the Department for biological reasons.

Currently the number of sighting of these animals in on the increase and public interest is high. More important than just the total number of animals taken is their sex, age, genetic markers and past reproductive performance, all of which can be determined by the carcass. With this information, extrapolations can be made as to weather these animals appear to be established or transient, population composition and trends, and even the geographic origin of animals.

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Current law prohibits the sale of animals taken during closed season under the depredation exemption.

Please consider a **DO PASS** recommendation for HB 1102

Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE
ON

HB 1102
February 24, 2005

Mr. Chairman and Members of the Committee:



The CCW Club lends its support to this bill. Reporting activity of killing or catching of such fur bearing animals as bears or mountain lions is needed. Biologists can gain valuable information if they can get the animal soon enough after the capture or kill.

Section 2 will give a report of the mountain lion's activity, which many people think is on the increase and needs closer observation.





MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes • Ft. Berthold Reservation
404 Frontage Road • New Town, ND 58763-9402

**59th LEGISLATIVE ASSEMBLY
NATURAL RESOURCES COMMITTEE
HONORABLE LYSON, CHAIRMAN & COMMITTEE MEMBERS**

**TESTIMONY OF TEX G. HALL, CHAIRMAN
MANDAN, HIDATSA & ARIKARA NATION
ON HOUSE BILL 1102**

Chairman Lyson and Committee Members my name is Tex Hall and I am the Chairman of the Mandan, Hidatsa & Arikara Nation. Thank you for allowing me to testify before you today.

House Bill 1102 would amend and reenact Section 20.1-07-04 of the North Dakota Century Code to allow a landowner or tenant to catch or kill a wild fur-bearing animal such as a black bear or mountain lion that commits a depredation upon that person's poultry, domestic animals or crops provided that the person first obtains the permission of the director of the State's Game & Fish Department. This Bill also requires the State's Game & Fish Department to study, in cooperation with tribal authorities, to assess the status of mountain lions in North Dakota and to report its findings prior to July 1, 2006.

I am testifying to confirm that there are mountain lions in North Dakota and specifically on the Fort Berthold Reservation. I personally saw a mountain lion, and it was a big one, on the Fort Berthold Reservation while driving home on the afternoon on February 4th of this year. Mountain lions have taken calves and attacked horses on our Reservation. Obviously, lions and black bears do not recognize boundaries and will travel throughout the State and our Reservation. Thus, the Three Affiliated Tribes supports the extermination of these animals whenever they prey on domesticated animals. The Three Affiliated Tribes intends on considering passing a similar law for our reservation.

The Three Affiliated Tribes also supports the inclusion of the North Dakota Tribes with respect to the study of mountain lions. I assure you that the State Game & Fish Department will have the full cooperation of the Three Affiliated Tribes in conducting its study.

Because of these concerns, I would respectfully urge this committee to recommend a DO PASS on SB 1102 in its present form.