

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1367

2005 HOUSE NATURAL RESOURCES

HB 1367

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1367

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 4, 2005

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|----------|
| 1 | x | | 3965-End |
| 1 | | x | 0-2960 |
| Committee Clerk Signature <i>Karen Bonnet</i> | | | |

Minutes:

Chr. Nelson: We will open the hearing on HB 1367. Rep. Nottestad absent. Clerk read the bill.

Rep. Hunsakor: (Written testimony attached)

Chr. Nelson: Are there questions of Rep. Hunsakor?

Rep. Hanson: Can you tell me the difference between a food plot and baiting?

Rep. Hunsakor: No.

Hanson: This is basically for big game, but if I put corn out and say I'm feeding the pheasants it would be legal.

Hunsakor: The issue then would be you wouldn't use that corn to hunt or bait or shoot deer if they came to the corn.

Hanson: Also, it says, up to 1,000 feet. If I put the bait out at 1,001 feet, it would be legal.

Hunsakor: According to my understanding of this, the bait needs to be put out at least 1,000 feet.

So, yes, it should be legal.

Rep. Porter: Regarding laws from other states, did you take into consideration normal farming practices and how that would be handled?

Hunskor: I did not. This issue was put on the table because of a concern of a constituent. I realized that a whole scenario of questions would come up. That's the purpose, to have a good discussion of it.

Rep. Norland: Where we bow hunt mulies, they have hay bales fenced in on the property line between one rancher and another. There's more deer and turkeys in those hay bales than in any pile of corn. Would that rancher have to move that hay pile because it's baiting? I could sit in that hay pile and shoot a deer right there. I think there could be problems between one rancher and another. I don't know how you get away from salt blocks that a rancher sits out. He'd have to make sure not to sit that salt block within 1,000 feet of the next farmer or rancher because that's baiting. The same with my garden within 1,000 feet of my neighbor. My son shoots pheasants with a bow from a stand. If he puts corn down and a deer comes in, now he's illegal because he's baited a deer, even if he doesn't shoot it. I see problems with the bill.

Hunskor: I understand all that. The 1,000 feet was put in to take care of the constituent's concern, knowing that it would raise questions and problems. But the issue is on the table and we'll have to work through that. Maybe that 1,000 feet is not enough. We need to visit about this and come up with the best possible solution. Maybe it is no baiting whatsoever.

Porter: On line 6-7, placing any substance within 1,000 feet. Does that include some of the scent lures or other things a hunter may wear in the process of hunting to cover their scent or attract an animal to them. Would that preclude them from using those substances?

Hunskor: I've had many e-mails that have asked that question. Off the top of my head, I would say it would not include that, but I never got into that arena.

Rep. Johnson: Maybe the bill could be amended so if one is going to be baiting, if it is within 1,000 feet of a pasture rather than just property.

Hunskor: I'm open to all avenues through testimony and discussion that seems to be the best way to go.

Chr. Nelson: Further questions? Is there further testimony in favor of HB 1367? **(Change to tape 1B)**

Mike McEnroe, ND Wildlife Society: **(Written testimony attached.)** Supports, offers an amendment.

Chr. Nelson: Any questions of Mr. McEnroe?

Rep. Porter: How is a food plot handled in your amendment?

McEnroe: It's planted, not placed for baiting purposes to attract wildlife.

Porter: I place all my food plots to attract game.

McEnroe: The amendment would define bait as food placed for the purpose of attracting big game or other wildlife. Secondly, it may attract.

Porter: I place all my food plots to attract game.

McEnroe: A food plot doesn't key that animal into a specific location, ie. under your tree stand. It's a 1,5,10 acre food plot. That animal may be able to approach it from a number of ways and still be out of rifle or bow range.

Porter: If five acres is 1,000 feet, that's 300 yards, I would think that is well within gun range.

The other thing. One of the main projects of the local Pheasants Forever chapter in Burleigh and

Morton Counties is to place oat bales on their land, in tree rows or other places to help winter the birds. It happens well within season. That's going to be placed and will attract both big game and wildlife. How would that be handled.

McEnroe: The way this amendment would read, is that is legal to do but one cannot hunt big game over those oat piles.

Chr. Nelson: Mike, are you aware of any commercial baits or feeds that are used in attracting big game?

McEnroe: Yes, if you look in any of the outdoor sporting goods catalogs, you can find all kinds of attractants, deer cocaine, deer candy, molasses supplements. Many substances serve as food to attract big game animals.

Chr. Nelson: Do any of them contain animal byproducts?

McEnroe: I do not know that.

Chr. Nelson: It would be interesting to know. Are there further questions of Mr. McEnroe?
Seeing none, thank you. Is there continuing support of HB 1367?

Curtis Blohm, ND Outdoor Heritage Coalition: Supports part. (Written testimony attached)

Chr. Nelson: Any questions of Mr. Blohm? Seeing none, thank you. Is there further support for HB 1367?

Roger Rostvet, ND Game & Fish: The Game & Fish Department is in favor of the concept of some restrictions on baiting. I passed around a map of the U.S., showing which states have either some restrictions or no restrictions on baiting. That is not to indicate that because some other state does something we should be doing it, but it does exhibit the concern around the nation of

using unnatural methods to further concentrate big game. This was brought to light with cases in Michigan with bovine tuberculosis outbreaks, where you have baiting going on at the same time and nose to nose contact with animals. More recently, with CWD, where there is some horizontal transmission occurrences. From the standpoint of those concerns, the department would be in favor of any kind of restriction that further reduces the amount of contact through artificial means between big game animals.

Rep. Porter: Can you expound a bit on the question regarding food plots and how you would use this definition and how you would exempt food plots or a better definition. The way it reads right now, you would not be able to hunt food plots any longer, as well as oat bales placed in trees prior to the end of gun season. The Pheasants Forever program is going to go away, and have a negative effect on pheasant survival rate in some of the harsher hit areas.

Rostvet: On a nationwide basis, there is a consensus that food plots are not that detrimental in concentrating animals nose to nose. I don't know of any state that does not allow the use of food plots. It does attract animals but it doesn't concentrate them nose to nose. It does not elevate the amount of disease transmission. Most states encourage open food plots. The second question about the food bales. Most regulations that I have looked at do not make it illegal to place the bait out, they make it illegal to hunt over it.

Porter: On the last line of the proposed amendment, what would happen if we overstrike the word attracting and replaced it with the word concentrating?

Rostvet: Anything to clarify that would help.

Rep. Norland: We film deer while they are eating. If you have a pile of grain or apples, deer won't let another deer eat with them. They'll run them off.

Rostvet: There is a dominance in different herd structures. However, when one leaves and another comes, bacteria, things like that from the saliva, are still virulent.

Rep. DeKrey: Is the reason we have baiting in ND because we've never taken any action to restrict it?

Rostvet: Baiting is a relatively new thing in ND. Prior to the 1980's (about) it was seldom done. Just in the last 10 years, it has increased. There are more people who still hunt.

DeKrey: It seems like fair chase goes out the window if you allow baiting.

Rostvet: That is the central issue. This bill has some solid scientific rationale behind it under the point of concentration of animals and disease. It also teaches them to seek other food sources like that.

Chr. Nelson: Seeing no further questions, thank you for your testimony. Is there further testimony in support of HB 1367? Seeing none, is there opposition to HB 1367?

David Munsch, landowner: I planted Siberian crab trees in my yard just to attract the deer. How far will you carry this bill?

Chr. Nelson: Are there questions of Mr. Munsch? Seeing none, thank you. Is there further opposition to HB 1367?

Dennis Daniel: I don't think it's ethical to sit and shoot a big game over a pile of food bait that is purposely put there. My problem with this bill is how do you define, "purposely put there"? In the course of accessing the field, my brother-in-law tramping down some of the grain with his tractor. He always left it for the wildlife, he had the idea of giving something back to the wildlife. The little half-moon swath left by a combine, will that be considered baiting? It's not defined.

Chr. Nelson: As I would interpret Mr. Rostvet's definition, that would not be considered baiting. Are there questions for Mr. Daniel? Thank you for your testimony. Is there further opposition to HB 1367?

Daniel: That is the concern I have. For someone outfitting, could purposely ask the farmer to leave it there. Couldn't that open up the question of whether or not it's baiting?

Chr. Nelson: That's a good point, we'll try and define that. Is there further testimony in opposition to HB 1367?

Leland Goodman, Diamond Bar Diamond Outfitters: On behalf of bow hunting, you have a bill against baiting at certain distances. I come from about 25 miles from the Canadian border. On the way here, there was grassland, crop land, sloughs, lakes. You're all familiar with it. You wonder why baiting started. Since 1980, bow hunting has become one of the fastest growing outdoor sports there is. Without much success ratio, they turn to baiting to bring their game into closer proximity so they have the opportunity for a clean kill versus shooting at a distance and crippling the wildlife. Bowhunters are more proficient with their hunting skills than most people. Kids from town are taking up bow hunting. They drop off a gallon of corn and are harvesting more and more deer. These are the hunters of the future. These are the people who make the effort to hunt the way hunting was intended to be. One of the problems on putting restrictions on where you can place bait is simply making hunters have larger tracts of land to hunt on in order to attract deer. I run a small guide service to sustain agriculture, and I bait. I don't do it to draw deer off (other) land. The problem is with people dumping a truckload of corn on my fence line. We hunt areas where there is cattle on the other side, we do not bait close enough that it affects other livestock. We're careful what we do. There is concern about baiting

and CWD. We have none in ND at this time. When it starts showing up, then I think it (baiting) should be shut off completely. Under the current way you're putting this together, people with large tracts of land, or with money to lease large tracts, will still continue to bait. They will continue to have an unfair advantage over local hunters, or people who live in the area, or children. People post their land, lease it out, it's closed. You see it getting bigger all the time. Leasing is showing up in my area and basically closing it down to local hunting. This baiting law really needs to be tweaked down to what is fair to the people that bow hunt in this state.

Chr. Nelson: Are there questions for Mr. Goodman? Seeing none, thank you for your testimony. Further testimony in opposition to HB 1367?

Mindy Goodman, Diamond Bar Diamond Outfitters, Willow City: (Written testimony attached)

Chr. Nelson: Are there questions of Ms. Goodman? Seeing none, thank you for your testimony. Is there further testimony opposing HB 1367?

Mike Donahue, United Sportsmen of ND and the ND Wildlife Federation: Neutral on this bill. (Written testimony attached)

Chr. Nelson: Are there questions of Mr. Donahue?

Donahue: I didn't know anything about baiting until this bill came up. I took this information from Cabella's. (Written, attached) It's interesting how much is out there. I feed ducks, Canada geese, deer when they come along. When the covers come off the garbage can, the wildlife get use to that noise and come out.

Chr. Nelson: Is there further testimony, either opposing or neutral?

Harold Neameyer, Cass County Wildlife Club: (Written testimony attached)

Chr. Nelson: Are there questions of Mr. Neameyer?

Rep. Norland: The last bill that you testified on was on party hunting. Some of the testimony was about the aging population of ND and people having a hard time getting around and maybe needing someone to get their deer for them. Maybe this would be the way to do it, bait.

Neameyer: I don't know the two bills; I'm trying to stick to this bill. I don't know that that is an issue of this bill.

Chr. Nelson: Further questions? Seeing none, thank you for your testimony. Is there further testimony on HB 1367?

Bill Helphrey, ND Bow Hunters Association: As an association, we are neutral on this bill. The baiting issue is a very large issue. There are bow hunters on both sides of the issue. As an organization we are neutral.

Chr. Nelson: Any questions?

Rep. Porter: If you shoot a deer with a bow over bait, can you put in for Pope and Young or Boone & Crockett or any other trophy situations?

Helphrey: Yes, you can.

Porter: Under their rules, over bait is still considered fair chase?

Helphrey: Boone & Crockett, which is a separate category to Pope and Young,(can't understand tape). There's no real limitations on how you acquire the animal. Pope & Young, I would have to check to see if they call that fair chase or not.

Porter: Could you check that out for us?

Helphrey: I'd be happy to.

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Chr. Nelson: Further questions? Seeing none, thank you for your testimony. Is there any further testimony, neutral, on HB 1367?

I have had testimony e-mailed to me from **Sheldon Carlson, Grand Forks**, and will submit that to the public record. (**Written testimony attached**)

Seeing no further questions, I will close the hearing on HB 1367.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1367

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 10, 2005

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 3 | x | | 0-850 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Karen Bonnet</i> | | | |

Minutes:

Chr. Nelson: We will call the House Natural Resources to order. We will take up HB 1367, the baiting bill that we heard. Does anyone have amendments?

Rep. Hanson: I do, there's too many holes in the bill; it wouldn't prohibit baiting beyond the first 1,000 feet. **I move the amendment as follows: (Written amendment attached)**

Chr. Nelson: That was a clarification that was asked for at the hearing. There were questions on that issue. Rep. Hanson moves the proposed amendment, is there a second?

Rep. DeKrey: **Second**

Chr. Nelson: Any discussion on the proposed amendment? Hearing none, I will call for a voice vote. All those in favor signify by saying aye; **opposed-0; Motion Carried.** What's the committee's wishes?

Rep. Norland: So this is still 1,000 meters, or 1,000 feet rather?

Chr. Nelson: 1,000 feet.

Norland: I thought we were just going to make baiting illegal. I move for a Do Not Pass as Amended on this bill.

Rep. Charging: Second

Chr. Nelson: Moved by Norland, second by Charging. Committee discussion.

Rep. Hunskor: This bill surfaced, one individual had some material, screenings placed for wildlife without the intent to hunt..., someone's cows got out and got to his feed.... He wanted to lay this issue in the open and clarify it. I'd like to see this man relieved of the problem.

Rep. DeKrey: I thought after we heard testimony that we were just going to make baiting illegal, period. If you want to wait a day, I'll have an amendment drawn up to do that.

Chr. Nelson: We have a motion on the floor.

Rep. Norland: The reason I won't support the baiting bill is for a number of reasons. It starts with what Rep. Hanson said about the 1,000 feet. Another thing that I have a problem with is, no reflection on Rep. Hunskor whatsoever, but when one person has a problem and we have to come up with a bill in the capital to solve that person's problem, not knowing if it's a problem all over the state, I don't like that. The other thing is, someone said these people's cows probably got out and wanted to get to the feed. That happens a lot. The other thing that I really have a problem with is that bowhunting has become huge. My sons are bowhunters, but bait just to film. There are so many young people that are hunting. One of the people who testified, alluded to that. (examples on tape) I've hunted mule deer a lot, and you're not going to bait a mule deer. They're here today and gone tomorrow. I haven't seen a problem. They mentioned deer eating from the same pile. That's probably true, but if you took all the deer hunters that are baiting with little piles; and look at the piles you see at the elevators all over, where the deer come in and paw

the grain; if farmers have a good year, they pile grain and corn in the backyards and the deer go in there. Obviously, they probably swap spit at that point, too. I don't think it's just the baiters that are dropping things that could cause a problem with some disease. There's grain laying all over because that's the way it is in the fall at times. I'm not going to support the bill, with any amendment.

Rep. Nottestad: In response to Rep. DeKrey comment, whether we go baiting or not, I would be against amending at this point for one reason. This is a major change in the state of North Dakota. We would be doing this without hearings and for that reason I would oppose.

Chr. Nelson: Further discussion?

Rep. Hanson: We've had two or three bills for one or two people and I don't see putting it in the ND Century Code just for one or two people.

Rep. Hunsakor: If there is only one or two people, I don't have a problem with that. But this is a statewide thing. Passage affects everybody. My only question would be for the committee, it does not sound like you would be in favor of saying "No baiting."

Rep. Nottestad: Not without hearings.

Hunsakor: It could be amended without that, but we haven't had hearings.

Nottestad: That's my point.

Chr. Nelson: I suppose one argument to that would be that if we passed the bill, there would be a hearing in the Senate, but I don't know if that is good public policy.

Nottestad: There still wouldn't be a hearing on the amendment. There would be a hearing on the bill. The bill would change.

Chr. Nelson: There would be a hearing on the amended bill in the Senate.

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House Natural Resources Committee

Bill/Resolution Number HB 1367

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Rep. Drovdal: Question.

Chr. Nelson: Question has been called on a Do Not Pass as Amended motion. I will ask the clerk to call the roll.

Do Not Pass as Amended.

Vote: 10-Yeas; 2-Nays; 2-Absent; CARRIER: Charging

VK
2/10/05

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1367

Page 1, line 8, after the period insert "For purposes of this section, baiting does not include the placing of food bales or the planting of food plots for wildlife."

Renumber accordingly

2/10 Bill
changed to LC

Date: 2/10/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1367 - Baiting to attract big game

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number : 50560.0201 9th : .0300

Action Taken : Do Not Pass (as Amended)

Motion Made By : Norland Seconded By : Charging

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------------|-----|----|---------------------|-----|----|
| Chairman - Rep. Jon O. Nelson | ✓ | | Rep. Lyle Hanson | ✓ | |
| Vice Chairman - Todd Porter | Abs | | 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 | Abs | | | | |
| Rep. Mike Norland | ✓ | | | | |
| Rep. Darrell D. Nottestad | ✓ | | | | |
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Total (Yes) 10 No 2

Absent 2

Floor Assignment Charging

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

REPORT OF STANDING COMMITTEE

HB 1367: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 8, after the period insert "For purposes of this section, baiting does not include the placing of food bales or the planting of food plots for wildlife."

Renumber accordingly

2005 TESTIMONY

HB 1367

GOOD MORNING CHAIRMAN NELSON AND MEMBERS OF THE HOUSE
NATURAL RESOURCES COMMITTEE.

FOR THE RECORD, MY NAME IS REP. BOB HUNSKOR. I SERVE DISTRICT 6,
WHICH INCLUDES BOTTINEAU, RENVILLE, AND PART OF WARD COUNTY.

HB 1367 IS BEFORE THIS COMMITTEE IN RESPONSE TO COMPLAINTS FROM
FARMERS AND RANCHERS WHOSE CATTLE WERE PASTURED WITHIN 10-30
FEET OF A SUBSTANCE (PEAS, CORN, WHEAT, PUMPKIN, APPLES) THAT
WAS PLACED FOR THE PURPOSE OF BAITING DEER.

THE PLACING OF BAIT CAUSED A PROBLEM FOR CATTLE THAT WERE
PASTURED. IN SOME CASES, CATTLE BROKE THROUGH THE FENCE TO GET
TO THE BAIT. AS A RESULT, THE FARMER/RANCHER FOUND IT NECESSARY
TO CHECK THE AREA AT LEAST TWICE DAILY. IN ONE INSTANCE, THE
CATTLE ATE TOO MUCH BAIT, RESULTING IN BLOATING PROBLEMS.
NORTH DAKOTA HAS NO REGULATIONS REGARDING PLACEMENT OF A
SUBSTANCE FOR THE PURPOSE OF BAITING BIG GAME ANIMALS.

I TRUST THE ABOVE WILL OPEN THE DOOR FOR DISCUSSION AND
COMMITTEE ACTION TO SEARCH OUT THE BEST POSSIBLE REGULATIONS
REGARDING THIS ISSUE.

MEMBERS OF THE COMMITTEE, PLEASE NOTE THE ATTACHED
REGULATIONS PERTAINING TO BAITING OF BIG GAME ANIMALS IN
MINNESOTA, SOUTH DAKOTA, MONTANA, AND WYOMING.

THANK YOU MR. CHAIRMAN AND COMMITTEE MEMBERS. I WILL ANSWER
ANY QUESTIONS YOU MAY HAVE AS BEST I CAN.

GENERAL RESTRICTIONS REGARDING BAITING IN WYOMING, MONTANA,
MINNESOTA, AND SOUTH DAKOTA

WYOMING

**23-3-304. Certain trapping devices unlawful; game for bait prohibited;
baiting big game animals prohibited; penalties.**

(a) No person shall take or wound any game animal, game bird, or game fish by use of any pit, pitfall, net, trap, deadfall, poison, or other similar device except as otherwise provided. From and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, gray wolves may be taken with a trap or snare only as allowed by and in accordance with rules and regulations of the commission.

(b) No person shall take a game animal, game bird, or game fish, and use any parts thereof, for bait to trap or poison any wildlife of Wyoming.

(c) Violation of subsections (a) and (b) of this section constitutes a 3rd degree misdemeanor.

(d) No person shall place any bait for the purpose of taking a big game animal nor shall any person knowingly take a big game animal by the use of any bait that has been deposited, placed, distributed or scattered in a manner to constitute a lure, attraction or enticement to, on or over the area where any hunter is taking big game animals. Nothing in this subsection shall:

(i) Apply to normal or accepted agricultural management practices;

(ii) Prohibit taking big game animals over stored and standing crops, salt, mineral or other feed scattered solely as a result of normal and accepted agricultural practices;

(iii) Apply to the placement, distribution, depositing or scattering of bait, as approved by the game and fish commission, for the taking of big game animals by any legally blind person or person confined to a wheelchair.

(e) As used in subsection (d) of this section, "bait" means the direct or indirect placing, exposing, depositing, distributing or scattering of salt, hay, grain, fruit, nuts or chemical, mineral or other feed as an attraction or enticement for big game animals, regardless of the kind and quantity. A chemical used as an attractant or mask rather than for consumption shall not be considered "bait".

(f) A violation of subsection (d) of the section constitutes a 5th degree misdemeanor.

MONTANA

87-3-101. General restrictions.

Except as provided in 87-2-803(4), it is unlawful for anyone to hunt or attempt to hunt any game animal or game bird:

- (1) from any self-propelled or drawn vehicle;
- (2) on, from, or across any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in 61-1-202, in the state of Montana; or
- (3) by the aid or with the use of any set gun, jacklight, spotlight or other artificial light, trap, snare (except as allowed in 87-3-127 and 87-3-128), salt lick, or bait.

MINNESOTA

6232.0300 General Restrictions for Taking A Deer

Subsection 4 BAITING

A person may not place or use bait for the purpose of taking deer. This restriction does not apply to food resulting from normal or accepted farming, forest, management, wildlife management, orchard management, or other similar land management activities.

SOUTH DAKOTA

41-88-16 Use of Salt to Attract Big Game Prohibited

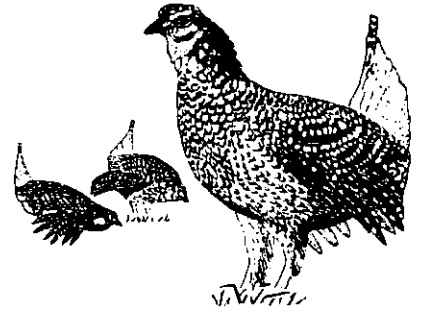
41-8-16. Use of salt to attract big game prohibited. No person may place any salt or salt lick or construct, occupy, or use any screen, blind, or scaffold, or other device at or near any salt or salt lick for the purpose of enticing or baiting big game animals to the same for the purpose of hunting, watching for, or killing of big game. A violation of this section is a Class 2 misdemeanor.



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON HB 1367, FEBRUARY 4, 2005**

CHAIRMAN NELSON AND MEMBERS OF THE COMMITTEE:

I am Mike McEnroe speaking on behalf of the North Dakota Chapter of The Wildlife Society. The North Dakota Chapter supports the intent of HB 1367, but offers an amendment which would prohibit the hunting or taking big game animals by the use of bait or over bait, and would have the North Dakota Game and Fish Department promulgate rules to define and regulate baiting.

The use of baiting to hunt big game is increasing in the State and has the potential to create serious management problems by increasing the threat of disease or of spreading disease (CWD or bovine tuberculosis) in big game animals, limiting the ability to achieve an adequate harvest in local areas, and increasing conflicts between landowners and between hunters. Twenty-four states currently prohibit baiting for deer hunting.

Baiting for hunting purposes usually stops in late November or early January when the firearm, or archery deer season ends. Deer habituated to feeding at a point source are all of a sudden stranded without a food supply, over-browse the area and are subject to stress and starvation, or they move to a neighboring landowner's forage supply. Baiting often involves the use of "screenings" and thus may transport weed seeds or undesirable plant seeds to new areas.

For these reasons, the Chapter supports the intent of HB 1367, but recommends the attached amendment to prohibit all baiting for big game hunting purposes, for the Committee's consideration.

By: McEnroe
Pg 2 of 2
Re: HB 1367

Addition to Chapter 20.1.-05- Big Game Animals, Regulations

20.1-05-09. Baiting of big game for hunting is illegal. It is unlawful to use bait for the purpose of hunting or taking big game. Bait is defined as any food placed for the purpose of attracting big game or other wildlife.

By: Roger Rostvet
NDG+F

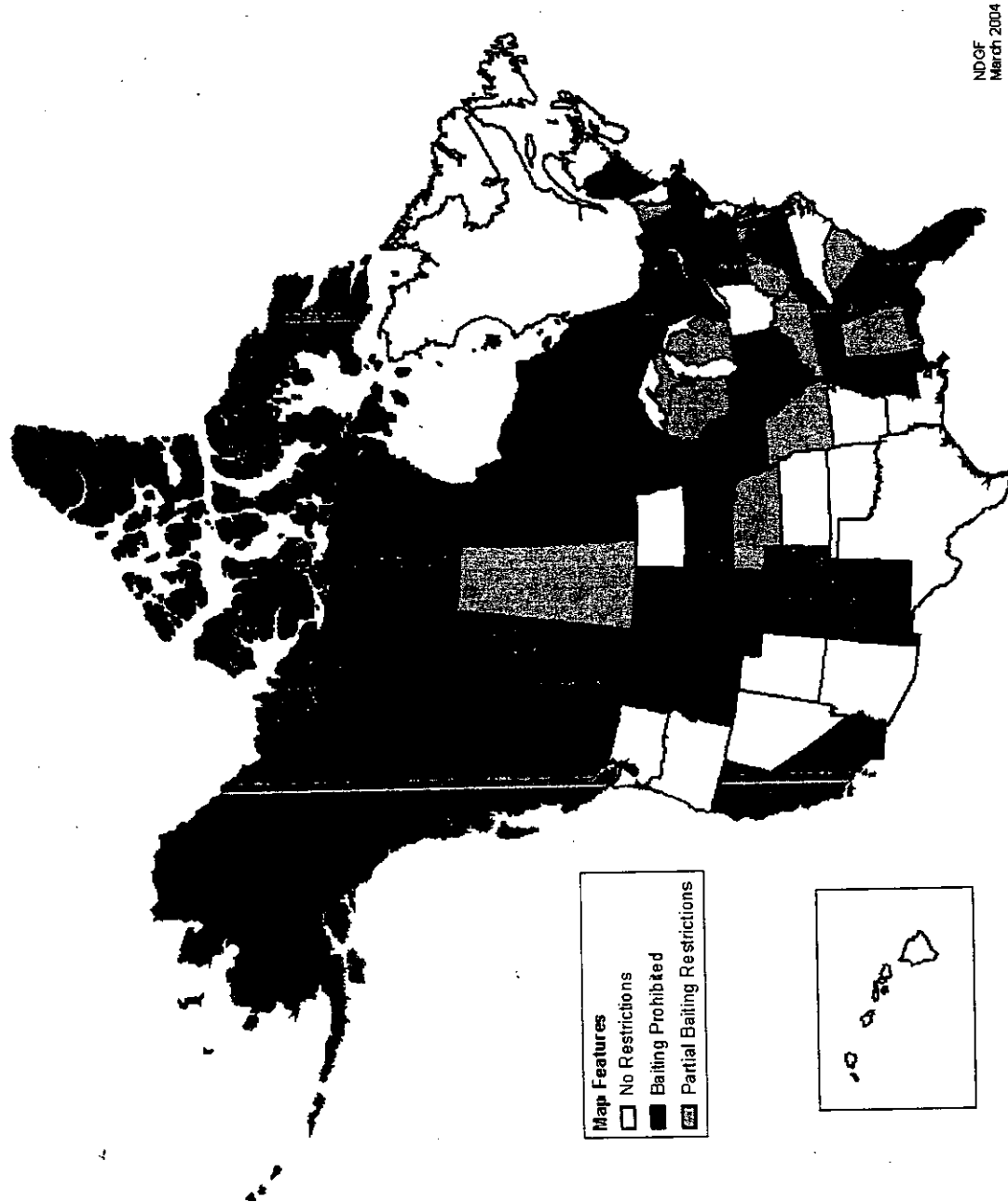


Figure 1. Map summarizing the distribution of baiting regulations in the United States and Canada.

North Dakota
Outdoor Heritage
Coalition

Curt Blohm
(701) 258-7056

House Bill No. 1367

Reference: Prohibits baiting for big game within 1000 feet of an adjacent landowner

House Natural Resources Committee

Hearing Date: February 4, 2005

Good Morning, Mr. Chairman and Committee members. My name is Curtis Blohm. I appear before you today representing the North Dakota Outdoor Heritage Coalition. This coalition was founded out of the need for representation before the legislative committee by North Dakota citizens concerned for the preservation of our unique outdoor recreational heritage.

The ND Outdoor Heritage Coalition supports the suggested amendment. However, we would like to see an amendment to the current law that would ban baiting for all big game animals. We believe that baiting increases the risk of disease outbreaks, increases depredation to surrounding farmers/landowners and it increases the risk of animal-vehicular accidents in those areas of animal concentration.

Thank You.

Introduced by:

Read by: Mindy Goodman

February 4, 2005

HB 1367

Natural Resource Committee

Submitted by: Leland Goodman
Diamond Bar Diamond Outfitters
Willow City

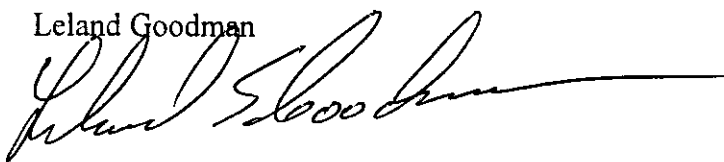
I oppose HB 1367 on baiting big game on the basis that it will take the right to bait from many and leave a few who have large tracks of land and paid leases the upper hand to bait enough to draw the deer into their feeding areas so they do not have to travel out to feed. This will diminish the success rate of all bow hunters and especially our youth hunters who depend on tree rows in farming areas, tree areas in vacant farm yards and groves on the edge of fields and sloughs. It also would totally eliminate 40acre, 80 acre areas and mile quarters from being baited. This would affect a lot of hunters. This law would give a few very unfair advantages.

As an outfitter I don't like people baiting on my fence line but it is something I must work around because it is their right as long as baiting is allowed. This law would be very detrimental to my business as it would not allow me to bait in the groves. Not all areas in the center of a quarter are the best place to bring the deer into. Also it would push hunters into the bedding areas and not give the deer a safe zone. I also believe that property owners are the best judges of use of their land.

Each legislative session we hear about growing the North Dakota economy but laws like this one will take away from the sustainable agricultural business being developed by ranchers and farmers like I. You do not go to main street and tell merchants where they will place their products and advertising why would you consider telling land owners what they can so on their private land.

This law will not only affect Guides and Outfitters but the general bow hunting population. I would ask that you recommend a do not pass on HB 1367 to keep the playing field level for all hunters on private and public lands.

Leland Goodman



United Sportsmen of North Dakota

Post Office Box 272
Bismarck, ND 58502
www.unitedsportsmen-nd.org
E-mail: info@unitedsportsmen-nd.org



TESTIMONY REFERENCING

HB 1367

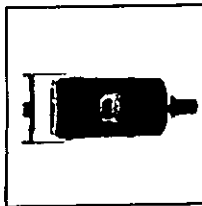
By Mike Donahue, Lobbyist #215

House Natural Resources Committee

February 4, 2005

The United Sportsmen of North Dakota and the N.D. Wildlife Federation are neutral on this bill. We believe something has to happen - but we ask you to consider the myriad aspects.

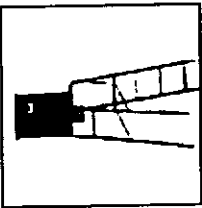
One example is to declare intent and give the responsibility to carry out the intent to the Game and Fish Department.



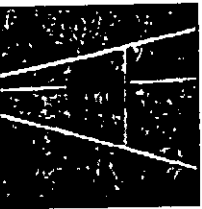
Cabela's Game Feeders
\$34.99~\$109.99



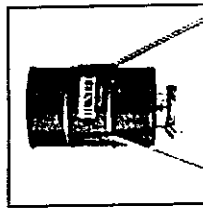
Cabela's E-Z Load Game Feeder
\$159.99



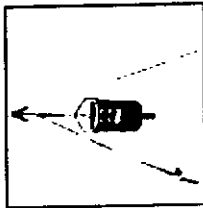
Cabela's E-Z Load Game Feeder
\$149.99



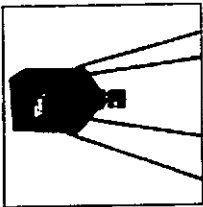
Cabela's Feeder Tripod
\$119.99



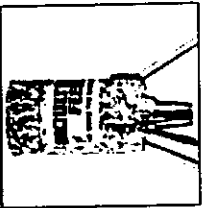
American Hunter Feeder
Select items on sale \$29.99~\$199.99



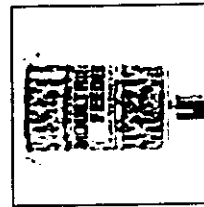
On Time Game Feeders
\$169.99~\$219.99



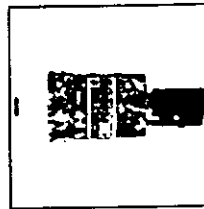
On-Time S-250 Hopper with Fatboy II Feeder
\$114.99~\$149.99



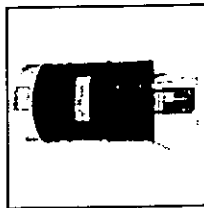
Moultrie Feeder
Select items on sale \$29.99~\$199.99



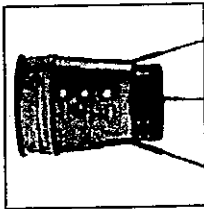
Moultrie 30- and 55-Gallon Feeders
\$119.99~\$289.99



Moultrie 6.5-Gallon Portable Directional Feeder
\$69.99

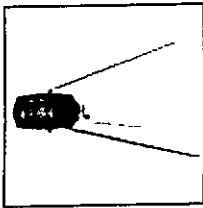



Monarch "The Works" Game Feeder
\$249.99~\$269.99

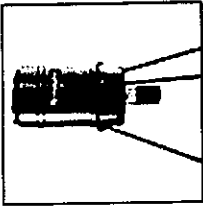


Kenco Tornado Feeder
\$179.99

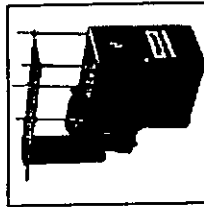
Pg 2 of 5
HB 1367
By: Mike Donahue -



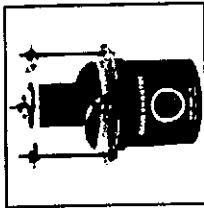
 Kenco Cyclone
Collapsible Feeder
\$199.99



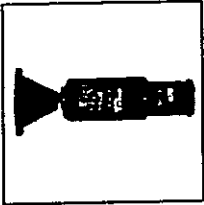
Remington Classic 225-lb.
Barrel with RE-D Digital
Feeder
\$99.99



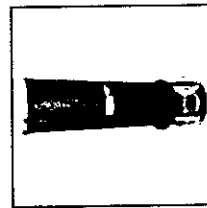
 Game Country
Directional Shooter Timers
\$69.99



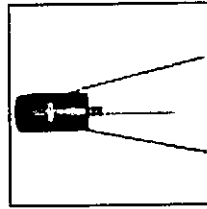
 Game Country Mini
Slinger Feeder
\$24.99



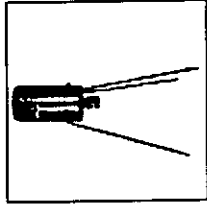
On Time Lifetime Elite
Feeder Timer
\$89.99~\$114.99



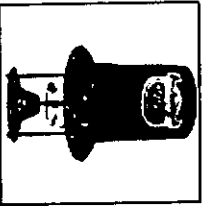
 On Time Gravity
Feeder
\$54.99



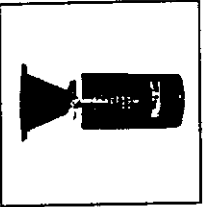
On Time Fatboy 200-lb.
Tripod Feeder
\$99.99



On Time Fatboy II Feeders
\$49.99~\$119.99




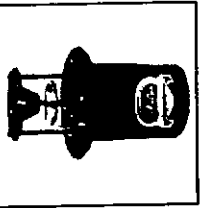
Cabela's Feeder
\$29.99




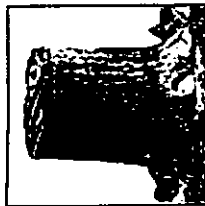
On Time Elite Solar
Feeders
\$149.99~\$229.99



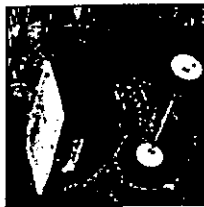
 Tecomate Hurricane
225-lb. Expandable Feeder
\$209.99



 Cabela's Feeder
Combo
\$39.99



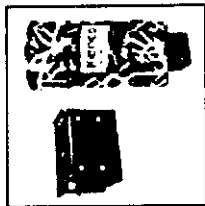
Stumpfeeder
\$64.99



Broadcast Spreader
\$249.99



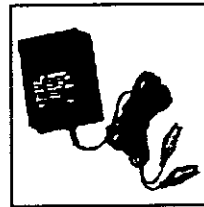
6-Volt Rechargeable
Battery and 6-Volt/12-Volt
Battery Charger
\$12.99~\$14.99



Kenco® Straight Shooter
\$32.99~\$79.99



Game Feeder
Accessories
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\$9.99~\$46.99



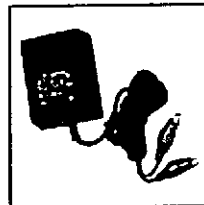
6 and 12-Volt Battery
Charger
\$12.99



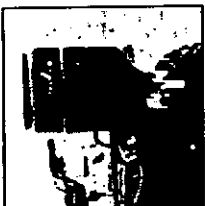
Cabela's ATV Spreader
\$199.99



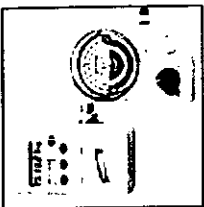
American Hunter
Game Feeder Remote
Control
\$46.99



6-Volt/12-Volt Battery
Charger
\$12.99



Bumper Buddy ATV
Spreader
\$159.99



American Hunter 6-
and 12-Volt Feeder Timer
Only Units
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Storefront > Hunting / Optics > Game Feeders > You are here: Monarch "The Works" Game Feeder
< Previous Item | Next Item >

Monarch "The Works" Game Feeder
Item: UE-223465
Price: \$249.99 - \$269.99

Qty: 1

MODEL

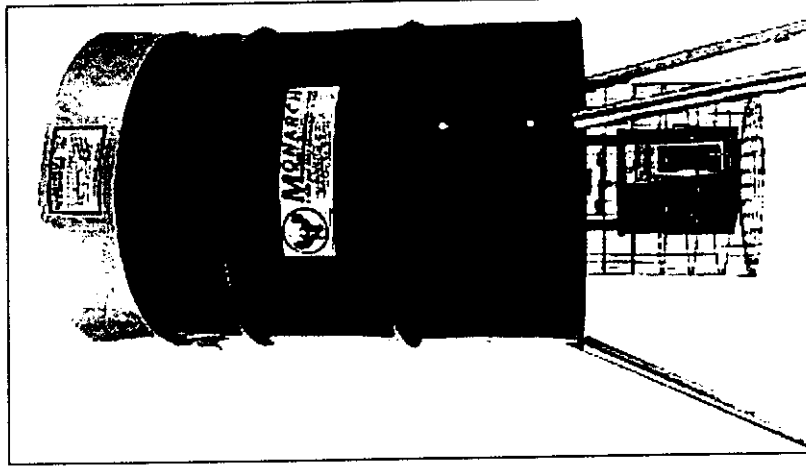
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Monarch "The Works" Game Feeder

This is a fail-safe feeder loaded with the extras you need to efficiently feed wildlife without worry of varmints and inclement weather, giving you accuracy and precision for a reasonable price. The 55-gallon recycled steel drum has a huge 330-pound feed capacity. Couple this with the new polycrystalline solar panel that powers the rechargeable battery and you have months of worry-free feeding. A built-in funnel keeps the feed flowing, while the drop-away varmint cage and galvanized steel drum lid keeps out pests. Monarch's dependable, field-tested and field-proven Quantum Digital controller feeds one to six times daily. Use as a 24-hour timer or as a one- to seven-day programmable timer. Available in 6-volt and 12-volt. Five-year guarantee.
Available: 6-volt, 12-volt.



**Cass County
WILDLIFE CLUB**

**Box 336
Casselton, ND 58012**

By: Harold Neameyer



**TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE**

ON

HB 1367

February 4, 2005

Mr. Chairman and Members of the Committee:

The CCW Club opposes HB 1367 basically because it is too vague. The bill needs to identify if baiting is also unlawful if public land is adjacent. Baiting needs to be defined. For example, does leaving a few rows of corn for wildlife constitute baiting? Does baiting create a dependency by big game that is detrimental to their survival after baiting ceases? If so, it needs to be eliminated.

If the bill is amended, the Club would like time to react.



By: Sheldon Carlson
sent in to Chr. Nelson
Added to public record &
distr. to committee

Nelson, Jon O.

From: SWELDERGUY@WIKTEL.COM
Sent: Thursday, February 03, 2005 9:00 PM
To: Nelson, Jon O.
Subject: HB 1367

Dear Mr. Nelson

I would like to voice my opposition to HB 1367. In many areas of our state, placing substances for the purpose of attracting big game animals is essential for hunter success. Not all private property has sufficient food sources to attract, maintain, or interest big game animals.

also many tracts of land used by outdoors persons are small tracts less than 1,000 ft. in dimension. Placing such a restriction on these persons could be likened to not allowing a duck/goose hunter to place decoys within 1,000 ft. of an adjacent land owner. Or not allowing a person to fish within 1,000 ft. of lake shore property. Please consider this bill carefully as it would effect a large number of outdoors persons activity on privately held property

Thank you for your attention to this matter.

Sheldon Carlson
Grand Forks, ND

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