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DESCRIPTION

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2005 HOUSE NATURAL RESOURCES

HB 1422

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1422

House Natural Resources Committee

☐ Conference Committee

Hearing Date January 28, 2005

Tape Number	Side A	Side B	Meter #
1		x	1005-End
2	x		0-End
2		x	0-End
Committee Clerk Signature <i>Loren Bonnet</i>			

Minutes:

Chr. Nelson: Opened Hearing on HB 1422. Roll showed Rep. Solberg absent. Bill title was read aloud. The rules for this hearing will be as follows: We'll take one hour of testimony from 10 to 11 for the supporting side, and one hour from 11-12 on the opposing side. We won't vote on the bill today, the bill has a fiscal note so we will have to act upon it by the Feb. 3 deadline, next Thursday.

Rep. Ron Iverson, Dist. 27, Fargo: (Written testimony attached) We wouldn't object to amending out Section 2.

Chr. Nelson: Are there questions of Rep. Iverson? Seeing none, is there further testimony in support of HB 1422?

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

Chr. Nelson: Are there questions of Mr. Blohm? Seeing none, thank you for your testimony.

Further support of HB 1422?

Dan Bueide, Fargo, ND Sportspersons: This is the third time that the waterfowlers sportsmen of ND have appeared at the Legislature, trying to find a solution to this waterfowl situation. We are growing increasingly frustrated. We hope this is the session that finds a fair and reasonable resolution to the issue. Conditions have not improved in the last two years. We would strongly ask everybody to give this a fair and reasonable consideration. You will hear a lot of numbers today so that you can evaluate whether we still need resolution to the waterfowl issue. **(6-page of written handouts attached)** Pressure causes two problems for the waterfowl industry: One, there are too many people in the field. Two, pressure drives the birds out early. The first chart is 2003 total waterfowlers in North Dakota, South Dakota, and three Canadian provinces. In 2003, across all three prairie provinces combined aggregate numbers were 26,930 Canadian hunters, 18,512 non-Canadian hunters for a total of 45,442 hunters. That same year in SD, there were 27,942 resident hunters, 4,717 non resident hunters. Total waterfowlers in South Dakota, having a land mass and habitat comparable to ND, were 32,659 hunters. ND carried 25% more hunters than *all* of prairie Canada, and 75% more hunters than South Dakota. Waterfowl leave under pressure, flying hundreds of miles. **(NOTE: Mr. Bueide goes on to describe the other 5 pages of charts, making comparisons. You may access his comments on Tape 1, Side B at about Meter 2258-3420 this date. He goes on to share a multiple zone concept)**

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

Rep. Drovdal: We're talking resident hunters against non resident hunters and access is what this bill is all about. I know that it costs more for a non resident to buy a license, they are also traveling further and are at a disadvantage to locate places to hunt because they don't live here.

Since their number is growing and resident hunters are going down, why do non resident hunters think that this is a quality hunt, where resident hunters feel that it is not?

Bueide: We had something special in ND and still do, relative to what other states have. We're not happy about the changes in hunting here, but it is still better and more accessible than it is in Michigan, Wisconsin, or Texas. Commercialization has taken over in a lot of those states. Many of those states have drained their wetlands. That's another reason we need this bill. There is no end to the number of non residents that will want to come hunt in ND, because on a relative basis, it will always be better than it is where 95% of those waterfowlers are coming from.

Rep. Nottestad: You talk about ND hunters going down because of the outsiders coming in. I challenge you to add this into your equation. ND's population is aging, and if you look at the statistics at students graduating from highschool in the last ten years, it has taken a drastic step down. I've been an avid waterfowl hunters. When I turned 65, laying on the ground didn't appeal to me any more. I think there may be a lot like me. Extrapolate those figures from your percentage going down and where would you be?

Bueide: Losing 10,000 waterfowl hunters in five years, there is probably more than one factor at play. But that 10,000 is one quarter (of the hunters). I don't believe that schools closing, and out migration accounts for a drop of 10,000.

Nottestad: School closing has nothing to do with it. Look at the statistics of the young people. The lesser numbers graduating, along with out migration, those numbers are going down. It's a combination, maybe your 25% is getting close.

Bueide: In the years you are talking about, what has the population of ND done?

Nottestad: It dropped a little to begin with, then it has climbed.

Bueide: So as a percentage over the same years, what is the population of ND done as a percentage?

Nottestad: The percentage has been a slight dip, but the aging and changing of the population is much greater. That tells me that the reduction in number of hunters and out migration has a lot to do with it.

Bueide: Clearly there are factors there. But many of us still enjoy duck hunting. I think we have lost 10,000 of our hunters to factors unrelated to the out migration of our youth.

Chr. Nelson: We'll sort through those numbers. We know from school enrollment numbers that it would suggest that it would not be uncommon to see 50% drops in children in this state.

Rep. Charging: You're number one reason in this drop in hunters, is what?

Bueide: The single biggest factor is that the quality of the waterfowl hunting has gone down. It's gotten to be a lot of work and not a lot of fun, especially in the middle part of the season during peak pressure. Where we use to scout drive 60-70 miles to find ducks, now that might be 250 miles.

Charging: According to your numbers, there are 10,000 fewer resident hunters, so you're not competing with them, and there are 2,000 fewer non residents.

Bueide: It's relative, we have lost residents. We've also lost a greater percentage of water, habitat. A reduction in hunter numbers only means something if habitat and hunting opportunities remain the same. Those have decreased at a greater rate than the non residents have.

Chr. Nelson: Mr. Bueide, last session you had the opportunity to support a bill that spread pressure out. You chose not to do it then. What has evolved in the last two years that brings this multiple zone concept to prominence?

Bueide: I don't believe the bill we didn't support last session had anything to do with zones.

Chr. Nelson: I believe there were three zones.

Bueide: Were they three new zones or was it just using the existing zone system?

Chr. Nelson: No, there were three different zones, a western and two eastern zones.

Bueide: O.K. Are you referring to the bill that you introduced last session?

Chr. Nelson: I certainly am.

Bueide: I'll bet every bill introduced each session as some silver lining. The zones were the silver linings of that bill.

Drovdal: You refer to the decline in resident hunters, but the increase in non residents...could that possibly have been caused from former residents coming home to hunt?

Bueide: I would strongly encourage the Legislature, through an interim group, or the Game & Fish, or somebody send out a survey to aren't buying licenses anymore. Why aren't you hunting anymore? And to the new hunters, why are you coming to ND? That would be valuable information. As to your specific question, I don't have an answer. ND was a secret to waterfowl hunters for a long time. It isn't any more. We have waterfowl hunters from every state in the union and I believe from every Canadian province and about a half dozen foreign countries. I can't open up a hunting magazine without seeing a big spread on ND hunting as well as internet information. Now, there are large groups of hunters coming in that grow each year.

Rep. Kelsh: What do you say to the people who say that it's a good thing to have non resident hunters.

Bueide: It is a good thing. It's great exposure, the economy, but having the right number of non residents is the trick. Making sure that a quality hunt remains for everybody is the goal of this bill. The bill is designed to be adjustable as habitat and conditions improve, we could allow more non resident numbers.

Chr. Nelson: Thank you, Mr. Bueide. Is there further testimony in support of HB 1422?

Mike Donahue, The ND Wildlife Federation: (Written testimony attached.)

Chr. Nelson: Questions of Mr. Donahue?

Rep. Keiser: On Lines 19 & 20, the new language says "the Governor shall allocate the number of non resident waterfowl hunting licenses in ...zone, so as to create relative, equal hunting opportunities." We heard a lot of descriptions about driving so far to find ducks. How do you define "equal hunting opportunities?"

Donahue: Equal hunting opportunity is the ability to spread the pressure so that you have a chance to get at the game. That's why we looked at that cap, so that each get the authorized bag.

Keiser: We're saying the governor "shall" do this, so he has a responsibility in the proclamation to assure that every hunter has an equal chance to get their limit, but we heard that you have to drive so far to find the ducks. What if you go to the zone and the ducks aren't there, we're violating our own law because the bill said we have to do this.

Donahue: What we're trying to do through the proclamation and use of zones and based on the managers (G & F) information, how many numbers to put into each zone based on what they see as far as the biology, habitat and what is going on.

Chr. Nelson: Further questions of Mr. Donahue? Seeing none, thank you, Mike. (Chr. welcomed Edgely Public School Students) We'll continue to take testimony in support.

Dick Monson, Barnes Co. farmer: (Written testimony attached) (Changed, Tape 2A here)

Chr. Nelson: Are their questions of Mr. Monson?

Rep. DeKrey: I represent a rural district and I hear that the reason non residents are buying the land in our area is because we've made our hunting laws so restrictive to keep them out that is the only way they can get to hunt in ND. Isn't that the opposite of what you just told us?

Monson: If the restrictions were more restrictive, I don't think that would be the case. Our land is underpriced and we have an open season compared to other states. The zones that are in force right now don't restrict non residents. It's to their advantage compared to other states.

DeKrey: How do you explain to the residents of my district, Dist. 14, in the center of the state, who are telling me their business is down 20-22% because of these zones. Now, why would we put them in codes so they can't even be adjusted?

Monson: I don't know how the zones could be set and don't know how the numbers of hunters would be established. I know without the zones, without putting the fee under a different thimble and moving it around, we're going to have more non resident land purchases in ND because they are guaranteed a license and a place to hunt. With that quantity (of land) taken out of the equation, there is going to be a... in buying land in ND. My point of contention is not so much the hunting, it's what's going to happen to ND agriculture. We cannot continue to sell away our primary asset. Forty percent of our economy is derived from about 30,000 farmers. The top 20% of those farmers, about 6,000 people are the main generator of that economy. We're all getting older. At some point, we're going to have to have a transfer to the young people. Why should

we saddle these young people with a long term note at a higher price just because it's facilitated by the non resident hunting law that is too generous as to a specific place to hunt.

Drovdal: Regarding your point about the dollars you pointed out in lost revenue and expense in land being sold to non residents. In my area, we do have competition for the land. We're finding that the land is being purchased from out of state, then renting it out. The money is still there, and a farmer can expand his operations (by renting). I'm questioning the loss of that expensive land.

Monson: The numbers I gave you were compiled by Farm Credit Services. It's a state average. When somebody buys land, whether they rent that land out to another farmer or let it sit idle in a conservation program, they're going to take the profit out of the state. He's also moving the title of that land out of state. The common thought in farm country is that if land rolls over once in your lifetime, you're lucky to get a shot at it.

Rep. Nottestad: Because you say ND land is underpriced, I cite this: a willing buyer and a willing seller; you're saying your neighbors wouldn't have the opportunity of selling their land for the highest price. You're also talking on one side, out of state hunters, then you're talking non resident hunters. Based upon that, I should sell the land I own rather than let my children who live out of state inherit it.

Monson: We're not trying to block the transfer of land through estate. At some point in our aging farm population is going to have this problem addressed by the state, of selling the ownership of their land out of state, when it's facilitated by a law like hunting. If an investor comes in to buy land, I have no problem with that. *That* purchase is facilitated on the free market. The price of land probably would not change HB 1422 was instigated. What would

probably happen is that the buyers would change. It takes away one reason for the property to be transferred out of North Dakota. If we continue to transfer these assets out of the state, eventually we're going to reach colony status. We now have about two third's out of state ownership (of ND land). I don't think that is healthy for ND agricultural economy.

Nottestad: You said on one hand that the price of land is under inflated, but on the other hand, you responded to Rep. DeKrey by saying you're paying too much.

Monson: The price of land in ND is underpriced compared to the rest of the country, and underpriced compared to what people are paying for recreational land elsewhere. We have only to look at what Montana is going through with what they call "Sacramento Splurge," people moving in from the west coast. It's driving their agricultural economy nuts. When we look at dollars derived from hunters, resident or non resident, it's completely weather dependent. If we get a blizzard in the SW part of the state, the birds are gone, hunters aren't going to come. If we get a drought on the drift prairie in Barnes Co., we're not going to get the duck hunters. But the purchase of the land for hunting is still going to on and the young farmer who has to compete has to buy that land anyway. He isn't basing his purchase on revenue from tourism.

Chr. Nelson: I'm uncomfortable with the thought of the Game & Fish Department managing ag land in the state.

Monson: I don't think they would be managing it.

Chr. Nelson: They would set up the zones, wouldn't they?

Monson: Yes.

Chr. Nelson: Isn't that the purpose of the zones?

Monson: The purpose of the zones would be to spread hunters equitably across the state.

Johnson: Some people may be coming back to purchase land so they can rent it out to hunt.

They can make 10 percent on their money compared to about 3-4% on the market. I think some of these folks are looking for an investment with a good return on their money, renting back to neighbors, too. I wouldn't think it is all hunting driven.

Monson: Absolutely not. My point would be that the hunting law is a contributing factor to the purchases. In Barnes County, and we are not one of the high use counties for hunting, we have four purchases this year by duck clubs from out of state that never would have happened. If I could all attention to the last page of my testimony, it is a compilation of classified real estate ads in the "ND AG Week" and "The Fargo Green Sheet." I highlighted the ads that are directed toward hunting land purchases (cites these).

Chr. Nelson: You make your point. Thank you, Mr. Monson. Is there further testimony in support of HB 1422?

Kevin Hayer, ND sportsman: Two major contributing factors to reduced quality of waterfowl hunting. First, there is a commercial hunting industry which is leasing thousands of acres of the best hunting land. According to G & Fish records, licensed outfitters recorded over 561,000 acres, not including day leasing and land owned by outfitters. Second, the large number of non resident waterfowl hunters are putting too much pressure on the birds. Resident hunters normally hunt on weekends, allowing the birds to rest during the week. Non resident hunters typically hunt multiple days in a row, not allowing the birds to rest. Has seen heavy pressure seen on waterfowl, making them feed at night. (Written testimony attached)

Chr. Nelson: Are there questions for Mr. Hayer? Thank you. Is there further testimony, now in opposition to HB 1422?

Tom Kelsch, Chr., Greater ND Chamber of Commerce: (Written testimony attached.)

Chr. Nelson: Are there any questions for Mr. Kelsch?

Porter: The GNDA position of last session and this session are the same on this same. Did they take a position on zone aspect of this bill to spread pressure out. It would spread tourism dollars across the state. What would the position of GNDA be then?

Kelsch: I don't want to get into the hunting issues. We look at this as a business issue as far as limiting the numbers, and would leave the setting of zones to the Game & Fish, Governor, and the people who know it. we aren't in the hunting business and aren't biologists to determine the best way to do that.

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

Rep. Hunsakor: The extra dollars are wonderful to all entities, but if hunting isn't regulated to some degree, the quality goes down. It's difficult to put all the emphasis on the dollars. If that is lost, those dollars won't come in.

Kelsch: I think the GNDA position is to look at it from a business standpoint. Let's try to find ways to make it better. There are legitimate concerns that we're not objecting to, but are concerned with the impact on local business.

Rep. Mike Every, Dist. 23: I'm here in opposition of HB 1422 for several reasons. I'm not opposed the idea of the Game & Fish regulating some areas; I believe they do a fine job of management of our game and law enforcement. However, some is seriously flawed. We see that in our area from an economic standpoint. The first thing constituents want to know about is those three zones. It's a big issue. I think this would only increase that frustration and don't

seen the need. I know the numbers are down in the past couple of years, some say as much as 10,000 visitors. That has a serious impact on small communities.

Chr. Nelson: Questions?

Rep. Porter: Do the same individuals that shake their finger at you in regards to the waterfowl zones shake their finger at you in regards to the deer zones?

Every: No, that has not been as serious an issue in our area.

Chr. Nelson: Further questions for Sen. Every?

Rep. Clark: Do feel there is more posted land in Griggs County than there use to be?

Every: I don't get out to Griggs County during the hunting season as often as I do to Benson or Ramsey Counties, so I couldn't say.

Clark: How about landowner issues?

Every: The frustration with landowners is increasing and some of that has caused them to post up their land.

Chr. Nelson: I think it would be fair to say, Rep. Clark, that there is more posting of land across the state for a number of reasons, one of which might be the emotional level that has risen in the last couple sessions. Thank you, Sen. Every. Is there further opposition to HB 1422?

Tony Dean, Pierre, SD: (Written testimony attached)

Chr. Nelson: Questions for Mr. Dean? (Changed to Tape 2, Side B)

Rep. Norland: How long has SD limited the number of hunters to under 5,000 out of state waterfowl hunters?

Dean: I am probably the only one in the room who has researched it and played a role in bringing some of those numbers back. In the mid 1940's, a large railroad served both ND & SD.

To stimulate off periods in October, they booked hunting trips to SD. They also leased land and got the local hunters in an uproar. The residents got together and put an outright ban on non resident hunting. A ban than existed until 1972 or 73. I remember the year, because I was press secretary to SD Gov. Frank Farrar. In one of those years, SD was seeking funding for the now defunct (Waubay?) Irrigation Project. We sent the whole legislature. I was there representing the Governor's office to testify. We went before the House Appropriations Committee. I can't remember the name of the chair from Pennsylvania, but after the first person from the SD delegation got up to testify, he said, "Let me give you a message to take back to SD. I'm co-chairman of this committee, I've been reelected seven times,I plan to be here for a long time. I'm also a duck hunter. If you don't open your state to duck hunting don't even bother asking for money for that water project in SD." The following year, the SD legislature opened it up to 2,000 non resident hunters, and went back. He said, "Not enough." They eventually settled on 4-5000. Let me tell you how this has affected your state. Charlie Potter, an ex-manager, executive director of Delta Waterfowl. Charlie said to me that duck hunting isn't done in a lot of places. There's a little in Michigan, Ohio, Minnesota and Wisconsin, and some significant duck hunting in Texas, Arkansas, Missouri and Louisiana, California and Oregon. Other than that, there isn't much duck hunting in America. That's why when a story hits *Waterfowl Magazine* or the *NRA Magazine*, about the duck hunting opportunities here in ND, even those who might consider going to SD can't get a license. So ND sits here as the recipient. They have those hunters here because it's better than anywhere else. I think I already alluded to how to make it better in these eight zones that we're proposing enacting. It's a wetlands out there; that's what it takes to raise ducks.

Rep. Porter: I'm curious, have you talked to the SD Natural Resource Committee about removing that ban?

Dean: I certainly have.

Porter: The results?

Dean: Not very good. In my estimation, the vast majority of duck stamps hunt geese along the Missouri. Because we don't allow hunters (in SD) they come to the best state, ND. Stop the border wars, other states can hurt ND in so many ways.

V. Chr. Porter: Are there any questions of Mr. Dean? Seeing none, thank you. Is there further opposition to HB 1422?

Sen. Jack Traynor, Dist. 15: I have grave concern about creating no fewer than eight waterfowl zones. Are we going to have one for each county? I think it would be impossible to administer eight zones. We now have three and we just had testimony in the Senate Nat. Res. Committee of the pains that has caused the merchants in those areas. If you're trying to accomplish uniform hunting opportunities across the state, don't ask the governor to do that. He's a wise man, but he's not omnipotent.

V. Chr. Porter: Questions for Sen. Traynor? Seeing none, thank you.

Bill Shalloob, ND Hospitality Assoc.: We represent the financial interests of our members, for us this is a financial issue. Some of them are here to testify.

Rep. Hanson: Rep. Porter has a bill if local people come up with some money, the Game & Fish will match it for opening land up for hunting. Do have any idea of your organization coming up with some matching money?

Shalloob: We haven't seen the bill, yet. I have no idea whether we're going to be able to do that.

V. Chr. Porter: Any questions of Mr. Shalloob? Seeing none, thank you. Is there further opposition to HB 1422?

Terri Thiel, Dickinson CVB: (Written testimony attached)

V. Chr. Porter: Are there questions for Ms. Thiel? Seeing none, thank you. Further opposition?

Greg Otis, Devils Lake Area Chamber of Commerce: (Written testimony attached)

V. Chr. Porter: Are there questions of Mr. Otis? Seeing none, thank you. Is there further opposition to HB 1422?

Brian Kramer, ND Farm Bureau: (Written testimony attached)

V. Chr. Porter: Are there questions of Mr. Kramer? Seeing none, thank you, Brian. Further opposing testimony?

Kramer: I have written testimony for a member, Bill Gackle, Kulm ND, who couldn't be here.

V. Chr. Porter: Would you read that into the public record? Is there further opposition to this bill?

Bill Gackle, Kulm, ND: Name read into record by Kramer. (Written testimony attached)

Kyle Blanchfield, ND Professional Guides & Outfitters Assoc.: (Written testimony attached)

V. Chr. Porter: Are there questions for Mr. Blanchfield? Seeing none, thank you Kyle. I would remind the audience that there is about 4 minutes left for testimony Is there further opposition to HB 1422?

Pam Brekke, Edmore, ND Chr. Ramsey County Commissioners: Would like the record to show that the Ramsey Co. Commission, Jan. 18, 2005, signed a resolution opposing HB 1422.

The Commission feels that economic impact of this bill, if passed, would adversely affect the Lake Region. We would recommend Do No Pass HB 1422.

V. Chr. Porter: Questions of Ms. Brekke? Seeing none, thank you. Further testimony in opposition to HB 1422?

Paul Overby, Wolford, ND: (Written testimony attached-suggest fiscal note)

Chr. Nelson: Thank you, Paul. We will adjourn until next Friday, I believe.

Further opposition, written testimony submitted for the record that was not read aloud due to lack of time:

-Randy Frost, Devils Lake, ND

-Harold Neameyer, Cass County Wildlife Club

-Greg Otis, Devils Lake Area Chamber of Commerce, 6 pgs.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1422

House Natural Resources Committee

☐ Conference Committee

Hearing Date February 1, 2005

Tape Number	Side A	Side B	Meter #
1	x		1536-2925
Committee Clerk Signature <i>Loren Bonnet</i>			

Minutes:

Chr. Nelson: We will open the hearing on HB 1422. Rep. Iverson is here, he has a proposed amendment.

Rep. Iverson: Quick announcement. I spoke to the Game & Fish Dept., proposed amendment: **(Proposed amendment attached)** Pg. 1, Line 16, remove the overstrike of the word "various" and remove the language "no fewer than eight" and also the same thing on Pg. 2, Line 14. This just gives the governor more flexibility in creating a quality hunt for all.

Chr. Nelson: You heard the amendment, is there a motion for approval?

Rep. Porter: I move the amendment.

Rep. Kelsch: Second

Chr. Nelson: Committee discussion on the motion?

Rep. DeKrey: This is limited to the fall hunt. Question.

Chr. Nelson: Question has been called on the amendment. I will call for a roll call vote on the amendment. Will the clerk call the roll.

First Vote, on Amendment only: 5-Yeas; 8-Nays; 1-Absent;

AMENDMENT FAILED

Rep. DeKrey: I would move a **Do Not Pass on HB 1422.**

Rep. Johnson: **Second**

Chr. Nelson: Motion by Rep. DeKrey for Do Not Pass on HB 1422, second by Rep. Johnson.

Rep. Solberg: When did you hear this bill?

Chr. Nelson: Friday.

Solberg: Can you fill me in? Is it similar to one we've had?

Chr. Nelson: As it stands, this bill is the hunting pressure concept bill of last session with eight zones included. Using the wetland index it will determine the number of non-resident hunters that would be allowed in the state and they would be spread out over eight zones rather than the three zones from the bill of the previous session.

Solberg: Is there a similar bill to this one, or is this the only hunter pressure bill that is going to appear before us. Is there a Senate bill planned?

Chr. Nelson: We don't know what the Senate is going to pass or what they will amend on it. As I know it now, there is nothing out there.

Rep. DeKrey: There is a bill in the Senate that addresses zones but your guess is as good as mine what it's going to look like if it gets over here.

Rep. Porter: That bill takes all the zones away, though.

Solberg: At the present time, do the Governor and the Game & Fish determine the number of non resident licenses that are issued?

Chr. Nelson: No. There is no restriction presently for limiting non resident hunters, although there are three zones in the state. If you hunt in Zones 1 or 2, your license is restricted to seven days in those areas, where it is up to a 14-day license in Zone 3.

Rep. Charging: Is that by proclamation?

Chr. Nelson: By proclamation.

Rep. Hanson: The law says you shall have zones that set that number?

Chr. Nelson: That is correct. That has been done once.

Rep. Charging: There was a lot of opposition to the bill from the small communities, just so you know.

Solberg: During the hearing on Friday?

Charging: Yes.

Rep. Nottestad: With the eight zones, if the numbers are put on, it could effectively destroy the non resident hunting population, in my estimation.

Hanson: We use to have nine.

Rep. Hunsakor: If this fails, can the Game & Fish and Governor still do this same thing, can't they? If they feel it's good, they can put it in a proclamation.

Chr. Nelson: That is correct. They can set numbers and zones. They can't institute the Wetlands Index portion of it. Effectively, they can use that as their guide.

Rep. Porter: It says that they may set a number, they can use whatever index they want, so of course they could, if they wanted to. They could implement this right now if they wanted to.

This just says this is the way they're going to do it.

Chr. Nelson: Further committee discussion?

Rep. DeKrey: I think the political pressure that the governor's office has seen since their last proclamation, I don't think they will see anything like this anytime soon.

Chr. Nelson: I think it's apparent that what was done last session has had some impact on the waterfowl hunting areas of the state. We went through a year or two of turmoil in areas that would like to promote their communities to non resident waterfowlers. I think that is starting to come back. They realize the increased access is a good thing. I think if we can continue down that road rather than restricting numbers and movement and continue to work on increased access that we can create that win-win that we all looked for last session. I'm going to support the Do Not Pass motion on this bill. This doesn't seem like a very good time to institute this bill, if there ever will be.

Rep. Hunskor: This is not for the goose hunters, they're going to Manitoba Saskatchewan. This more to spread out the duck hunting, right?

Chr. Nelson: This involves goose as well.

Hunskor: But the goose hunters like it up north, way north. It will affect the ducks more.

Chr. Nelson: I would argue that if one of those zones border Kenmare, the Goose Fest in Kenmare is a dead horse. I don't know where those lines will be drawn, but if it intersects the highway that goes into Kenmare, you've got nothing but problems trying to institute the Goose Fest they have annually.

Hunskor: Mr. Chairman, you're not for lines, are you?

Chr. Nelson: Not any more than I have to.

Rep. Hanson: You know you can hunt two zones at one time. You have seven days to take both at one time.

Rep. DeKrey: We've had three zones intersect in my legislative district for the last two years and our businesses are down 23%. When you live in a sparsely populated area we are, hunting season was Christmas. They've gone two years now without Christmas.

Rep. Norland: If you get a line drawn that splits where you are hunting, you hunt where the birds are. If you're hunting geese and we hire guides to go hunt, and farmers are taking food off and hunting is, for example, in Zone 1. The birds still want to stay in Zone 1 because the food is there, but you've already hunted your seven days there. Now you have to go to Zone 2 because you can't hunt Zone 1 anymore. You might as well rip up your license and throw it away, it's no good. That's the big problem with zones. Birds go where there is food, water and grass. Just because the zone says you can hunt there doesn't mean there are any birds there.

Chr. Nelson: Further discussion.

Rep. Charging: The Greater ND Association was in opposition, Tony Dean was in opposition. One of his prime points was zones would not accomplish anything but access...(unintelligible)

Rep. Porter: Question.

Chr. Nelson: Question has been called on a Do Not Pass motion on HB 1422. I'll ask the clerk to call the roll.

2nd Vote: Do Not Pass, Vote: 9-Yeas; 4-Nays; 1-Absent; Carrier: Nelson

FISCAL NOTE

Requested by Legislative Council
01/18/2005

Bill/Resolution No.: HB 1422

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

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$300,000		\$300,000
Expenditures				\$10,000		\$10,000
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

The establishment of a \$5 resident waterfowl hunting license and sets up eight nonresident waterfowl hunting zones for the state.

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

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

The increase in revenue from the new \$5 resident waterfowl hunting license, based upon 30,000 resident hunters per year, is \$150,000 per year or \$300,000 for the biennium.

No estimate of the number of nonresident licenses that would be issued under this bill is made. The number could increase, decrease, or stay the same as it was in 2004, depending on water conditions, harvest numbers, then estimated number of resident hunters and historical hunter numbers. There were approximately 24,000 nonresident waterfowl hunters in 2004 and 26,000 in 2003.

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

The new resident waterfowl licence would have ongoing costs as would the new nonresident zone system. These costs are estimated to be an additional \$10,000 per biennium.

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

Name:	Paul Schadewald	Agency:	ND Game and Fish Department

Phone Number: 328-6328

Date Prepared: 01/18/2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1422

Page 1, line 16, remove the overstrike over "~~various~~" and remove "no fewer than eight"

Page 2, line 14, remove the overstrike over "~~various~~" and remove "no fewer than eight"

Renumber accordingly

Date: 2/1/09
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1422

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken : Past Amendment only

Motion Made By : Porter Seconded By : Keloch

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson		✓	Rep. Lyle Hanson	✓	
Vice Chairman - Todd Porter	✓		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) 5 No 8

Absent 1

Floor Assignment _____

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

Amendment Failed

✓ Lt.
✓ Sumner

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

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1422

House NATURAL RESOURCES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken : Do Not Pass

Motion Made By : DeKrey Seconded By : Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Jon O. Nelson	✓		Rep. Lyle Hanson		✓
Vice Chairman - Todd Porter		✓	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	<u>abs</u>				
Rep. Mike Norland	✓				
Rep. Darrell D. Nottestad	✓				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE (410)
February 2, 2005 10:58 a.m.

Module No: HR-22-1660
Carrier: Nelson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1422: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1422 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

HB 1422

Good Morning Chairman Nelson and Members of the Natural Resources Committee.

For the record my Name is Rep Ron Iverson. I represent Dist 27 which is made up of part of Southwest Fargo and West Fargo.

Today I bring forth for your consideration HB 1422

This bill would solve a problem that we wrestle with each Biennium. What to do with Waterfowl Hunting. I hope that this committee will put aside the emotional aspect of this issue and take a dispassionate look at this problem.

What we are trying to do is solve an Executive Branch problem using Legislative Intent.

Some of you will say that they don't see a problem but there is one the growing problem of a less than quality hunt for all hunters.

What I want is for all HUNTERS, resident and Non-resident to have a quality hunt.

There is nothing more disappointing then getting up in the morning, getting all your gear together, getting out on the water and getting a less than stellar hunt.

That Mr. Chairman and members of the Committee is the reason for this bill

I would like to walk you through the sections of this bill.

The changes in the first section are that we would remove the word varies and replaces it with 8 zones in which waterfowl hunters may hunt.

Now the Governor will be able to set the number of hunters in each zone. How will he be able to do this? Well according to my bill he will use several factors to determine how many hunters could be in each of the eight zones he will establish.

“The governor shall allocate the number of nonresident waterfowl hunting licenses among the zones so as to create relative equal hunting opportunities within each zone. The governor shall set the number of nonresident waterfowl hunting licenses to be issued using a method designed to match the total estimated number of nonresident waterfowl hunters to reasonably anticipated hunting opportunities taking into consideration historical total waterfowl hunter numbers, water conditions, and relative resident and nonresident daily harvest Legislative Assembly data and comparing this information to current water conditions and the estimated number of resident waterfowl hunters for the ensuing season.”

In section 2 the second change to the century code deals with resident hunters. They will be required to buy a resident duck stamp. This will ensure we have exact numbers of who is hunting. There will no longer the misinformation about numbers of hunters and for this they will pay the outrageous sum of five dollars.

Chairman Nelson and members of the committee that will conclude my written testimony regarding HB1422. I place it before you for your consideration and would stand to answer any questions you may have.

House Bill No. 1422

Reference: Requires 8 zones for nonresident waterfowl hunters with numbers set for each zone annually. Establishes a \$5.00 resident waterfowl hunting license.

House Natural Resources Committee

Hearing Date: January 28, 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 content of this bill in it's present form. Deer hunting is regulated by 40 plus units to spread hunter pressure and harvest equitability across the state. Deer units have been received and accepted favorably by 90,000 plus North Dakota deer hunters

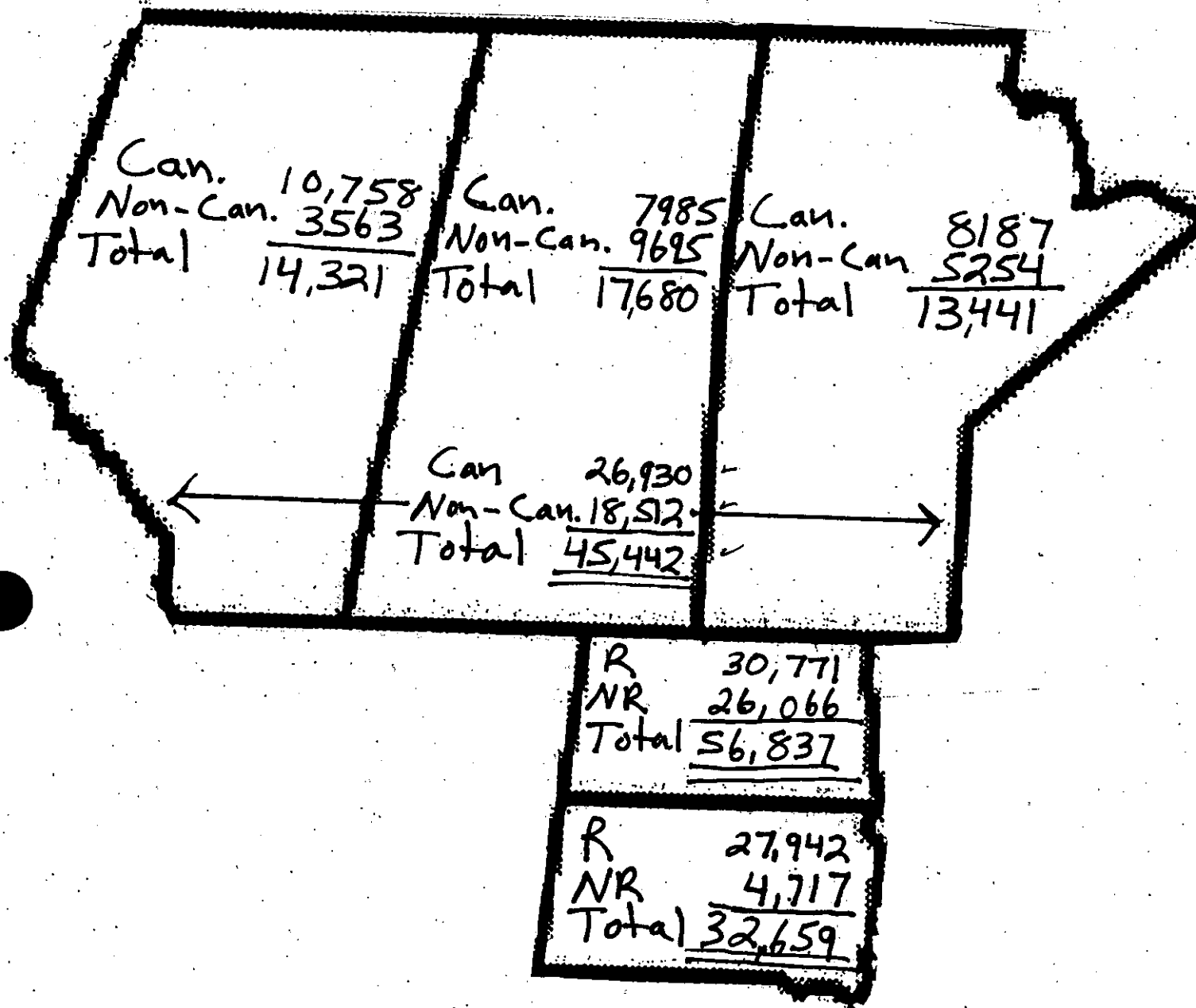
Eight zones for waterfowl hunting accomplishes the same objective as the 40 plus units for deer hunting. The zones purported in the bill would spread out hunter pressure in space and time by limiting overcrowding. The eight zones would also spread out tourism dollars equitably across the state allowing communities with fewer advertising resources to share in the revenue generated from hunting waterfowl. By mandating eight zones for waterfowl hunting political pressure is removed from the issue as the numbers are set by law.

The mandate in HB 1422 to use formulas utilized by NDG&F biologists, to determine annual hunter numbers, allows these professional wildlife managers employed by the state to use their nationally recognized expertise, training and extensive experience in determination of hunter numbers. These professionals have been hired for a very specific job and they should be allowed to do that job to the benefit of all citizens of the state. ND Game & Fish personnel are well informed and trained in the administering details of wildlife management decisions. Let them continue to do their jobs in a very professional manner.

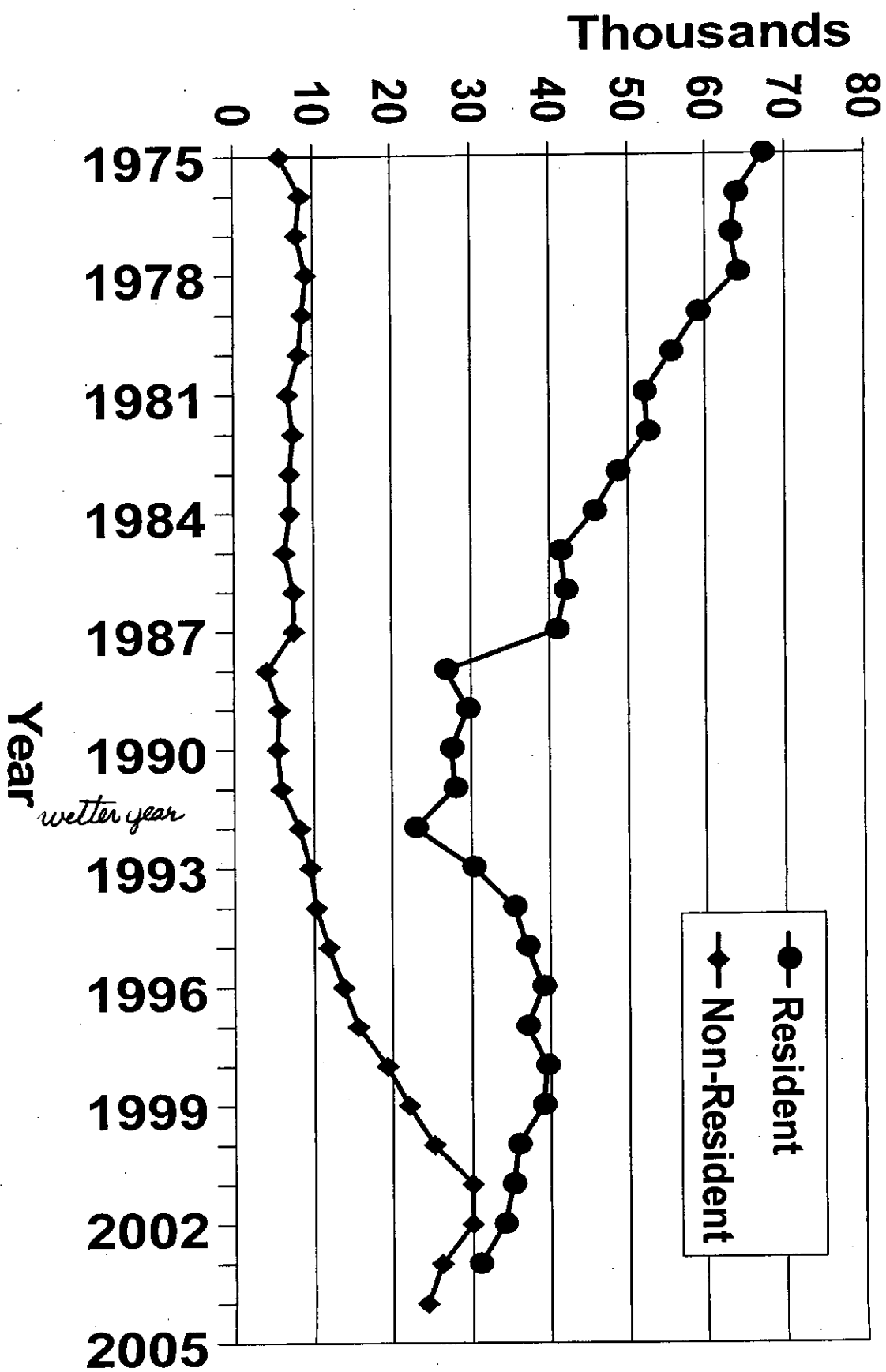
Thank You.

By: Dan Bueide

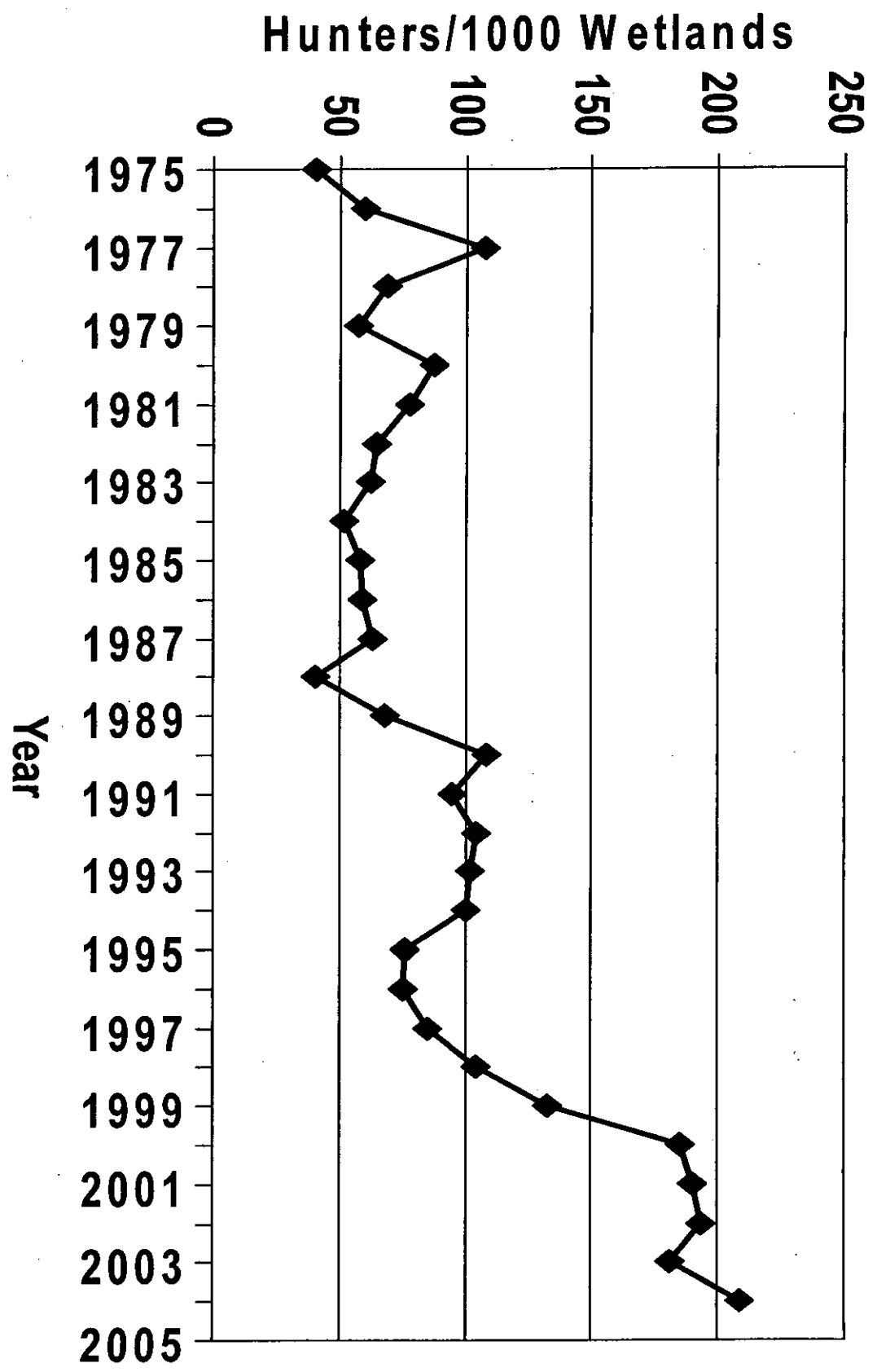
2003 Total Waterfowlers Re: HB1422



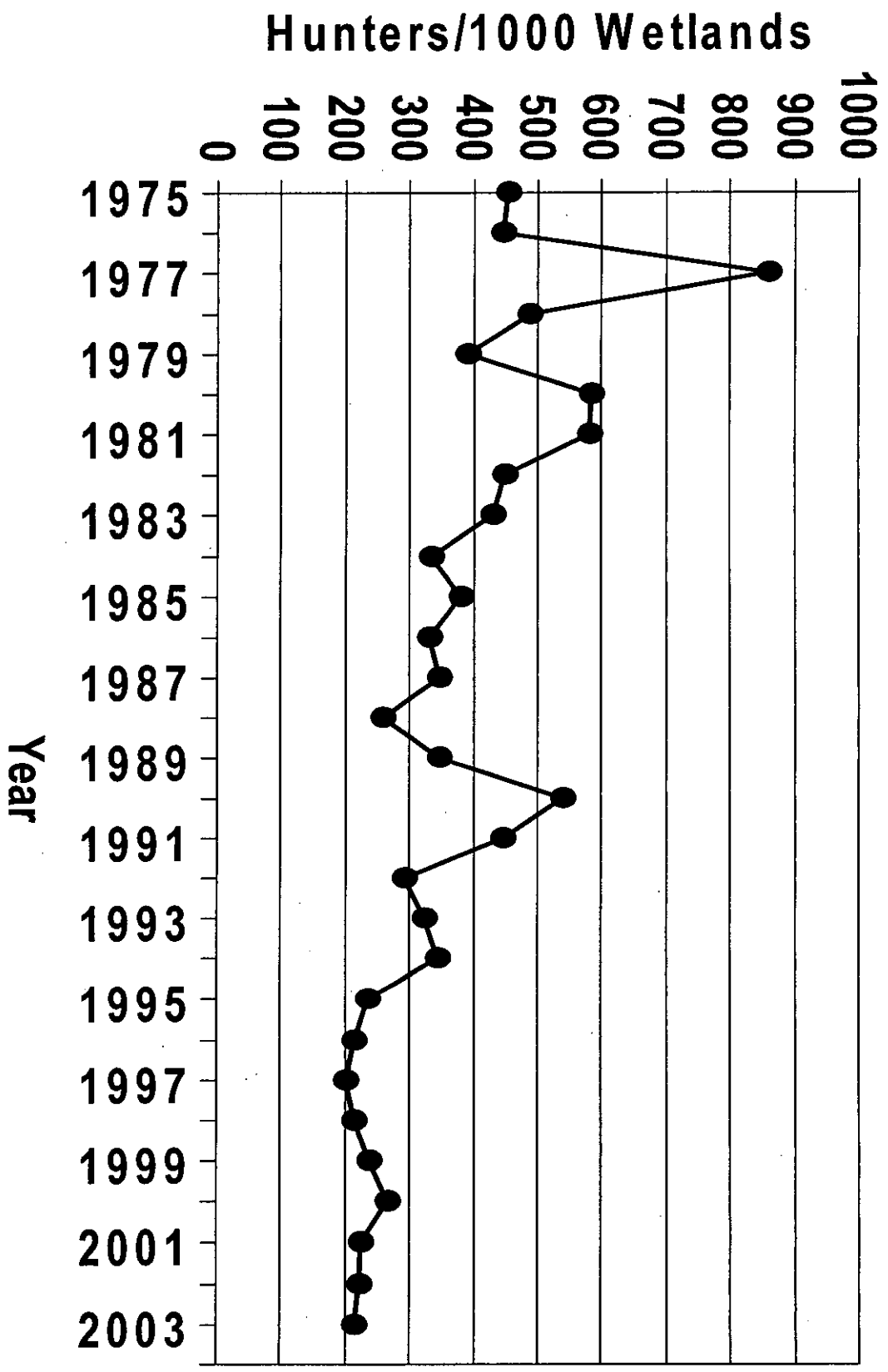
Number of resident and non-resident waterfowl hunters in North Dakota, 1975-2004.



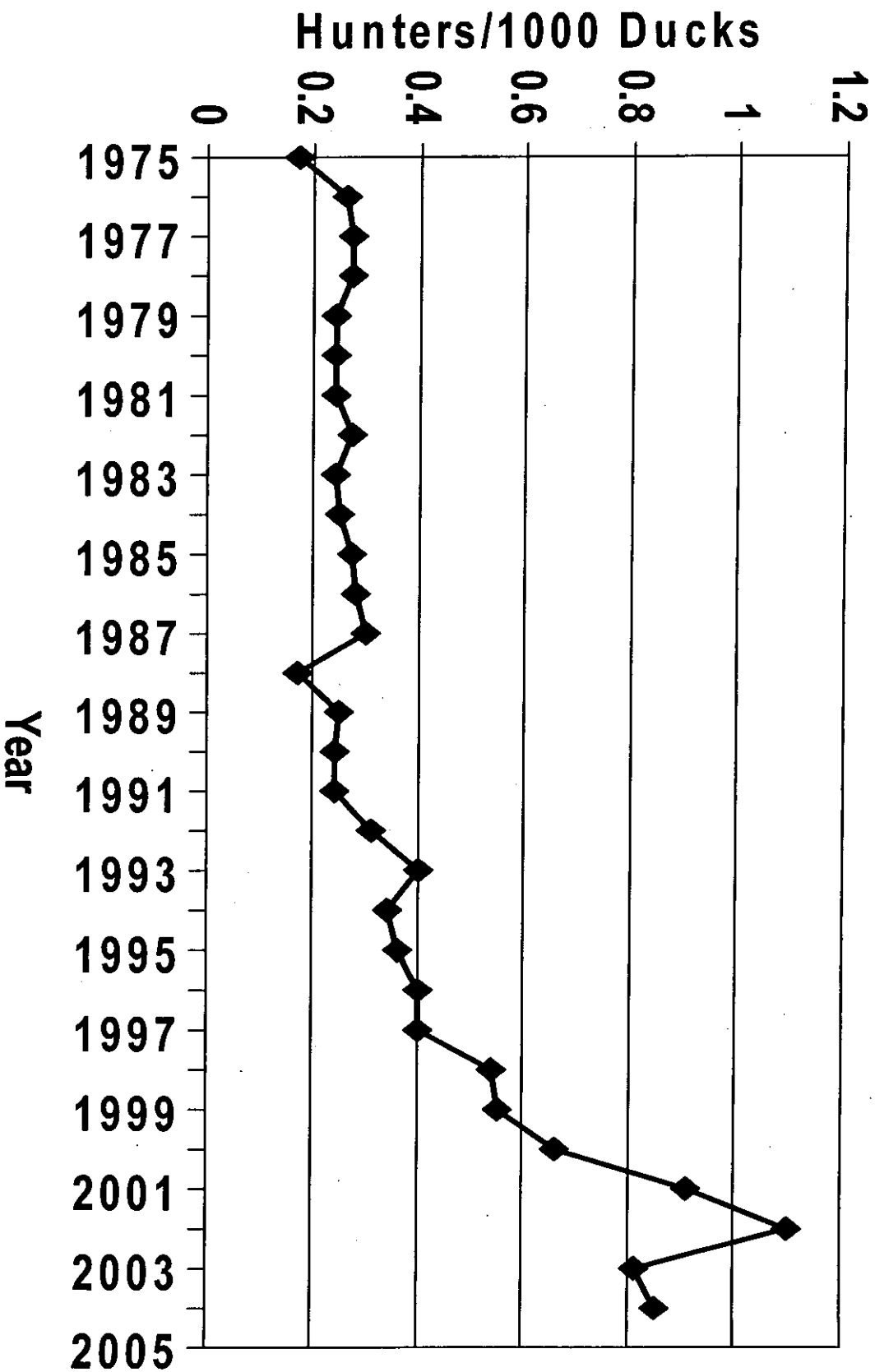
Number of **Non-resident** waterfowl hunters per 1000 wetlands in North Dakota, 1975-2004.



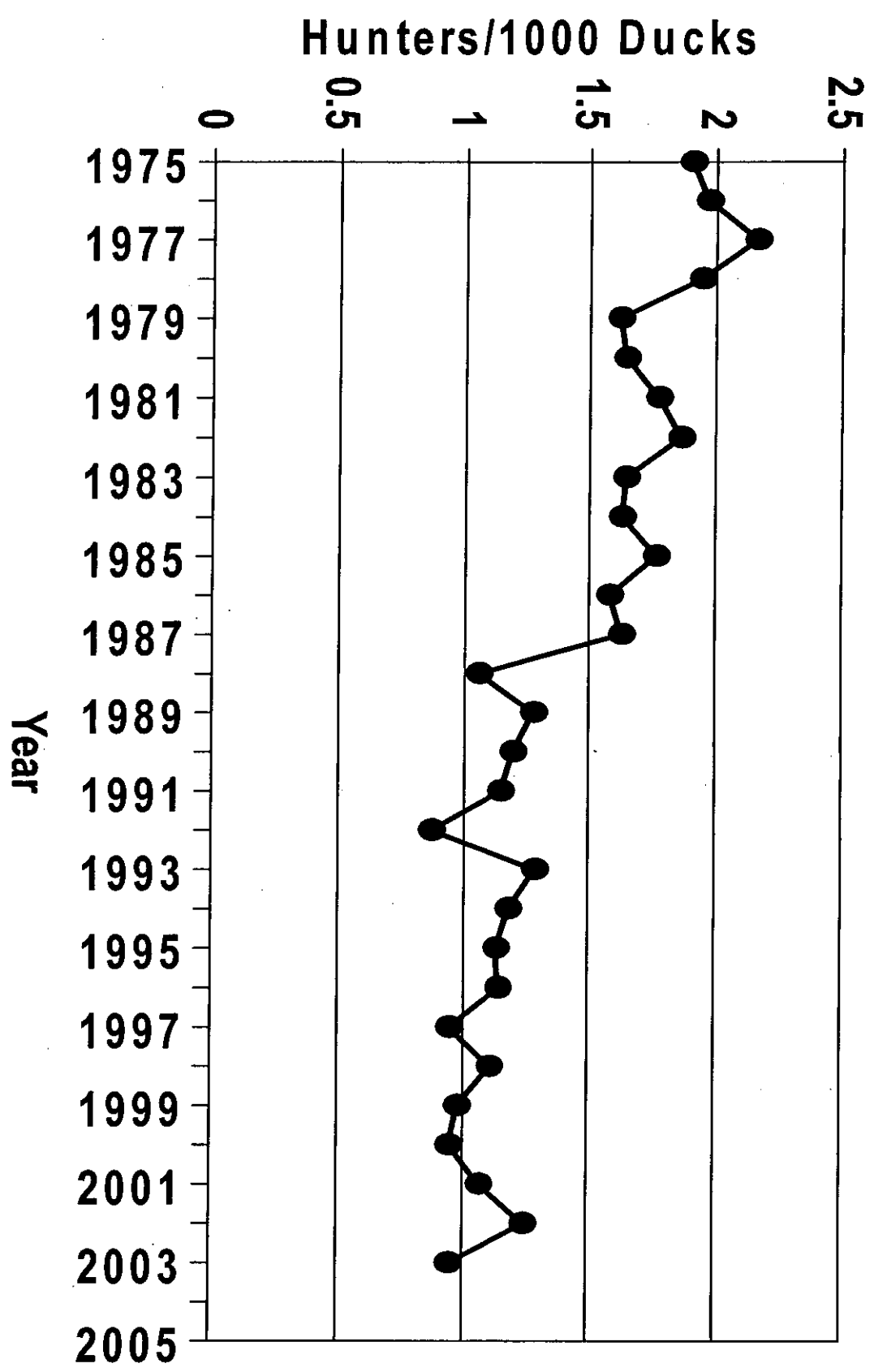
Number of Resident waterfowl hunters per 1000 wetlands in North Dakota, 1975-2003.



Number of non-resident waterfowl hunters in North Dakota per 1000 breeding ducks in the US Fish and Wildlife Service May Breeding Duck Survey, 1975-2004.



Number of **resident** waterfowl hunters in North Dakota per 1000 breeding ducks in the US Fish and Wildlife Service May Breeding Duck Survey, 1975-2004.



By: Mike Donahue

North Dakota Wildlife Federation

Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities



1/28/2005

For: House Natural Resources Committee

Ref: HB1422

The North Dakota Wildlife Federation supports this bill.

We think it has the makings to provide quality waterfowl hunting for the nonresident and the resident.

A quality hunt is a continuing objective. And, to have that the biology, the habitat, and the hunting pressure managers must be given the tools to do it right. Management of the weather we will leave with the Lord.

One reason for assigning a nonresident hunter to a different zone from time-to-time is to preclude recreational land purchases designed to shut out other hunters (whether resident or nonresident).

Please give 1422 a Do pass.

Thank you
Mike Donahue
Lobbyist #275



PO Box 1091 • Bismarck, North Dakota 58502 • E-mail: ndwf@ndwf.org • Fax: 701-223-4645
Office Manager: 701-222-2557 • 1-888-827-2557 • Web: www.ndwf.org

My name is Dick Monson; I am a farmer from Barnes County. I wish to record my support for HB-1422.

My stated testimony is brief and I will supply written testimony at the end.

I am supporting this bill as a North Dakota farmer. It is my position that current nonresident hunting laws are a net revenue loss to the state of North Dakota. Current laws dealing with nonresident hunters facilitate the purchase of North Dakota farmlands.

Our states physical assets are all transferable, with the exception of the land. The electricity, Missouri River water, fossil fuels, educated young people, skilled workers, our grain and beef, are all transported out-of-state for value-added processing. Only the land is not transported. Yet our current game laws expedite out-of-state transfer of ownership and revenue derived from the farms and ranches of North Dakota. This net revenue loss is most pronounced and most detrimental in the rural legislative districts.

No restriction on nonresident hunter numbers and little restriction on where they may hunt, is a major incentive for nonresident hunters to purchase land in North Dakota.

The result of those farm purchases is a river of money leaving the state. It will never be seen here again. The Federal Farm program payments-the conservation payments-the CRP payments-the grain deficiency payments-the LDP payments-the counter cyclical payments-the crop insurance payments, and the cash rent payments and share rent payments all are banked out of state with nonresident land ownership. The profits no longer are deposited for local lenders and are no longer circulated through our rural economy, to our detriment.

HB1422 can help stem this tide of economic loss by spreading our guests across time and space through the use of zones and caps, if applicable as decided by NDGF.

The time to act is accelerated by the advancing age of North Dakota farmers who must transfer their operations to the young families coming behind us. They are the strength of North Dakota's agricultural future. Under our current game laws,...to force these young men and women to compete in land sales against Wall Street Bankers, ...is to force them to fail. These farmers we set up for failure of are the generators of 40% of North Dakota's business activity.

Look at the numbers:

160 acres X \$35 per acre CRP rental payment X 10% oppo. cost X 10 year CRP contract, equals an **\$89,000** net loss to ND's economy.

A nonresident hunter purchase of one average farm, 1280 acres, creates a **\$700,000** net loss to ND's economy.

That negative cash flow for the state is only the tip of the iceberg.

For every quarter of land lost to a nonresident hunting purchase there is an **additional net loss** of farm operating expenditures, thereby increasing that loss to **\$180,000 per quarter, and a net loss of \$1,600,000 per farm, per period.**

Lastly, for every farm removed from resident ownership, subtract a \$25,000 cost of living expense from North Dakota's economy. The net loss to North Dakota's economy **now grows to \$180,000 per quarter of land and a net loss of \$1,836,000 per farm.**

As the committee members decide the fate of HB1422, please ask your selves why North Dakota's rural districts should bear this avoidable crushing burden of a net revenue loss, to subsidize nonresident sportsmen farmland purchases?

Submitted by:

Dick Monson

3434 114th Ave SE

Valley City, ND 58072

Tel 845-3938

Sources:

NDSU Extension Service

www.ewg.org

Calculations on Excel spreadsheet

guides anyway so as to remain eligible for whitetail buck lottery tags made available by the state for these operations. "If we didn't have those 100 whitetail buck tags, we would have fewer licensed outfitters," Burkett said.

Under the new structure, Burkett said, an outfitter is responsible for any illegal wrongdoing by his guides. To shed responsibility, the outfitter must report the illegal activity. The guide is also responsible for any illegal activity by the client. That responsibility can also be shed if the guide reports it. "This has built in a higher level of responsibility to the guides and outfitters providing services to the public," Burkett said.

This type of self-policing, it's believed, will further the public's image and acceptance of the guiding industry. "If the public perceives the business is running amok, the public's opinion of the business will deteriorate," Burkett said.

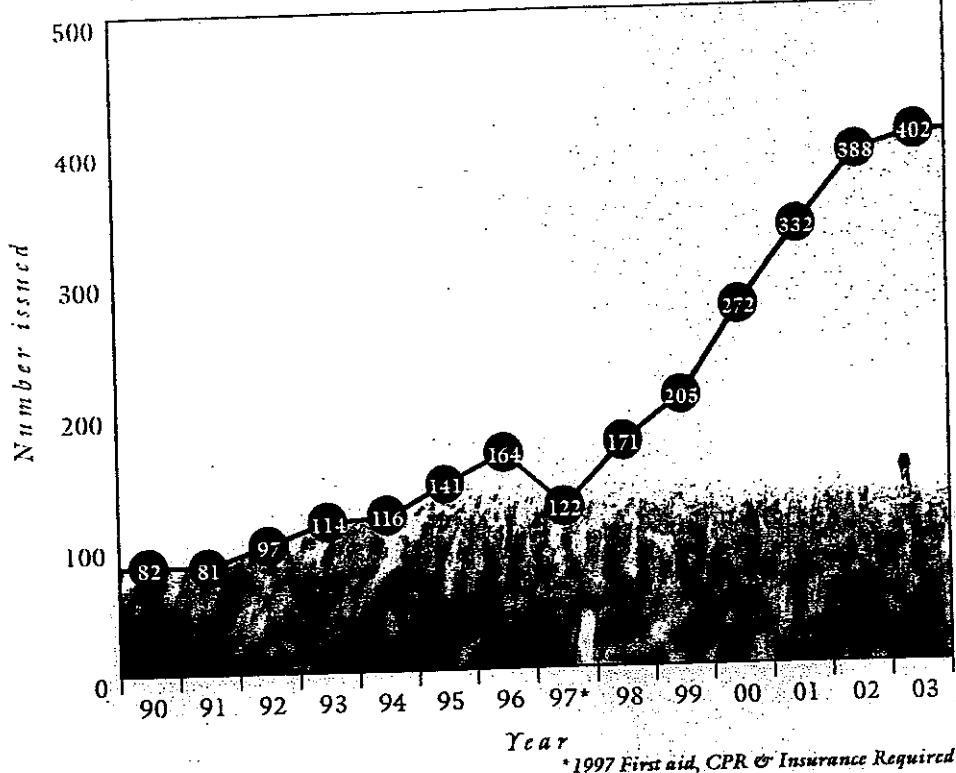
In the first few rounds of meetings designed to update guides and outfitters on the new rules and regulations, plus test them, the response was good, Burkett said. "I would start out my presentation by saying 'This is not designed to eliminate you, but to make you successful,'" he said. "I wasn't there to debate the law with them, but to guide them in what they needed to learn and how

work within the new guidelines." There is a place and need for guides and outfitters, but they should be concerned with respecting the resources and providing a positive experience for the clients. "Which always doesn't include catching the biggest fish, or shooting the biggest trophy buck," Burkett said. "It's also about becoming familiar with the environment and opening the eyes of the client to the wonders of North Dakota's outdoors. If they do that, they will become successful and be a plus for the state."

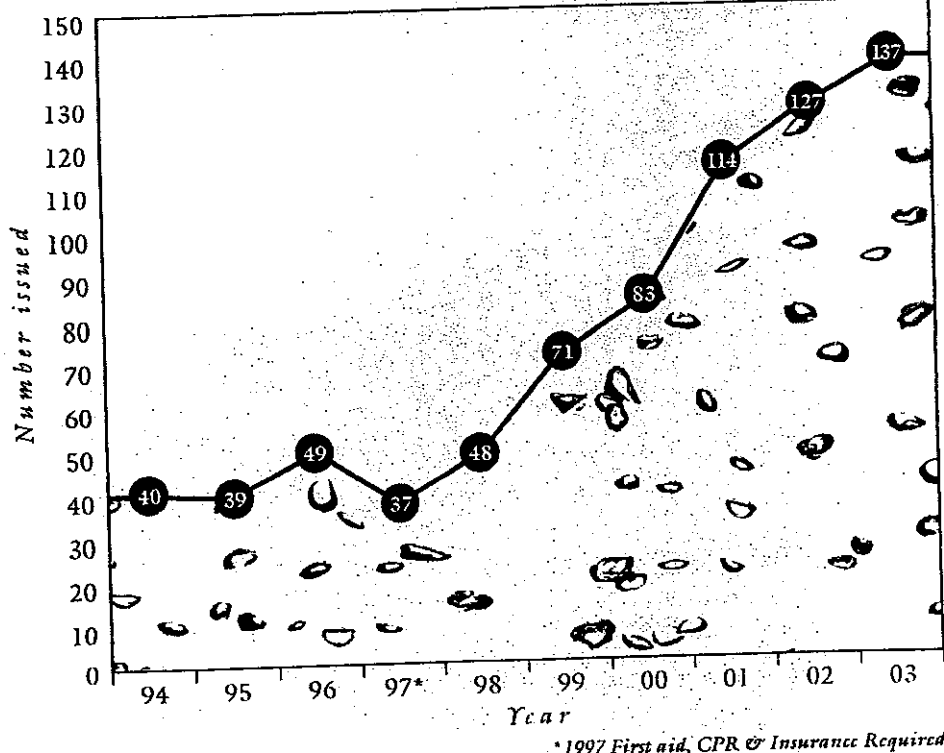
Hildebrand wrote that the Legislature now charges guides and outfitters with many responsibilities: "It's our duty to hold you to them. This, the North Dakota Guide and Outfitters Handbook and Test Guide, is designed to make you successful. You must know your tasks and take them seriously. Our staff stands ready to assist you in navigating the new standards for your industry ..."

RON WILSON is editor of North Dakota OUTDOORS.

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Wanted: 5-10 acres with home built after 1965, zoned ag, within 20 min. of Fargo. We are pre-approved and ready to move. Call 235-4961

WANTED: ACSC BEET SHARES for a LP or a JV for 2004 and beyond. Need approximately 100 acres. References available. (218) 766-3932

WANTED: ACSC Stock for 2004 and beyond, 500 shares. Call 701-261-9954 218-766-4697 leave message.

WANTED: American Crystal Beet shares for JV or LLP for 2004 and beyond (701) 219-1437

Wanted: Land for 2004 and beyond. Clay, Becker, Norman, Mahanomen counties. call 701-261-9954 leave message

WANTED: Land to rent in Norman, Clay Cass or Trail counties. Long or short term contract. Call (218) 494-3664.

WANTED: Pasture to rent in Grand Forks area. Under 100 acres. (701) 746-6409

WANTED: Young farmer looking for farm land to rent or buy, preferably southern Grand Forks or northern Trail Counties. Will consider other areas. Call (701) 741-2400

WANTED: Young farmer looking to buy pasture, Cass, Ransom, Richland, Barnes counties. Willing to pay top dollar. All inquiries will be kept confidential. Send replies to Dept. 4545 c/o The Forum, PO Box 2020, Fargo ND 58107

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By: Kevin Hayer

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[Canadian Report] Outfitter's Perspective

A veteran outfitter gives some insight on the nature of hunting Canada **By Jack Hirt**

MY LOVE AFFAIR WITH CANADIAN WATERFOWLING began in the late '60s. Hanging around the local gun club as a teenager and listening to the old-timers spin tales about their trips to the Canadian prairies—fields of dreams if there ever were some—really lit my fire.

I made my first trip north of the border in 1970 with a group of like-minded buddies. That week of freelance hunting the famed Minnedosa pothole country in Manitoba was all I hoped it would be.

The romance continued with subsequent returns to Manitoba, and a 1974 honeymoon—one of the main goals of which was to take a first-ever crack at specklebellies—to the waterfowl-rich country near Luseland, Saskatchewan. It was a trip that in addition to great shooting produced a solid foundation for my now 29-year marriage.

For the next nearly 20 years, it was North Dakota the got my attention. North Dakota required slightly less travel, and until recent years, was a virtually under-hunted waterfowler's dream. As the Rough Rider state continued to see more pressure from non-residents and local outfitters, and much of the best land became less accessible, I began to look northward once again.

I soon learned that a lot of what is Canadian waterfowling remains as I first found it. But then a lot has changed as well. The

birds are still there...particularly the geese...in awe-inspiring numbers. The people are as friendly as ever; and the hunting pressure, except in all but the most traditionally popular areas, is still very light. But what once was a land that pretty much "required" freelancing, is now being serviced, and hunted for the most part, by an enterprising group of outfitters and their clientele.

Just how this change came about is an interesting story. One best told from the outfitter's point of view. To that end I recently spoke with good friend Randy Lewis, owner/operator of Lewis Outfitters in Brandon, Manitoba. Here's his take on the situation:

"Randy, am I wrong, or am I really seeing a lot less freelance hunters in Canada these days?" I asked.

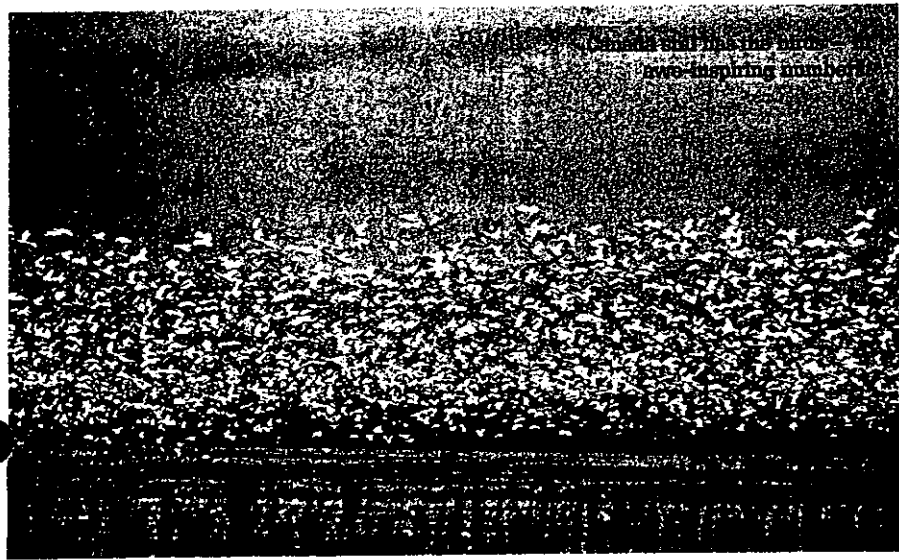
"No, you're probably right on," Randy said. "I started my outfitting business in '97, intending to provide whitetail and waterfowl hunting. It didn't take long and I was overwhelmed by waterfowlers, particularly those who wanted to schedule a quality three- or five-day hunt every two or three years.

"Ours is an ever more fast-paced world. I find sportsmen, with all their varied interests and the many demands on their time, want to hunt as much as ever. But they want to do just that—hunt. They don't want to put in the windshield time scouting birds and seeking landowner permission. Whether it's good or bad I can't say. All I know is that they want to show up, hunt, and then get on to their next obligation or adventure. They have a definite 'need', and outfits like ours have found a niche servicing that need."

"Tell me about your hunters," I said. "What kind of people are you doing business with?"

"Well, for the most part, they're a great bunch of guy," Randy responded. "My hunters come from all walks of life and average 30 to 50 years of age. They're generally competent hunters, decent shots, and passionate about their sport. As a group, they're just plain a lot of fun."

"That sounds great," I said. "Are you just lucky or is there good reason that you seem to attract this type of clientele?"



Photograph by Alan Liere

Delta To Study the Impact of Hunting Pressure on Ducks

Are migrating ducks being shortstopped by federal Arefuges before they reach states like Arkansas and Louisiana? Or are the ducks seeking refuge in response to the hunting pressure they encounter once they get there?

A growing number of observers—including the Arkansas Wildlife Federation—believe hunting pressure is having an adverse effect on hunting success in the South.

If AWF is correct, pressure could have an impact on hunter success across the continent. More important, excessive hunting pressure could have an adverse effect on the ducks themselves.

In recent years, the number of duck hunters at both ends of the flyway has increased dramatically. AWF reports the number of duck stamps sold in Arkansas more than doubled from 37,530 in 1990 to 95,863 in 2002. The Arkansas harvest tripled during that time, jumping from 334,000 in 1990 to 1.1 million in 2001.

It's the same on the other end of the migration route. According to Mike Johnson, Migratory Game Bird

Management Supervisor for the North Dakota Game and Fish Department, the number of waterfowl hunters in North Dakota more than doubled from 1992 (30,991) to 2002 (64,130).

★ During this period, the number of non-resident hunters in North Dakota increased by over 260 percent and residents increased by roughly 50 percent. The result was a stunning 10-fold increase in harvest, from under 70,000 in '90 to nearly 700,000 in 2001.

By the time migrating ducks arrive in Arkansas, they've been exposed to decoys, calls and hunters for 60 days or more, and they shy away from anything resembling a hunter.

★ Reports indicate that some ducks have responded to increasing pressure by becoming nocturnal, feeding only under the cover of darkness. Other ducks have been spending

most of their time in the Gulf, far from the nearest decoy spread.

While waterfowlers are debating the impact of hunting pressure on migration patterns, scientists are pondering the potential biological impact on the birds.

★ The concern is that if hunting pressure becomes too intense, migrating waterfowl might not be able to consume enough food to adequately fuel their southern migration.

"Prior to fall migration, prairie-nesting waterfowl need to acquire more energy than they use," says Robert Cox, Jr., of the Northern Prairie Wildlife Research Center in Jamestown, ND. "They need to maintain a positive energy balance."

"The data clearly show that hunting pressure has increased on the prairies," says Cox. "The relationship between increased hunting pressure and the fall body condition of ducks is a relationship worth studying."

"Fall-migrating ducks that begin their southward journey in poor body condition might experience reduced survival en route to the wintering grounds," says Delta's Scientific Director Frank Rohwer. "With an increased focus on feeding, these ducks could be less wary and more susceptible to the effect of predation and hunting."

Currently slated for Delta's 2004 student research program is a three-year study that will investigate the effects of hunter disturbance on movements, condition, daily activity budgets and survival of mallard hens during the fall. "The findings should be of interest to all waterfowl hunters," says Delta President Rob Olson.

— Joel Brice, Waterfowl Biologist



What Makes a Quality Hunt

Editor's Note: This version of From Both Sides is slightly different than previous essays. Since this column debuted in June, we've provided background on an issue that can be approached from two sides, and listed points for consideration for both sides. This month we address a topic – What Makes a Quality Hunt? – that has many sides. Instead of presenting points on two sides of an issue, we offer examples of different experiences on which people base their judgment of quality.

Hunting is part of human nature. Early humans depended on wild animals to provide food they needed to survive, but over the last few thousand years much of the world's population has evolved into agricultural societies that depend on domesticated livestock and poultry, not hunted animals, for meat in their diet.

And yet, the human instinct and desire to hunt still prevails. Millions of people in North America pursue and eat wild game, but for most, success or failure is no longer a life or death matter. No pheasants for the day means a chicken dinner instead.

While hunting is no longer a *necessary* means of providing food for most people, it is, however, an important pursuit. Today, while tasty, healthy, wild game meat is a primary product of a successful hunt, people who participate are after more than meat. They're after an experience, or a certain level of personal satisfaction – which may or may not involve putting their own meat on the table – that makes it worth their investment of time and money, and makes them want to do it again.

The same is true for many other human activities that aren't absolutely vital to staying alive, but make life a lot more interesting. If people enjoy doing something, they have time, and can afford it, they will probably keep doing it.

In Search of Quality Hunting

These days, discussions on hunting often deal with satisfaction, or what individuals characterize as "quality" in their outdoor experiences. Most hunters don't need to bag a limit or kill a trophy buck to gain satisfaction and mark down their hunt as a quality experience.

On the other hand, hunters need to have opportunities for success every so often to keep up their interest. A poor wingshot who burns a box of shells at ducks or pheasants every time out, and hardly ever brings anything home, is going to be a lot happier than a skilled shotgunner who can't seem to find a place to go.

Every hunter evaluates the quality of an outing by three common characteristics: aesthetics or sense of place; opportunities to bag game; and space. On a scale of one to 10, a perfect 10 would be a day when you hunted in an ideal setting, had plenty of opportunities to shoot and if you didn't get a limit it was your own fault; and no one else was around.

The opposite end – a zero – would be that the only place you could find to hunt had no game and was crowded with others who had the same problem.

The scale for measuring quality slides back and forth depending on the variables. Excellence in one category can override a deficiency in another. For instance, a plowed field isn't all that aesthetic, but if you're hiding there in the dirt and geese are coming into your decoys, you'll mark it down as a quality outing. Maybe not a 10, but well above average.

If the birds aren't flying over your place in the plowed field, maybe the quality meter drops below five. Maybe the birds are flying, but another group of hunters came in late and set up 300 yards downwind from you, and they got most of the shooting instead. The quality meter drops toward zero.

What if that late-coming group wasn't all that smart, or was at least courteous, and set up 300 yards upwind of you instead, and you got most of the shooting? Where does the quality meter settle?

The final evaluation depends on individual hunter expectations, and that's why it's so difficult to come up with a standard for quality. What some people will happily accept as quality will cause others to quit.


One hunter might give 10 points to a deer hunt in a great place with no one around, and take complete satisfaction in working hard all day and taking a doe or small buck. Another might rate their day a 10 if they shot a trophy buck, even if their tree stand was strapped to a light pole in the West Acres Shopping Center parking lot in Fargo.

The following scenarios are a chance to ponder not just Both Sides, but the many sides, of determining a quality hunt.

A Field of Geese

Hunter A and his group are looking to hunt geese. They arrive in an area a day or two before they plan to hunt, scout, get permission to hunt on private land, assess the weather, set up decoys according to the day's wind forecast, shoot a couple of geese apiece, and go home satisfied.

Hunter B likes to hunt geese. He books with an outfitter and shows up late the night before the hunt, has coffee while the guide sets decoys, sits where the guide tells him to sit, shoots when the guide tells him to



shoot, and bags a limit of Canada geese and a couple of snow geese and goes home satisfied.

In their minds, A and B each experienced a quality hunt.

To Each Their Own

Group A consists of eight pheasant hunters who decide to open the season in an area with the highest bird densities in the state. They arrived early in the morning and, since they had failed to make landowner contacts earlier, spent a frustrating half-day trying to find a place to hunt. After being turned down numerous times, they finally found a field.

Group members spread out, lined up behind dogs, and began marching through the field, and in two hours had a daily limit of 24 birds.

Group B is a father and son, who travel to an area that has far fewer pheasants, but they have made prior arrangements with a landowner. They hunt all day long, walking through prairie and brush. They take time to look at plants and insects, and enjoy a short nap on a warm hillside. Dad shoots a pheasant and the boy shoots two grouse. After hunting, they return to their camper, watch the sun set and the stars come out, and make plans to do the same thing the next day.

Which group had a higher quality hunt? How long will the young hunter remain satisfied with limited opportunities when he knows there are places where a hunter can see hundreds of pheasants in a day instead of a handful? How long will members of the larger group tolerate the frenzy before they break away to try to find another area with fewer birds, fewer hunters, easier access to places to hunt, and a much slower pace?

Crowd Tolerance

The morning before duck season opens, Hunter A scouts a public land marsh he has hunted for years. It holds enough ducks to offer promise for the next day, so he makes plans to arrive the next morning early enough to get set up before shooting time. That evening, Hunter B and Hunter C also scout this same marsh and also make plans to hunt there.

On opening morning, Hunter A arrives first and is halfway through his long walk to his hunting spot when B and C arrive. When shooting time arrives, Hunter A notes two other sets of decoys on the marsh. It is the first time he has experienced more than one other group on the same area. He gets a couple of ducks for the day, but is disappointed because many would-be opportunities were spoiled by the other hunters shooting or wading after birds.

Hunter B also gets a few ducks, but for him, it's a great morning. He's accustomed to hunting public land that is considerably more crowded and welcomes a setting where only two other groups occupy space on a relatively large marsh.

Hunter C shoots two boxes of shells, knocks down three ducks, retrieves one, and has the best hunt of his life.

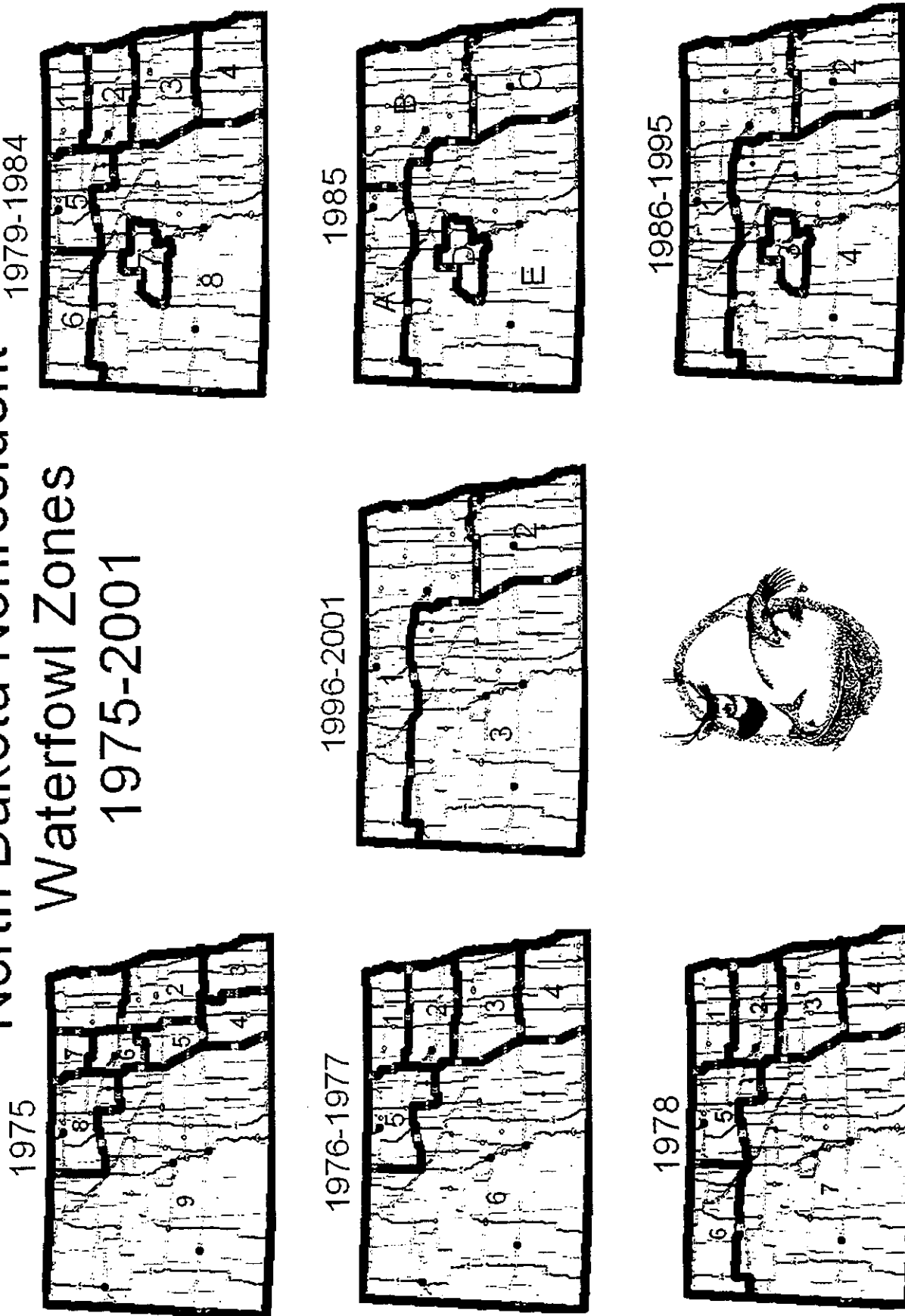
There are limitless scenarios; fact is, different people have different benchmarks for quality, and those benchmarks depend on a variety of personal factors – age, experience, upbringing, etc. The challenge is to provide something for everyone.

How do you measure quality? What's the most important factor to you, space, place, or opportunities? To pass along your thoughts, send us an email at ndgf@state.nd.us; call us at 701-328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.

Figure 22

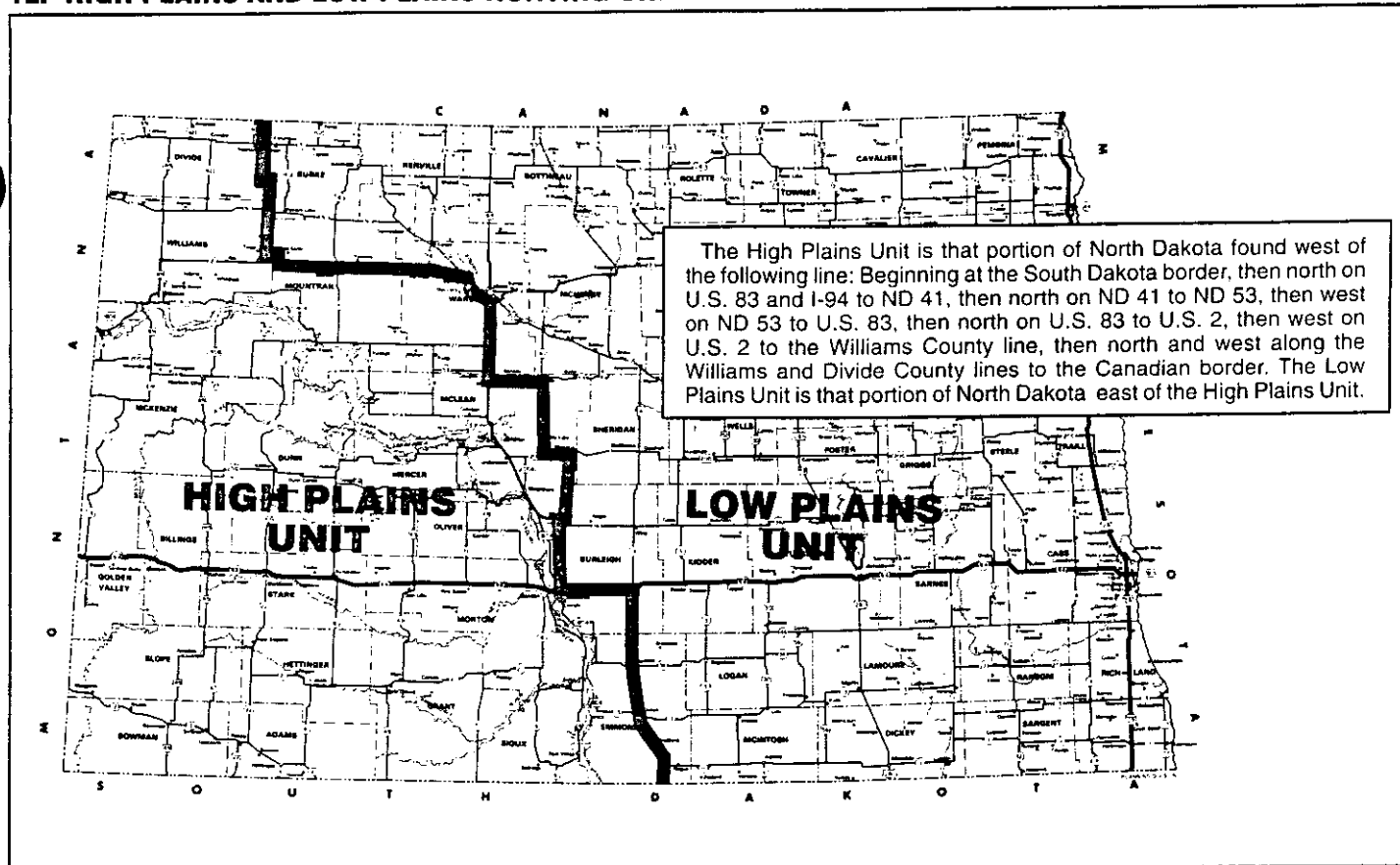
North Dakota Nonresident Waterfowl Zones

1975-2001



Made by: Casey Anderson and Brandon Mason

12. HIGH PLAINS AND LOW PLAINS HUNTING UNITS



13. SPECIAL YOUTH WATERFOWL SEASON

Legally licensed residents and nonresidents 15 years of age or younger may hunt ducks, mergansers, coots and geese statewide on September 18 and September 19, 2004. An adult, at least 18 years of age, must accompany the youth hunter into the field. The adult may not hunt ducks, mergansers, coots, or geese. Shooting hours are one-half hour before sunrise to sunset. The daily bag limit, including species restrictions, and all other regulations that apply to the regular duck and goose hunting seasons apply to this special season. Pintails and canvasbacks may be taken during this season.

14. TUNDRA SWAN (By Permit Only)

Open Area:	Statewide
Opens:	October 2
Closes:	December 12
Shooting Hours:	1/2 hour before sunrise to sunset

A total of 2,200 licenses were issued by lottery. The deadline for submitting applications to the Department's Bismarck office was August 18. Successful applicants will receive a tag allowing one swan to be harvested during the season. In no case is it legal to possess a swan unless it is properly tagged. Since swans are waterfowl, nonresidents may hunt them only during the period that their nonresident waterfowl license is valid and must stay within selected zones.

15. SPECIAL EXTENDED FALCONRY SEASON

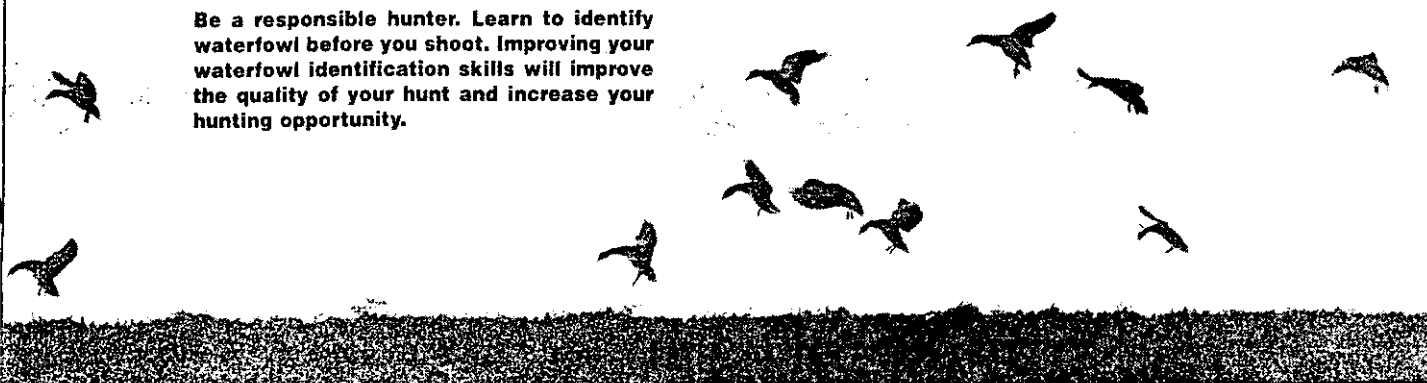
Licensed falconers possessing the appropriate licenses may hunt resident game species from August 7, 2004 through March 20, 2005 and migratory game birds during the regular gun hunting seasons. In addition, they may hunt snipe from September 1 through September 17 and ducks, mergansers, and coots from September 6 through September 10 and September 13 through September 17, 2004. Contact the Department for details.

16. DISABLED AMERICAN VETERANS GOOSE HUNT

Disabled American Veterans shall be allowed to take geese in the waterfowl rest area along the Missouri River (from the Garrison Dam to Turtle Creek downstream from Washburn), on October 23 and 24, 2004.

Disabled veterans (military action related) are eligible to participate. For more information contact the D.A.V. Hunt Committee at 701-748-2550 before October 20, or 701-748-6227 after October 20.

Be a responsible hunter. Learn to identify waterfowl before you shoot. Improving your waterfowl identification skills will improve the quality of your hunt and increase your hunting opportunity.



10. WATERFOWL REST AREAS

The following waterfowl rest areas are described by approximate distance from the nearest town, i.e. 5 N and 3 E of Bismarck means 5 miles north and 3 miles east of the town of Bismarck. Approximate locations are shown on the map in Section 11. Legal descriptions of waterfowl rest areas can be found in the 2004 Waterfowl Rest Area Proclamation available from the Department's Bismarck office. Waterfowl rest areas are in effect from September 25 through December 31, 2004. All waterfowl rest areas listed below shall be closed to goose or waterfowl hunting during this period, and they are closed to small game hunting and fishing from September 25 through November 30 except as specified below. Beginning December 1, waterfowl rest areas will open to hunting (except goose or waterfowl hunting) and fishing, and remain open through the end of the respective seasons.

BARNES COUNTY:

- (1) Ensign Lake (Lake Benson) - 2 N and 1 W of Dazey.

BURKE COUNTY:

- (1) 5 E and 6 N of Columbus.

CAVALIER COUNTY:

- (1) Mt. Carmel Dam -11 N and 2 E of Langdon.

DIVIDE COUNTY:

- (1) 3 N of Noonan. Closed to waterfowl hunting only.

EDDY COUNTY:

- (1) Cherry Lake - 6 N and 5 E of Grace City.

EMMONS COUNTY:

- (1) Goose Lake -1 S and 3 E of Braddock. Open to fishing.

HETTINGER COUNTY:

- (1) Larson Lake - 2 E of Regent. Closed to waterfowl hunting only.
- (2) Mott Watershed Dam -1 N of Mott. Closed to waterfowl hunting only.

KIDDER COUNTY:

- (1) Pursian Lake - 11 S and 3 W of Steele. Closed to all hunting.

LA MOURE COUNTY:

- (1) Cottonwood Lake — 4 S and 6 W of LaMoore. Closed to all hunting.

MCLEAN COUNTY:

- (1) Pelican Lake - 7 N and 1 E of Mercer.
- (2) Along Missouri River - 2 SE of Washburn to Garrison Dam. Closed to goose hunting only.

MERCER COUNTY:

Missouri River - see McLean County.

NELSON COUNTY:

- (1) Stump Lake - 8 S and 3 W of Lakota.
- (2) Deer Lake - 1 E of Petersburg.
- (3) Lake Pickard - 4 S and 3 E of Petersburg.
- (4) 5 S and 3 W of Michigan. Closed to waterfowl hunting only.

OLIVER COUNTY:

Missouri River - see McLean County.

PEMBINA COUNTY:

North Salt Lake - see Walsh County.

PIERCE COUNTY:

- (1) Guss Lake - 3 S and 1 W of Wolford. Closed to all hunting.

ROLETTE COUNTY:

- (1) Long Lake - 2 S and 5 E of Rolette.
- (2) 6 S of Rolette.

SHERIDAN COUNTY:

Pelican Lake - see McLean County.

- (1) 5 N and 6 W of McClusky. Closed to all hunting.
- (2) Sheyenne Lake - 15 N and 4 W of Goodrich.

STEELE COUNTY:

- (1) North Golden Lake - 9 E and 5 N of Finley.

STUTSMAN COUNTY:

- (1) 7 N of Cleveland. Closed to waterfowl hunting only.

TOWNER COUNTY:

- (1) McLaughlin Lake - 4 E of Rolla.

WALSH COUNTY:

- (1) Salt Lake - 5 E and 3 N of Grafton. Closed to waterfowl hunting only.
- (2) North Salt Lake - 4 E and 8 N of Grafton.

11. MAP OF NONRESIDENT WATERFOWL ZONES AND WATERFOWL REST AREAS

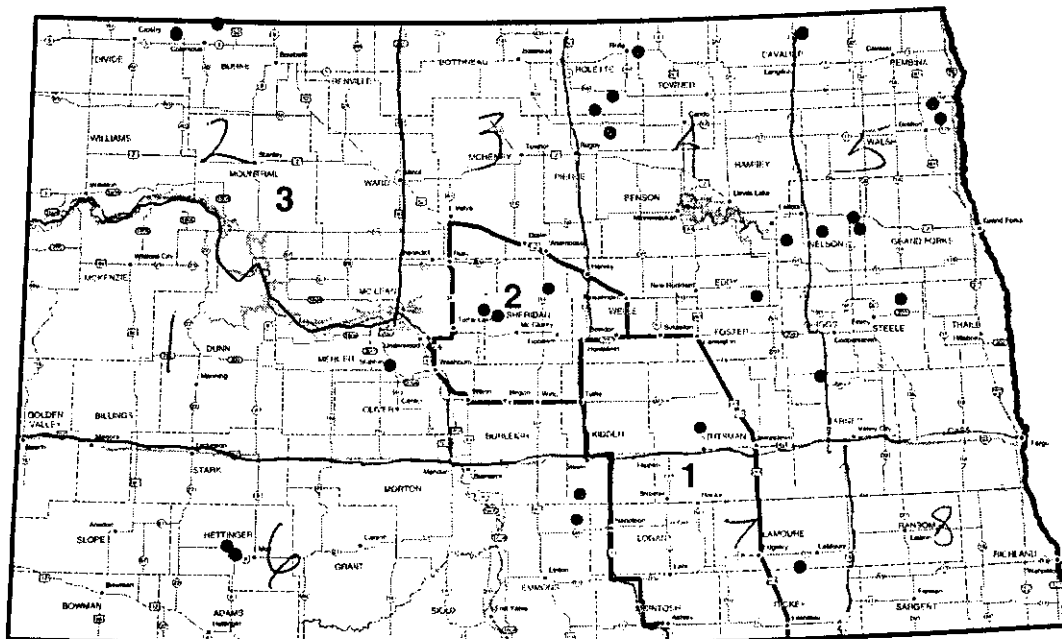
Boundaries of Nonresident Waterfowl Zones 1 thru 3 are shown on the map.

● The black circles on the map represent locations of Waterfowl Rest Areas. (See Section 10.)

ZONE 1. U.S. Highway 281 from South Dakota to Jamestown; U.S. Highway 52 from Jamestown to Carrington; N.D. Highway 200 from Carrington to Hurdsville; and N.D. Highway 3 from Hurdsville to South Dakota.

ZONE 2. N.D. Highway 36 from Wilton to Tuttle; N.D. Highway 3 from Tuttle to Hurdsville; N.D. Highway 200 from Hurdsville to U.S. Highway 52 east of Bowdon; north on U.S. Highway 52 to N.D. Highway 97 south of Velva; west on N.D. Highway 97 to N.D. Highway 41; south on N.D. Highway 41 (south of Velva) to N.D. Highway 200 at Turtle Lake; west on N.D. Highway 200 to N.D. Highway 200A; south on N.D. Highway 200A to Washburn; and south on U.S. Highway 83 to Wilton.

ZONE 3. The remainder of the state.





**Testimony of Thomas D. Kelsch
Greater North Dakota Chamber of Commerce
Legislative Affairs Committee Chairman
On House Bill 1422
January 28, 2005**

Chairman Nelson, and members of the House Natural Resources Committee. My name is Tom Kelsch and I am the chairman of the Greater North Dakota Chamber of Commerce, Legislative Affairs Committee. I am here to testify in opposition to House Bill 1422.

The Greater North Dakota Chamber of Commerce- is the voice of business and principal advocate for positive change for North Dakota. It is the largest and most influential general business organization in North Dakota.

The Greater North Dakota Chamber of Commerce, formally GNDA, was founded in 1924 as an organization to attract tourists and settlers to North Dakota and to promote agriculture. Even in 1924, forward-thinking individuals recognized the positive economic impact that attracting people to North Dakota would create and made plans to improve the state's highways and establish a national park in the Badlands.

Today, over 80 years later, Greater North Dakota Chamber of Commerce still supports this important tourism industry, and the impact tourism revenue has on our local businesses, as well as on state revenues. Two years ago the Greater North Dakota Chamber of Commerce passed a resolution opposing legislation which caps the number of hunting licences sold in North Dakota. The resolution reads:

The Greater North Dakota Chamber of Commerce is opposed to restrictions on the number of resident and non-resident water fowl and upland game hunters in the state. Caps will have a negative economic impact on the state and rural areas in particular.

Tourism has been identified as one of the industries with the greatest growth potential in North Dakota. Tourism is also one of the target industries identified in GNDA's new economy initiative.

Hunting and fishing is a significant component of the tourism industry and it creates new wealth for North Dakota. According to the 2001-2002 overview of hunting and fishing expenditures in North Dakota report by NDSU, non-resident hunters spend an average of \$767.99 per year in North Dakota. In 2004 there were 24,000 Non-Resident Hunters in North Dakota which would amount to \$18,432,000 in direct sales from non-resident hunters. This is all new wealth for the state.

The Greater North Dakota Chamber of Commerce supports the continued new wealth creation that abundant hunting and fishing opportunities provide to the state. When business owners are faced with a demand for their product, they work to find ways to meet that demand. Rather than imposing limitations, we encourage the stakeholders of this issues to team up and find new ways to ensure and promote hunting and fishing access for both residents and non-residents and to provide habitat for this resource. Last session the Greater North Dakota Chamber of Commerce opposed similar legislation to House Bill 1422, but supported legislation which increased non-resident license fees, and dedicated money to provide hunting access.

The Greater North Dakota Chamber of Commerce opposes House Bill 1422, because it would limit visitation from non-resident hunters, which would turn adversely effect our economy.

North Dakota is attractive to outdoor enthusiasts from around the country. Efforts to restrict out-of-state sportsmen like House Bill 1422 will have a direct negative economic impact on the state as a whole, and particularly on the struggling rural communities that host so many of these sportsmen.

Chairman Nelson and members of the Natural Resources Committee. The Greater North Dakota Chamber of Commerce opposes any legislation that would limit new wealth creation in North Dakota and encourages you to vote ADO NOT PASS@ on House Bill 1422.

Testimony of Thomas D. Kelsch in opposition to House Bill 1422.

I'm Tony Dean. I live in Pierre, SD, but grew up just across the river in Mandan.

Far be it from me, a non-resident, to try to tell you how to conduct things in North Dakota. But what I can do is suggest that particularly with respect to this legislative proposal, HB 1422, your decision can have far-reaching ramifications.

I'll also admit that you have little to fear by voting against the interests of non-residents. After all, we can't vote for you or against you.

About two decades ago, I participated in the South Dakota Governor's Pheasant Hunt. Its purpose is to showcase South Dakota for potential investors, most of whom live in other states.

There was a man in my party, a Minnesota-based insurance man, and he and I hit it off with from the time we initially shook hands in greeting. I found through our conversation, he wasn't just an insurance man...he was the CEO of the company. And it was clear he loved South Dakota.

Several times over the next year, he called me at home to ask questions about South Dakota fishing and hunting...and doing business in our state. His name was Doug.

I asked him if he'd been in touch with our state economic development people. He said he had, but wanted to talk with someone, in his words, "who would level with him." So he asked questions...and I answered questions...including some that were painful to answer because they didn't put us in the best light.

To make a long story short, a couple of years later, he moved his insurance company...and its 250 employees...to Watertown. And there weren't very many minimum wage jobs involved. He called me just before announcing the move, to thank me for giving him the answers to questions he thought were important.

Doug enjoyed the good life. He hunted pheasants, ducks, geese, and fished walleyes. These were more than his hobbies. Fishing and hunting was his life.

Shortly after his 56th birthday, he suffered a fatal heart attack.

Out there somewhere, is a Minnesotan or a Wisconsin resident, who like Doug, may be a decision-maker. And what you do with this legislation may, in fact, affect his decision in the case of expansion.

Like many in this room, I have four children. Two are in California, one in Arizona and one in Tennessee. They left home for greater economic opportunities, and other than to see Mom and Dad, it isn't likely any will be returning to the prairie.

The one in Tennessee would like to. He loves to hunt and fish. But he makes so much more money there than he can here for the same type of work. And like many in this room, I don't have to tell you about the sting of seeing your children leave the nest...especially if the move is a long one.

We have a two-fold obligation. We need to figure out innovative ways to improve the quality of our lives, especially with respect to economic opportunities. Sometimes, that means thinking before we act on issues that could have long term ramifications. And we need to preserve the things that add to our quality of life. And in both Dakotas, that means taking care of what remains of our wetlands...and taking steps to safeguard our prairie and keep grass on the landscape. These things are far more important to the future of hunting than non-residents coming to visit our state.

I spent several years as a Press Secretary to Gov. Frank Farrar in South Dakota. I also lobbied for several years, and then covered government from a newsman's perspective. I pay attention to what goes on in my home state.

I have no trouble looking at legislation and reconciling it to what I know is happening. And you can hold this legislation up and say, this is our effort to improve waterfowl hunting in North Dakota and eliminate crowded conditions. But deep down, we all know that the real purpose is to make it more difficult...and to discourage non-residents from hunting waterfowl in North Dakota.

Zones won't accomplish anything but to protect the local hunter from competition. Ask the landowners in your respective districts who asks permission to hunt. I'm betting non-residents ask a lot more than residents. At least that's what a lot of my landowner friends in North Dakota tell me.

Restricting hunters to specific zones can work, without imposing hardships on hunters, on a resident bird like pheasant, and animals such as deer, which stay in one zone. But ducks and geese are migrants, here today and gone tomorrow.

This is legislation that is easy for elected officials to vote for because it is popular with those most affected, local hunters. But what's popular today isn't necessarily that which is best down the road. Support this legislation and you are, in effect, telling people like my late friend, Doug, that they're not welcome here. That North Dakota is full of unfriendly people who don't welcome visitors. We know that's not true, but we also know that perception is reality. Support this legislation and you will make a handful of North Dakota hunters very happy. But you might kill an economic opportunity that will help your children and mine. And most of all, you won't help waterfowl.

Thank you for your time, and I'd be happy to answer any questions from committee members.

Respectfully,

Tony Dean
133 River Place
Pierre, SD 57501
605-224-5104 - Office
605-224-2977 - Home



January 28, 2005 *Convention & Visitors Bureau*

Mr. Chairman and members of the House Natural Resources Committee, my name is Terri Thiel and I am the Executive Director of the Dickinson Convention & Visitors Bureau.

The Dickinson Convention & Visitors Bureau is opposed to House Bill 1422.

We oppose restrictions on the number of resident and non-resident waterfowl and upland game hunters in the state because we believe caps have a negative economic impact on the state and rural areas in particular.

While Dickinson may not have the waterfowl numbers in our area, we do have rural communities surrounding us that feel the same negative impact of our economy because of population out migration. We feel that the economic benefits resulting from non-resident hunting have given new hope to many of the rural residents and their communities across our state. While it may not be the sole income for these people, it is many times the one additional source of income that has allowed them to remain on their operation or in their rural business.

North Dakota is attractive to outdoor enthusiasts from around the country. Any efforts to restrict out-of-state sportsmen would have a direct negative economic impact on the state as a whole, and especially the rural communities that host so many of these sportsmen.

The Dickinson Convention & Visitors Bureau opposes legislation that further limits visitation from non-resident hunters and encourages you give this bill, **House Bill 1422 a "DO NOT PASS" recommendation.**

Sincerely,

Terri Thiel

Executive Director



Administration:
1101 1st Ave N
P.O. Box 2064
Fargo, ND 58107
701-298-2200 • 1-800-367-9668
Fax: 701-298-2210

State Headquarters:
4023 State St
P.O. Box 2793
Bismarck, ND 58502
701-224-0330 • 1-800-932-8869
Fax: 701-224-9485

North Dakota Farm Bureau

www.ndfb.org

**North Dakota Farm Bureau
Testimony on
House Bill 1422
Presented by Brian Kramer**

Good morning Chairman Nelson and members of the House Natural Resources Committee. I am Brian Kramer testifying for North Dakota Farm Bureau. We oppose House Bill 1422. We have a policy seeking repeal of restrictions on out-of-state hunters. Further policy states, "We oppose limiting the number of out-of-state hunters or any difference in season limitations between residents and nonresident hunters." Clearly, HB 1422 takes us a very different direction.

We believe that landowners should have the maximum opportunity to augment their farming income through fee hunting if they so desire. A vast majority of sportsmen willing to pay for access to some of the best hunting in the United States are nonresidents. Restricting the number of nonresident hunters that can get a license or by restricting those folks to zones and/or limiting the number of days they can hunt, reduces the opportunity for landowners to increase their income.

Landowners are not the only ones affected by nonresident hunter restrictions. Rural communities that rely heavily on the influx of new wealth are also negatively impacted by such restrictions. As you have heard or will hear, those small town gas stations, hotels, restaurants, etc. notice the impact immediately. In my home town, an enterprising gentleman has a small hunting store. He sells guns hunting supplies, rents decoys, hunting blinds and hunting clothes. He stated that his business was down \$20,000 last year because of fewer nonresident hunters in the area. Maybe Gander Mountain or Cabela's can withstand \$20,000 lost revenue, but I'm sure that this gentleman can't.

Committee members, this is new money to North Dakota. It is not recycled dollars coming from other parts of the state. New wealth and a robust economy is something we all can appreciate. Don't close the door to these opportunities. Give House Bill 1422 a "DO NOT PASS" recommendation.

Thank you. I would try to answer any questions you may have.

H B 1422

NONRESIDENT HUNTING LICENSES & ZONES

"We have got to promote development of rural North Dakota" is the cry we hear from both political parties of candidates and incumbents within the administrative as well as the legislative branch of government.

Although North Dakota as a whole may qualify as "Rural" throughout the state, we, within the state distinguish between the two recognizing our larger communities are growing while the smaller, real rural; communities are struggling just to maintain existence. Whether it's the businesses, schools, grain elevators, lodging facilities, food establishments and even the local pub, these are all necessary to maintain a community.

Then comes along a windfall, primarily for these smaller, real rural, communities. And, what happens, they want to regulate and legislate hindering development or incentives whereby these struggling communities have an opportunity to "cash in." Yes, cash in on the new dollar, not the same one that floats among the local merchants several times and then may very well leave the area.

With no reflection on our in-state hunter the non-resident hunter has been a boom to the smaller communities throughout the state. These non-resident hunters have brought n new money by purchasing run down abundant houses and improved them while spurring the local tax revenue. They purchase their ammunition and even guns from the local merchant. They get their vehicles and other equipment repaired at the local machine shop and invariably walk away knowing they got a bargain compared to at home in the larger city. Yes, they support the lodging and food establishments as well as the local pub, with moderation that is.

Page II

Two years ago, whether it was through legislation or regulation the smaller communities felt the pressure of forcing this new money and new business from their community. We read about the cafes and lodging facilities actually closing because of the non-resident hunter restrictions.

May this committee as well as the legislative body, do what is necessary with H B 1422 that will correct the harm that has been done in the past while welcoming people, as our economic development and tourist industry so advocates, and do away with the hypocritical and contradicting action of the past.

Let the need be greater than the greed.

Bill Gackle

Kulm, ND

North Dakota Professional Guides and Outfitters Association

January 28, 2005

House Natural Resource Committee

The NDPGOA urges the House Natural Resource Committee to consider a **DO NOT PASS** recommendation on House Bill 1422.

As many of you know, this bill is very similar to last session's SB 2048 that was defeated. Unfortunately, HB 1422 possesses many of the same qualities that provided a catalyst for a battle of East vs. West, rural vs. urban, and landowner vs. sportsmen.

HB 1422 places artificial caps on nonresident hunters and divides the state in to 8 zones. Both items produce negative consequences for the economy of North Dakota, especially rural North Dakota.

We are assuming the "method" to determine the number if nonresident waterfowl hunters will be the Hunter Pressure Concept or a method very similar. This method is flawed and is really an attempt to reduce the number if nonresident waterfowl hunters for the sole benefit if less competition in the field for resident waterfowl hunters.

Since the fall of 2003 we have witnessed a decrease in the number if nonresident waterfowl hunters visiting North Dakota. This is in contrast to the scare tactic testimony given by some during the last legislative session. Many of the supporters of SB 2048 testified the need for caps based on a false forecast of exponential growth in nonresident waterfowl hunters. The numbers prove this is not occurring, in fact the numbers are decreasing without intervention of restrictive laws.

In the past 3 years North Dakota resident hunters are estimated at a stable 30,000. This during a time of little population growth and an aging population of hunters is a clear indication residents are not quitting waterfowl hunting.

North Dakota is blessed with wonderful natural resources that we can all enjoy and share with others. Our hunting heritage is a precious asset to both our residents and nonresidents. Businesses in both urban and rural communities depend on traffic generated by resident and nonresident hunters. Please consider what is best for our state and vote DO NOT PASS on HB 1422.



Spring Breeding Index Up, Summer Brood Counts Down

by Bill Mitzel

There's always interest in the status of bird populations each year, primarily ducks and pheasants, how they fared through the winter, how they did during breeding season, and what the numbers look like for the coming fall season.

Now, but many hunters make their fall plans based on field reports from biologists as to the population status of birds. Shouldn't matter. As far as the Dakotas are concerned, it's a general consensus that even when it's "bad", it's good. Bird numbers go up, bird numbers go down. And right now, in fact for the past couple of decades, we're in the midst of some of the greatest hunting for all species these northern prairie states have ever seen. The trend continues.

NORTH DAKOTA waterfowl numbers, specifically ducks, seem to have taken a small hit this year, but when put in perspective, it probably won't be noticed. According to Game and Fish Department biologist, **Mike Johnson**, the May duck count was down by 9 percent last spring, but still at 113 percent above the long-term average breeding from 1955 to 2003.

Also, pond counts (the number of wetlands holding water) last spring was down 16 percent, but 31 percent above the longer term average. Since last fall, of course, rains have improved the pond count significantly, so the picture has changed for the

better.

Getting to the brood counts conducted by the department during July of each year, tallying the success of the "hatch", Johnson said the counts are again down.

"The July brood counts were down by 45 percent," he told *Dakota Country*. "But they're still 77 percent above the long-term average. It's still one of the top years in decades."

Put in context, we see breed and brood counts down, but the fact we've had such tremendous numbers of birds for several years eases the bad news. And the bottom line is there's lots of ducks out there.

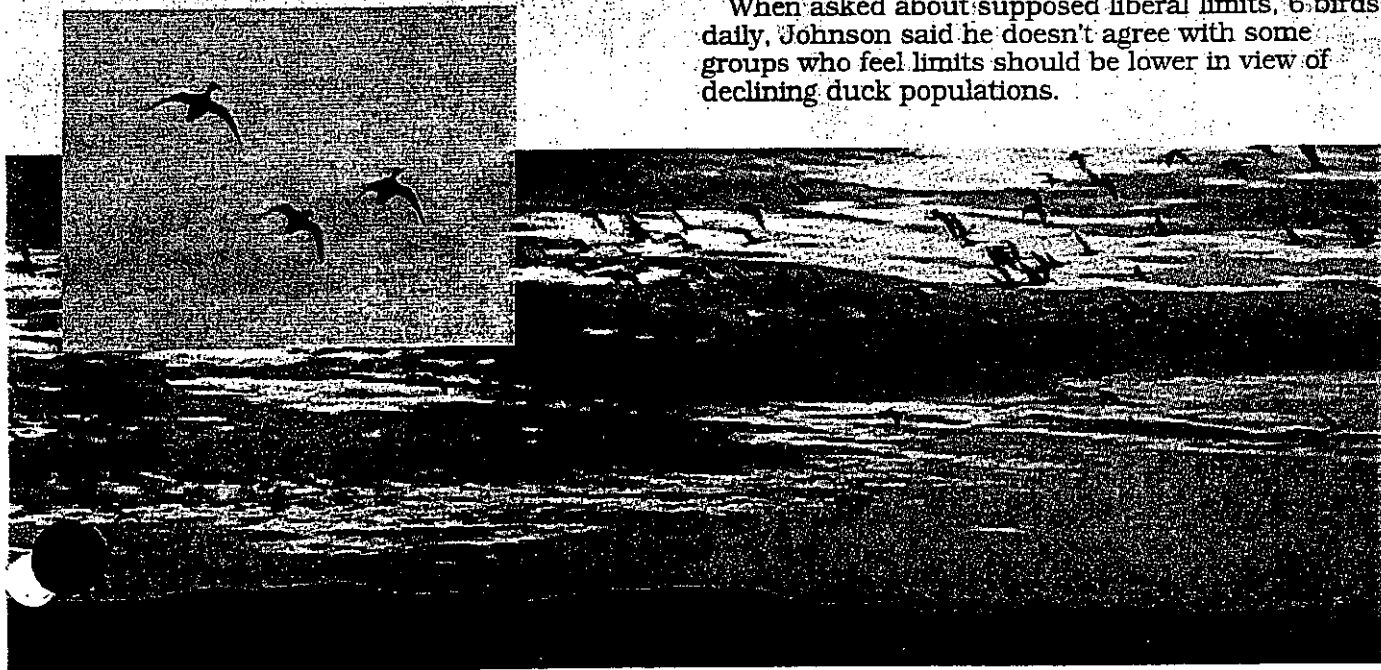
"We've been riding such a big high," Johnson said of duck numbers in the state. "The only time we've been lower (than this year) was in 1995, and this fall will be one of the top 10 years on record."

Johnson reminds us that last year in North Dakota, there were record high numbers of ducks, particularly mallards, so any apparent decrease in that list is marked with a bit of deception.

For the popular mallard, Johnson said brood numbers were up this year, going from 20.4 percent of the brood population in 2003, to 26 percent this year. Blue-winged teal brood numbers declined from 47 percent last year to 44 percent this fall, and gadwalls dropped very marginally from 13 percent in 2003 to 12.5 percent this fall, according to Johnson.

"We're getting closer to an average year, but people forget what an average year is," Johnson added. "We're still almost twice as high as the long term (average)."

When asked about supposed liberal limits, 6 birds daily, Johnson said he doesn't agree with some groups who feel limits should be lower in view of declining duck populations.



USFWS Waterfowl Report 9/29/04

WATERFOWL NUMBERS UNCHANGED FROM LAST WEEK, SAYS USFWS

This weekend marks the first chance for nonresident hunters to take part in the 2004 North Dakota waterfowl season, but there aren't many new birds in the state. The weekly report from the U.S. Fish and Wildlife Service points out the fact that very few migrants have arrived, but there hasn't been enough cold weather to force local ducks and geese out. In addition, good weather has allowed farmers to make some progress in harvesting, which should open up more areas to hunters.

Almost 15,000 Canada geese have moved onto Audubon National Wildlife Refuge near Coleharbor. Project leader Mike McEnroe says he has seen good numbers of Canada geese in the Riverdale area, along the south side of Lake Sakakawea, and at Lake Ilo National Wildlife Refuge in Dunn County. He reports blue-winged teal on almost every slough with water, and a few mallards everywhere, including several big flocks. McEnroe suggests sandhill crane hunters try northwestern McLean and southwestern Ward counties. He warns that western McLean and southern Ward counties are quite dry, and that eastern McLean and Sheridan counties have dried up a lot since late summer.

About 4,500 Canada geese and 20,000 ducks were reported early this week at Arrowwood National Wildlife Refuge near Pingree. Biologist Paulette Scherr says more than half the ducks were mallards, with quite a few gadwall and shovelers and some pintails and green-winged teal. In Foster County, she found few Canada geese and only about 4,000 ducks. Again, most of the ducks were mallards. Scherr notes that some mallard drakes still aren't fully colored.

Harvested wheat fields in southeastern North Dakota provided good hunting on opening weekend. Jesse Lisburg of Tewaukon National Wildlife Refuge says a few more Canada geese have moved onto the refuge, but no snow geese have arrived. He adds that the soybean harvest has started, and that could spread waterfowl into new areas.

Hunters in the Kulm area will have to do some scouting if they want to find any of the small groups of local birds. Bob Vanden Berge of the Kulm Wetland Management District believes his four-county area actually lost ducks and geese in the past week. He says Logan County looks pretty bare, but southern McIntosh County could be better.

Hunter pressure has been light in the Valley City area. Kory Richardson of the Valley City Wetland Management District says he has not seen any large groups of birds, and the crop harvest remains behind schedule. Northeastern North Dakota remains one of the brightest spots for waterfowl hunters. Cami Dixon of the Devils Lake Wetland Management District says it's mostly local birds so far, but the area had a good hatch, and wetland conditions are good. She notes that Benson and Nelson county hunters have been successful, but the area north of Lake Alice has good numbers of Canada geese, mallards, gadwall, and sandhill cranes, as well as some early snow geese.

Some locations in north-central North Dakota are reporting good numbers of mallards. Biologist Gary Eslinger of J. Clark Salyer National Wildlife Refuge says about 5,000 snow geese have been observed in small flocks

throughout the district, and about 10,000 lesser Canada geese. In addition, he reports a good population of local Canada geese. Fair numbers of diving ducks have been spotted in the southern and eastern portions of the district, but scouting will be needed to find them.

The first stages of the fall migration are being noticed at Des Lacs National Wildlife Refuge near Kenmare. Refuge operations specialist Chad Zorn reports some definite movement since last week, with the refuge picking up about 1,200 lesser Canada geese, 100 snow geese and a few swans. He says lots of unharvested fields remain, but wetlands are in decent condition.

A few snow geese have moved into northwestern North Dakota. Tim Kessler of the Crosby Wetland Management District says hunters will have to do some looking to locate the local ducks.

Local ducks and Canada geese still provide most of the hunting opportunities near Upper Souris National Wildlife Refuge. Darla Leslie expects another fairly quiet weekend for area hunters, as very few migrants have arrived.

Northern Kidder County continues to offer good waterfowl hunting. Tomi Buskness of Long Lake National Wildlife Refuge says concentrations of ducks and geese are hard to find elsewhere, but about 5,000 sandhill cranes have gathered on the refuge.

Things appear to have quieted down some in Stutsman and Wells counties. Dave Bolin of the Chase Lake Prairie Project says there are some concentrations of mallards, but scouting will be required to find them. He notes that hunters report seeing a few flocks of lesser Canada geese and fair numbers of resident Canadas. Bolin reports good water conditions throughout most of the area.

It's fairly easy to drive around Mountrail County and see ducks on wetlands, reports Mike Graue of the Lostwood Wetland Management District, but it's hard to find any large concentrations. He says most of the ducks are local green-winged teal, wigeon and gadwall. Not many geese have arrived yet, although there are some sandhill cranes. Graue believes hunter success will improve considerably once migration kicks in.

From northeastern South Dakota, Sand Lake National Wildlife Refuge reports 30,000 ducks, 1,100 Canada geese and no swans or snow geese. Biologist Bill Schultze says the geese are scattered in relatively small flocks, and the duck population of mallards, green-winged teal, shovelers and wood ducks has actually dropped in the past couple of weeks.

USFWS Waterfowl Report 10/06/04

NOT MUCH CHANGE IN WATERFOWL NUMBERS, SAYS USFWS; WHOOPERS SEEN

It's been cold enough to move some resident ducks out of North Dakota, but not cold enough to bring in many migrants. The weekly report from the U.S. Fish and Wildlife Service says waterfowl numbers in the state have not shown much change from last week. In addition, hunters will have to be on the lookout for whooping cranes. The protected birds have been spotted at several locations in the past week.

The Devils Lake area has provided some of the most successful hunting so far this season, and there has been little change this week. Biologist Cami Dixon of the Devils Lake Wetland Management District says hunters have been bagging local ducks almost exclusively, but sandhill cranes have moved into north-central Benson County, and a few snow geese are being reported.

Hunting success has been limited in north-central North Dakota. The weekend outlook is pretty bleak around J. Clark Salyer National Wildlife Refuge, according to assistant manager Gary Erickson. He says a few snow geese and some lesser Canada geese have moved in, but the area is holding very few ducks.

Waterfowl populations at Des Lacs National Wildlife Refuge have increased somewhat from last week. Assistant project leader Dan Severson estimates the refuge has about 3,000 Canada geese, 250 tundra swans, 3,000 mallards and 2,000 other ducks, but no snow geese.

Waterfowl hunters have been having a tough time in Mountrail County. Refuge manager Todd Frerichs of the Lostwood Wetland Management District says some teal and gadwall have already departed the area. He says the hunting is marginal at best, although a few more sandhill cranes and tundra swans have moved in. Frerichs notes there has been at least one confirmed sighting of whooping cranes in the Palermo area.

Cold weather last weekend drove a lot of the teal and gadwall out of northwestern North Dakota. Biologist Monte Ellingson of the Crosby Wetland Management District says the Noonan area still has about 2,000 snow geese, and quite a few resident Canada geese are scattered throughout the area.

Very few migrants have joined the local birds around Upper Souris National Wildlife Refuge. Spokesperson Darla Leslie reports limited hunter success in the area so far this season.

Audubon National Wildlife Refuge near Coleharbor has gained ducks, but lost geese since last weekend. Project leader Mike McEnroe believes the refuge has about 5,000 Canada geese and about the same number of ducks, along with a couple hundred sandhill cranes and tundra swans. He says the blue-winged teal disappeared after a couple nights of cold temperatures, but some large flocks of mallards remain in several areas, although access is difficult. He recommends the McClusky area for sandhill crane hunters, but warns them to be on the lookout for whooping cranes. He reports an unconfirmed, but likely sighting in the Douglas area.

Most of the whooping crane sightings have been in Burleigh and Kidder counties, but there are good numbers of lesser Canada geese, too. Biologist Gregg Knutsen of Long Lake National Wildlife Refuge says the whoopers have been spotted in northeastern Burleigh and northwestern Kidder counties, as well as on the east end of the refuge. He says the refuge is

holding about 6,000 sandhill cranes, 3,000 lesser Canada geese, and decent concentrations of gadwall and shovelers.

Waterfowl populations in the Kulm area have been dropping for the past couple of weeks, but there are still some scattered groups of ducks and geese. Project leader Bob Vanden Berge of the Kulm Wetland Management District says scouting will be needed to find those groups. He believes hunting success this weekend will be fair, at best. Vanden Berge notes that some drake mallards are not fully colored yet, so hunters need to wait for good light to tell the drakes from the hens.

Fair numbers of ducks and geese can still be found in Stutsman and Wells counties. Chris Flann of the Chase Lake Prairie Project says not many migrants have arrived yet, except for a few sandhill cranes in the western parts. He believes the best waterfowl hunting will be in Wells County, where the harvest is more complete.

More ducks and geese have reached Arrowwood National Wildlife Refuge near Pingree. Biologist Paulette Scherr estimates the refuge has about 6,000 Canada geese, 26,500 ducks and 165 tundra swans. She says the ducks include about 11,000 mallards, 1,600 pintails, 2,700 gadwall and 2,500 green-winged teal, plus a few canvasbacks, redheads and scaup. Scherr counted about 7,000 ducks in the Kensal area, but few geese in Eddy and Foster counties. She adds that most of the ducks are on larger wetlands.

A few more lesser Canada geese have joined a good population of resident Canadas in the Valley City area. Kory Richardson of the Valley City Wetland Management District says he has heard success stories from hunters in Traill, Griggs and Barnes counties. He notes good duck numbers, with groups of several hundred or more gathered on larger wetlands. Richardson reports the best water conditions are in Griggs and northern Barnes counties.

Large concentrations of ducks are hard to find in southeastern North Dakota. Jack Lalor of Tewaukon National Wildlife Refuge says a few more wigeon, green-winged teal and gadwall have moved in, along with some tundra swans. He suggests hunters scout areas around large wetlands in central Sargent County.

Cold temperatures and strong northerly winds moved quite a few ducks onto Sand Lake National Wildlife Refuge in northeastern South Dakota. Biologist Bill Schultze estimates about 45,000 ducks on the refuge, including the first buffleheads and ring-necked ducks, and an increase in shovelers, gadwalls and mallards.

Nearly all National Wildlife Refuges in North Dakota are closed to waterfowl hunting, but all 1,100 Waterfowl Production Areas(WPA) are open, and have signs saying they're open. Waterfowl hunters must be currently registered with the Harvest Information Program. They can do that by calling 888-634-4798. Hunters are reminded that if they are hunting with a party, they must keep their birds separate from the birds of the other hunters in their party.

USFWS Waterfowl Report 10/13/04

NOT MUCH CHANGE IN WATERFOWL POPULATIONS, SAYS USFWS

The waterfowl migration into North Dakota seems to be more of a trickle than a rush. The weekly report from the U.S. Fish and Wildlife Service lists small increases in many locations, steady numbers at others, and a small decrease at another. The report also notes deteriorating wetland conditions throughout the state.

More ducks and geese have moved onto Des Lacs National Wildlife Refuge near Kenmare. Assistant project leader Dan Severson says most of the 5,000 Canada geese using the refuge are on the south end, while the 15,000 ducks are scattered. He says only small flocks of snow geese have been seen, and they have not started to build up on the refuge. Severson cautions hunters that many fields of wheat are still standing. He believes upcoming colder weather will keep waterfowl moving into the area.

Duck numbers seem to have dropped in McLean and Sheridan counties. Audubon National Wildlife Refuge project leader Mike McEnroe says cold overnight temperatures and warmer daytime temps may be to blame. He adds that some lesser Canada geese have moved in, but not many snow geese or white-fronted geese. Sandhill crane hunters are finding good numbers along the Ward-McLean County line and in the McClusky and Goodrich area. McEnroe estimates Audubon refuge is holding about 5,000 Canada geese and up to 6,000 ducks.

A few more ducks and geese have moved into northwestern North Dakota. Tim Kessler of the Crosby Wetland Management District says the best concentrations of ducks and geese are near Crosby, but fair numbers of waterfowl are being reported throughout the Coteau. He notes that unconfirmed whooping crane sightings continue to come in.

Waterfowl populations are holding steady in Mountrail County. Lostwood National Wildlife Refuge manager Will Meeks says a few migrant Canada geese have moved in, and the first diving ducks are showing up, but very few snow geese have arrived. He reports seeing harvested fields containing 500-1000 mallards, and groups of 150-200 Canada geese. Meeks also reports good numbers of sandhill cranes and tundra swans.

More waterfowl have reached Upper Souris National Wildlife Refuge near Foxholm. Deputy refuge manager Tom Pabian estimates the refuge is holding about 10,000 ducks including some divers, plus up to 8,000 Canada geese, but no snow geese.

Not many ducks or geese have gathered at J. Clark Salyer National Wildlife Refuge near Upham. However, project leader Tedd Gutzke estimates the refuge is holding about 1,000 tundra swans. He believes the weather will have to change before waterfowl populations increase.

More snow geese have moved into northeastern North Dakota. Aaron Mize of the Devils Lake Wetland Management District reports huntable numbers in Benson, Towner and Cavalier counties. He says the Canada goose population seems to be holding steady. Mize notes that hunters are having limited success on mallards, and hunting pressure is still low. He also reports good numbers of diving ducks in the area.

Hunters are finding migrant Canada geese in Wells County, as well as decent

numbers of mallards, and some scaup have moved in. However, Matt Pieron of the Chase Lake Prairie Project says heavy pressure early in the season broke up many of the good-sized groups of ducks in Stutsman and Wells counties. He adds that sandhill crane populations are good right now.

Waterfowl populations continue to build at Long Lake National Wildlife Refuge near Moffit. Deputy refuge manager Tomi Buskness estimates the refuge is now holding about 4,000 Canada geese, 8,000 sandhill cranes and "lots" of gadwall and shovelers. She notes that at least one whooping crane remains on or near the refuge.

Not much change in the waterfowl population at Arrowwood National Wildlife Refuge near Pingree. Biologist Paulette Scherr estimates the refuge has about 6,000 Canada geese and 25,000 ducks including some diving ducks. She says most of the ducks in Eddy and Foster counties can be found on the larger wetlands.

Some migrant Canada geese have moved into the Valley City area. Kory Richardson of the Valley City Wetland Management District says he has reports of lesser Canada geese trickling into Hobart Lake National Wildlife Refuge, and flocks of 200-300 mallards field feeding in southwestern Barnes County. He adds that the bean harvest is progressing, and that should open up more areas to hunt.

Hunting has been slow in southeast-central North Dakota, but colder weather could push more birds in. Bob Vanden Berge, project leader of the Kulm Wetland Management District, says the area isn't holding many birds right now, just small isolated groups. He notes that much of the bean crop is getting harvested, but a lot of corn is still standing.

In northeastern South Dakota, Sand Lake National Wildlife Refuge reports a jump in the duck population from 45,000 last week to 50,000, and a slight gain in Canada geese from 1,500 to 1,800. Biologist Bill Schultze also reports the first flocks of lesser scaup arrived this week.

Nearly all National Wildlife Refuges in North Dakota are closed to waterfowl hunting, but all 1,100 Waterfowl Production Areas(WPA) are open, and have signs saying they're open. However, motor vehicles are not allowed on WPAs. Also, anyone hunting pheasants on WPAs is reminded they are required to use nontoxic shot.

USFWS Waterfowl Report 10/20/04

NOT MUCH WATERFOWL MOVEMENT INTO STATE YET, SAYS USFWS

Colder weather has failed to produce any big influx of waterfowl into North Dakota. According to the weekly report from the U.S. Fish and Wildlife Service, only small numbers of ducks and geese have entered the state in recent days.

The 6-inch snowfall in parts of northwestern North Dakota early this week concentrated the ducks in larger groups on bigger wetlands. Tim Kessler of the Crosby Wetland Management District says the snow also drove some waterfowl out of the area, and will make hunting difficult. He notes that virtually no new birds have moved in from the north, and the Canada goose population in the area is lower than a week ago, although a few groups of up to 200 birds remain on the larger wetlands. Kessler adds that the majority of snow geese are holding out in flooded grain fields in Canada, although scattered flocks of up to 1,000 are still being occasionally seen. He says low pheasant populations and unharvested grain fields have combined to make upland bird hunting difficult.

The first few small flocks of snow geese have reached Des Lacs National Wildlife Refuge near Kenmare. Assistant project leader Dan Severson says up to 4,000 snow geese are using the refuge, but they are moving around quite a bit. About 25,000 ducks are spread out on the refuge. The mix still includes some gadwalls, pintails, wigeon and teal. About 6,000 Canada geese are still present, but recent cold weather drove out all but 100 tundra swans.

Some migrant mallards are starting to show up in Mountrail County. Mike Graue of the Lostwood Wetland Management District says the area is also holding quite a few gadwall and green-winged teal, but very few Canada geese or snow geese.

The first snow geese of the season have arrived at Upper Souris National Wildlife Refuge near Foxholm. Spokesperson Darla Leslie says about 1,000 snow geese have been hanging around the refuge since early this week. She notes that the duck population has dropped to about 5,000 birds, and Canada goose numbers are holding steady at 8,000.

North-central North Dakota has yet to see much waterfowl migration from Canada. Tedd Gutzke of J. Clark Salyer National Wildlife Refuge reports about 1,000 snow geese in the Rugby area and several thousand ducks scattered throughout the area. He adds that most of the sandhill cranes have apparently moved out.

Migration is progressing slowly in northeastern North Dakota. Biologist Cami Dixon of the Devils Lake Wetland Management District says snow flurries and colder temperatures have not resulted in a large increase in migrating waterfowl. She notes that hunters are finding mostly local birds on the ponds, and they'll need to allow time for scouting. Dixon says Benson and Nelson counties continue to provide the best hunting.

No major migration waves have reached Audubon National Wildlife Refuge near Coleharbor. Spokesperson Jackie Jacobson says the refuge is holding very few ducks and geese, although colder weather could change things drastically.

Although the only noticeable change this week at Long Lake National Wildlife Refuge near Moffit has been a drop in the local sandhill crane population, some nearby areas are showing gains in waterfowl numbers. Refuge biologist Gregg Knutsen reports a definite increase in the number of mallards, diving ducks, lesser Canada geese and tundra swans in northern and central Kidder County and northern Burleigh County. He says hunters finding harvested corn fields are having the best luck. Knutsen estimates the refuge populations of sandhill cranes at about 2,000 and lesser Canada geese at about 4,000.

A few more ducks may have moved into Stutsman and Wells counties, but the bulk of the migration is yet to come. Mick Erickson of the Chase Lake Prairie Project says resident Canada geese have become harder to find, but some more lesser Canadas have arrived, and some tundra swans have reached southern Wells county. He believes the best hunting opportunities will be in northern Stutsman and Wells counties.

Waterfowl populations have decreased slightly at Arrowwood National Wildlife Refuge near Pingree. Biologist Paulette Scherr estimates the refuge is holding 18,000 ducks, about 3,000 Canada geese and 400 tundra swans. The duck population includes more than 6,000 mallards, about 2,700 gadwall, 4,600 green-winged teal and 1,400 pintail. The diving duck total of 1,100 birds is made up of scaup, canvasbacks and redheads. Reports from Eddy and Foster counties note several areas with up to 300 mallards in the wetlands, but only small flocks of snow geese and fewer flocks of Canada geese.

The waterfowl migration is starting to pick up in southeast-central North Dakota. Bob Vanden Berge of the Kulm Wetland Management District says populations are still fairly low, but he is seeing more groups of migrating mallards and the first of the lesser Canada geese. Hunters are reporting fair numbers of scaup and other diving ducks on the deeper ponds. Vanden Berge believes cooler temperatures and north winds will bring in more migrants, but hunters will still need to do their scouting.

Waterfowl numbers haven't changed much in the Valley City area. Kory Richardson of the Valley City Wetland Management District says the bean and corn harvests remain behind schedule, and he has only seen a few areas in Barnes County where up to 500 mallards are field feeding. However, he notes good numbers of Canada geese feeding in flocks of up to 150 in Griggs and Barnes counties. Richardson says good duck and goose hunts are possible for hunters willing to do their scouting.

In southeastern North Dakota, the mallard population is building slowly. Tewaukon National Wildlife Refuge acting manager Jack Lalor says the refuge is holding a few thousand mallards, while bufflehead, canvasback and ring-necked duck populations are also on the rise. He adds that gadwall and wigeon are still hanging around in good numbers, and some lesser Canada geese are arriving. Lalor cautions that hunters must be careful to stay off the refuge while hunting nearby Waterfowl Production Areas, PLOTS acres and Wildlife Management Areas.

Waterfowl populations have increased in northeastern South Dakota. Bill Schultze of Sand Lake National Wildlife Refuge says the refuge is now holding about 65,000 ducks, 2,500 Canada geese and 450 tundra swans. He notes that mallard numbers have increased considerably during the past week, diver populations are up, and lots of shovelers are still using the refuge. Schultze adds that no snow geese were using the refuge at mid-week, but small flocks of less than 100 have been observed in the area.

HB1422 testimony

House Natural Resources Committee
January 28, 2005
RE: HB 1422

Mr. Chairman, members of the Committee:

I am Paul Overby, from Wolford, ND. I am a resident of Rolette County, and my wife Diane and I farm in Rolette, Pierce, and Towner Counties.

This morning, I read something interesting. "And I saw that all labor and all achievement spring from a man's envy of his neighbor. ... There was no end to his toil, yet his eyes were not content with his wealth." Ecclesiastes 4:4, 8. That passage, attributed to the wise King Solomon, goes on to say that it is better to have friends. "A cord of three strands is not easily broken."

As I have listened to, and consider, the hunting debates over the last several years, I have wondered how much is driven by a real shortage of natural resources and how much is driven by envy "of our neighbor." Perhaps, indeed, some areas of the state have more hunters now than before. And that upsets us. But is that anger, that emotion, driven by the lack of ducks, or pheasants, some place else, or simply that another hunter has discovered our secret spot! And what is the appropriate response?

Let me say, that on the 11 quarters that I operate, along with six quarters of CRP that I manage, we post the land. But in return for that, we give our hunter friends a 'good hunt' by managing what days areas are hunted, and how frequently they are hunted. And I don't charge them a fee.

I genuinely enjoy the comraderie of our guests and visitors and look forward to their return every year. Some have become friends, a better pay than money, a cord of three strands. And since many of them are from out of state, I am here, as their friend, to support their opportunity to continue to enjoy a 'good hunt' in North Dakota.

Sportsman, at their best, are a great group of people. But, like the 'neighbors' King Solomon referred to, when the green-eyed envy is turned on, the lack of contentment and satisfaction becomes a pervasive and negative force.

I submit that the bill before you, the waterfowl hunters "kitchen sink" bill, is driven more by perceptions and fear of losing a tradition of free hunting access than it is by a genuine need to manage the appropriate harvest of waterfowl. It really is attempt to manage, and discourage, one class of hunters, the non-resident, than it is to manage waterfowl.

As such, there are some potential flaws in this that should be considered before moving for its approval:

In today's Tribune, we are reminded of Minnesota Attorney General Mike Hatch's pursuit of our hunting regulations. It would seem that another regulation, that is obviously a management of non-resident hunters and not waterfowl, will only feed into his case. If I were him, I would have a copy of this bill on its way to my legal team.

There is already a great deal of anger in the two hunting zones that were created by ND G&F after the last legislative session defeated such proposals. Will zoning the entire state create enemies for ND hunters, rather than friends?

And if, as I suspect, this bill reaches its goal of cutting the number of non-resident waterfowl hunters in half, there should perhaps be a fiscal note attached. Such drastic legislation may be the final straw for those non-resident hunters who have been continuing to come to ND, in spite of the obvious attempts of the green-eyed hunters to keep them out. What will a loss of 12,000 non-resident

HB1422 testimony

hunters mean to the revenue of ND G&F? I would imagine that funding the Commissioner Hildebrand has requested for five additional FTE's would be more than eliminated. Shouldn't this bill also be referred to the Appropriations Committee?

Some times legislative action is necessary. And some times it can get in the way. Commissioner Hildebrand has initiated several meetings with landowners in the state. This discussion is good. He will get an earful, but it is a good start. I hope he has several of those meetings scheduled in the two hunting zones!

Rather than legislating, or creating agency rules, from Bismarck, we really need a time to work on acceptance of the way things are. The "good old days" of unlimited access to farmland are as over as are the "good old days" of farming. Time is needed to work on relationships with landowners, not develop back door rules to dry up the "stream of paying customers," the intent of this legislation.

Sportsmans' groups need to host get-togethers with neighbors, not envy them. Hunters need to spend time to develop relationships with land owners, not spend hours on websites complaining about them.

We need to spend our limited time and resources on those things of life that create enjoyment, friendship, and cords not easily broken, not strife.

I urge you to give a "Do Not Pass" to this bill.

Thank you.

Oppose HB 1422

This continuing debate on limiting non-resident water-fowlers to our state is having an adverse affect on the local economics of both rural and urban North Dakota. Hardest hit are the communities that have traditionally promoted this renewable resource to visiting hunters. The debate has served to discourage a significant number of visiting hunters from visiting in the fall. Whether real or perceived many Out-Of-Stators feel the welcome mat to our state has been pulled back.

A very real anti-North Dakota sentiment is forming with sports people across the upper-Midwest. I believe this sentiment is affecting our abilities to attract visitors to our state for hunting and is beginning to affect our ability to attract them to our other outstanding recreational opportunities like fishing and snowmobiling. A growing sentiment is "If you don't want me in the fall you don't need me in the spring, summer or winter."

This zone idea is just one more effort at making the North Dakota hunting experience more difficult for visiting hunters. Visiting hunters need more than just birds. They need the local infrastructure to support their visit. They need lodging, restaurants, sporting good stores, repair shops, gun dealerships, marine dealerships to name just a few. Artificially moving hunters to areas that are ill equipped to handle the influx of hunters will result in a further reduction of hunter numbers and increase antipathy against visiting hunters who will be forced to go to an area that may have birds, but no place to stay, leaving them with the poor choice to camp out of vehicles on rural roads being used by farmers and ranchers.

My last point about zones, many, many businesses and communities have invested untold millions of dollars building, maintaining and marketing to visiting sports people. If you take their customers away by legislative action and artificially moving them to another area how will they be compensated for the loss. The North Dakota Game and Fish, this legislative body and the Governor are on the right track by creating incentives for farmers to create wildlife habitat open to public hunting. Let us continue to grow these programs for the benefit of visiting and local hunters. Let us put the welcome to North Dakota mat back at the entrance to our Great State.

Randy Frost
Devils Lake



**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 1422

JANUARY 28, 2005

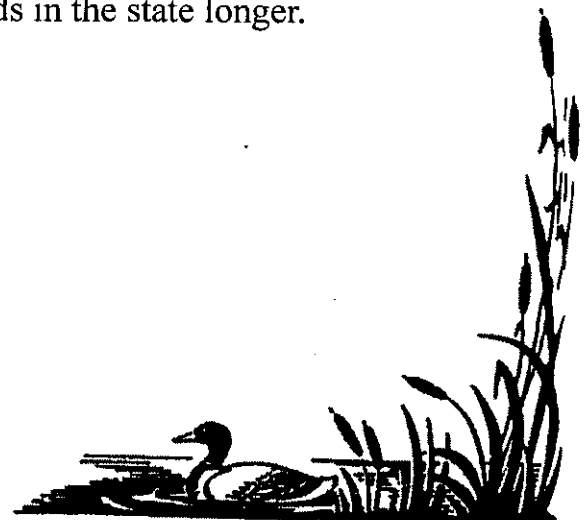
Mr. Chairman and Members of the Committee:

The Club supports this bill because it proposes to distribute hunting pressure to more areas of the state. It may well put hunters into areas of the state that want the economic development they feel there are missing now.

We support the use of all available data mentioned in the bill in the decision making process of how many hunters are allowed in each unit.

The Club would be agreeable to any effort to set the number of zones at 5 or 6 in order to make the system more manageable.

Better distribution of pressure may hold the birds in the state longer.



**DEVILS LAKE AREA
CHAMBER OF COMMERCE**

By: Greg Otis
Pg 1 of 6
P.O. Box 879
208 West Highway 2
Devils Lake, North Dakota 58301
Phone (701) 662-4903
Fax (701) 662-2147

Re: HB 1422

Members of the House Natural Resource Committee

I am Greg Otis Executive Vice President of the Devils Lake, North Dakota Chamber of Commerce. Thank you for taking the time to listen to my testimony this morning.

One of our business communities biggest concerns regarding this proposed legislation is the effect the allocation of nonresident hunting licenses would have on our local economy. With a reduction of just one thousand hunters we would see a loss in revenue of \$2,000,000 based on the following formula; # of lost hunters x number of days hunting x daily expenditure x multiplier: $1000 \times 6 \times \$145 \times 2.3 = \$2,000,000$. Other economic losses for the state would include sales tax, Game and Fish license fees, local taxes and lodging taxes. The positive impact out of state visitors have on our rural areas is significant. The new dollars that they bring provide a much-needed boost to local economies.

We have seen much needed economic development in rural areas because of the wonderful hunting and fishing opportunities our region provides. There is a lot of discussion across the state about the outward migration that we are currently seeing, one way to alleviate some of this trend is to foster a home grown industry to welcome both in state and out of state visitors. What we do not need is a perception that North Dakota does not welcome out of state hunters to our rural areas. By restricting the number of out of state hunters that is exactly what we are doing. Certainly we have to preserve our natural gifts i.e.: waterfowl, but we don't need to regulate artificially what Mother Nature does very effectively. If we want to attract visitors to our state who may become permanent residents shouldn't we put out the welcome mat not a do not enter sign. Thank you for all your hard work for all of us, and I appreciate the opportunity to speak before you.

WALSH COUNTY AUDITOR
600 COOPER AVE.
GRAFTON, ND 58237
701-352-2851
FAX 701-352-3340

Sharon Kinsala
County Auditor

Kris Andrews
Deputy Auditor

January 25, 2005

Greg Otis
Chamber of Commerce
PO Box 879
Devils Lake, ND 58301-0879

RE: House Bill No. 1422

Dear Mr. Otis:

The Walsh County Commissioners would like to go on record **opposing**
HB 1422, relating to resident and non-resident waterfowl hunting licenses
and fees.

We believe this bill, if passed, would be a financial and economic hardship
to the state of North Dakota.

Thank you for representing Walsh County on this matter.

Sincerely,

Allen Ruzicka by sk.

Allen Ruzicka, Vice Chairman
Walsh County Commission

AR/sk

RESOLUTION

WHEREAS, Representatives Iverson, Boucher, Carlson, Hanson and Porter are introducing House Bill No. 1422 which would amended North Dakota Century Code 20.1-03-07-1 (effective through December 31, 2007) Nonresident waterfowl hunting license required. Except as provided in sections 20.1-02-05, 20.1-03-07.2 & 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license; and

WHEREAS, implementation of additional waterfowl hunting zones for which nonresidents waterfowl hunting licenses will be available-and may specify the number of licenses which may be issued in each zone using a method; and

WHEREAS, the manner in which they are to be issued; and


WHEREAS, the northeastern counties of North Dakota has experience steadily rising water levels since the late 1970's and restricting the number on nonresident waterfowl hunting license sold would hurt the economy of the northeastern counties of North Dakota; and

NOW, THEREFORE, BE IT RESOLVED that Towner County Commissioners are opposing House Bill No. 1422; and

BE IT FURTHER RESOLVED that the Towner County Commissioners feels that the economic impact that this bill **if passed** would adversely affect the northeastern counties of North Dakota

Dated at Cando this 25th day of January, 2005.

Towner County Board of County Commissioners

By: 
Terry L Johnson, Chairman

City of Devils Lake
423 6th St NE
PO Box 1048
Devils Lake, ND 58301
Fax: 701.662.7612
www.ci.devils-lake.nd.us



City Commission:
Fred Bott, President
Dick Johnson
Tim Heisler
Craig Stromme
Rick Morse

RESOLUTION

WHEREAS, Representatives Iverson, Boucher, Carlson, Hanson and Porter are introducing House Bill No. 1422 which would amend North Dakota Century Code 20.1-03-07-1 (effective through December 31, 2007) nonresident waterfowl hunting license required. Except as provided in Section 20.1-02-05, 20.1-03-07.2 and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license; and

WHEREAS, Implementation of additional waterfowl hunting zones for which nonresidents waterfowl hunting licenses will be available-and may specify the number of licenses which may be issued in each zone using a method; and

WHEREAS, The manner in which they are to be issued; and

WHEREAS, Devils Lake has experience steadily rising water levels since the late 1970's and restricting the number on nonresident waterfowl hunting license sold would hurt the economy of the region.

NOW, THERFORE, BE IT RESOLVED, That the Devils Lake City Commission in session, Tuesday, January 18, 2005, is opposing House Bill No. 1422; and

BE IT FURTHER RESOLVED, That the Devils Lake City Commission feel that the economic impact that this bill **if passed** would adversely affect the Lake Region.

Dated at Devils Lake, this 18th day of January, 2005.

DEVILS LAKE CITY COMMISSION

By: Fred Bott
Fred Bott, President

TODD E. DALZIEL
Administrator/Auditor
701.662.7600
auditor@ci.devils-lake.nd.us

GARY A. MARTINSON
Assessor/Building Official
701.662.7607
gary_m@ci.devils-lake.nd.us

MICHAEL E. GRAFSGAARD
Engineer
701.662.7614
mike_g@ci.devils-lake.nd.us

J. THOMAS TRAYNOR, JR.
Attorney
701.662.4077
tomtraynor@traynor-rutten.com

RESOLUTION

WHEREAS, Representatives Iverson, Boucher, Carlson, Hanson and Porter are introducing House Bill No. 1422 which would amend North Dakota Century Code 20.1-03-07-1 (effective through December 31, 2007) whereby a nonresident waterfowl hunting license is required. Except as provided in sections 20.1-02-05, 20.1-03-07.2 & 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license; and

WHEREAS, implementation of additional waterfowl hunting zones for which nonresidents waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone using a new method; and

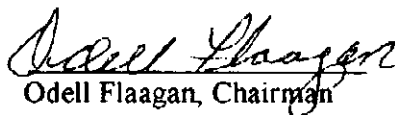
WHEREAS, the manner in which they are to be issued is unacceptable; and

WHEREAS, the Lake Region and Nelson County has experienced steadily rising water levels since the late 1970's and restricting the number on nonresident waterfowl hunting license sold would hurt the economy of the region;

NOW, THEREFORE, BE IT RESOLVED that the Nelson County Commissioners are opposing the passage of House Bill No. 1422; and

BE IT FURTHER RESOLVED that the Nelson County Commissioners feel that the economic impact of this bill, **if passed**, would adversely affect the Lake Region and Nelson County.

Dated at Lakota, ND this 24th day of January, 2005.



Odell Flaagan, Chairman
Nelson County Commission

RESOLUTION

WHEREAS, Representatives Iverson, Boucher, Carlson, Hanson and Porter are introducing House Bill No. 1422 which would amended North Dakota Century Code 20.1-03-07-1 (effective through December 31, 2007) Nonresident waterfowl hunting license required. Except as provided in sections 20.1-02-05, 20.1-03-07.2 & 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license; and

WHEREAS, implementation of additional waterfowl hunting zones for which nonresidents waterfowl hunting licenses will be available-and may specify the number of licenses which may be issued in each zone using a method; and

WHEREAS, the manner in which they are to be issued; and

WHEREAS, Devils Lake has experience steadily rising water levels since the late 1970's and restricting the number on nonresident waterfowl hunting license sold would hurt the economy of the region; and

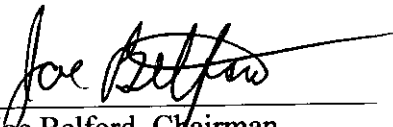
NOW, THEREFORE, BE IT RESOLVED that the Northeast 9 Committee in session Wednesday, January 19, 2005, is opposing House Bill No. 1422; and

BE IT FURTHER RESOLVED that the Northeast 9 Committee feels that the economic impact that this bill **if passed** would adversely affect the Lake Region.

Dated at Devils Lake this 19th day of January, 2005.

Northeast 9 Committee Members

By: _____


Joe Belford, Chairman

Good morning Chairman Nelson and Members of the NRC

My name is Kevin Hayer. I have lived in ND all my life and have been hunting waterfowl here for 34 years. The last few years the enjoyment and quality of my hunting have been going downhill steadily. In my observations there are two major contributing factors.

First is the commercial hunting industry, which is leasing up thousands of acres of the best hunting land. According to the G&F records, licensed outfitters reported the number of acres leased at over 561,000. This does not include day leases by outfitters, and it does not include acres owned by outfitters.

Second is the large number of Nrs waterfowl hunters that are just putting too much pressure on the birds causing multiple problems. Typically resident hunters hunt mostly on weekends allowing birds to rest during the week. Nrs waterfowl hunters typically hunt multiple days in a row not allowing birds a chance to rest from the constant pressure. Waterfowl are not like pheasants, they can fly hundreds of miles in a day. This constant pressure has been pushing the birds out of certain areas or out of the state all together. This pressure also seems to have had an effect on the birds feeding patterns. I have witnessed over the past couple of years ducks and geese becoming nocturnal, not leaving the large waters to feed until after legal shooting hours. This has also been reported in the Delta Waterfowl magazine as a result of heavy pressure.

Many of my friends from ND are now taking trips to Canada each fall in search of the kind of quality hunting we used to have here. I do not know about you, but something is wrong with this picture.

It is time we do something to get back to what we once were or at least try to keep what we still have. Please vote for HB 1422 and let the G&F department do their jobs, so everyone that gets a chance to hunt in ND enjoys a quality experience.

Thank you