

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2338

2005 SENATE NATURAL RESOURCES

SB 2338

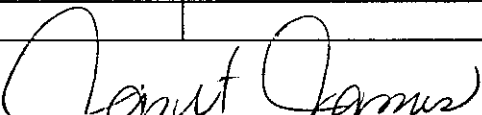
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2338

Senate Natural Resources Committee

Conference Committee

Hearing Date February 3, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.0- 18.8
2		X	1.0 - 3.9
Committee Clerk Signature 			

Minutes:

**Senator Stanley Lyson** Chairman of the Senate Natural Resources Committee brought the committee to order.

All member of the committee were present except **Senator John Traynor**.

**Senator Lyson** opened the hearing on SB 2338 relating to prevention and control of aquatic nuisance species: and to provide a penalty.

**Terry Steinwand**, Chief of Fisheries Division of the North Dakota State Game and Fish

Department introduced the bill stating the topic of this bill is probably the most pressing and serious issues that needs to be dealt with. The bill will define what aquatic nuisance species are so through a right of process the department can prevent or rapidly respond to any infestations.

This will give the director the authority to provide rules to allow some species into the state and absolutely deny others.

**Senator Michael Every** asked if this includes biota.

**Terry Steinwand** confirmed that it is plants and animals. They would not be concerned with a tropical species that wouldn't survive through the cold seasons in the state.

**Terry Steinwand** continued to then present his own testimony on behalf of the North Dakota State Game and Fish Department (See attached testimony). He also presented amendments to the bill (See attached).

**Senator Every** asked about the boat police.

**Terry Steinwand** stated it needs to be a cooperative effort between North Dakota State Game and Fish Department, Highway Patrol, Parks and Rec employees and tournament organizers. SB 2338 does give North Dakota State Game and Fish Department the authority to train and authorize personnel to do that to substantially reduce the risk.

**Duaine Ash**, representing the North Dakota Sportfishing Congress, Friends of Lake Sakakawea and the Devil's Lake Chamber of Commerce, testified in support of SB 2338 (See all three attached testimony). He also told the committee of his personal fishing experiences and the problems of infested waters.

**Mike Donahue** representing the United Sportsmen of North Dakota testified in support of SB 2338 with the proposed amendments o the North Dakota State Game and Fish Department (See attached testimony).

**Harold Neameyer** (10.0) representing the Cass County Wildlife Club testified in support of SB 2338 (See attached testimony).

**Bill Pfeifer** delivered testimony on behalf of Mike McEnroe, representing North Dakota Chapter of The Wildlife Society (See attached testimony).

**Dean Hildebrand**, (13.8) Director of the North Dakota State Game and Fish Department

testified this a state plan that is before the governor who is expected to sign off. When the plan is complete the state will be eligible for federal funds to fight the problem. This will be a 25% match to 75% from the federal government. He suggested to check "protectyourwaters.net", to learn about aquatic nuisances speices and what is happening all over the US.

Discussion was held about aquatic nuisances such as zebra mussels, snake head, carp fish, salt cedar and curly leaf pond weed.

**Senator Lyson** asked for opposing testimony and hearing none closed the hearing on SB 2338.

**Tape 2, Side B 1.0 -3.9**

**Senator Stanley Lyson** opened the committee work on SB 2338.

All members of the committee were present except **Senator John Traynor** and **Senator Ben Tollefson**.

**Senator Every** made a motion for a Do Pass

**Senator Rich Wardner** second the motion.

Action needs is required on the amendments first so,

**Senator Every** withdrew his motion.

**Senator Lyson** asked for clarification from **Paul Schadewald** if the amendments were those presented by him at the morning hearing.

**Paul Schadewald** confirmed this to be so.

**Senator Every** made a motion to adopt the amendments as proposed by the North Dakota State Game and Fish Department.

**Senator Wardner** second the motion.

Page 4

Senate Natural Resources Committee

Bill/Resolution Number SB 2338

Hearing Date 2-3-05

Roll call vote #1 was taken by voice vote indicating 5 YEAS, 0 NAYS AND 2 ABSENT.

**Senator Every** made a motion for Do Pass as Amended of SB 2338.

**Senator Wardner** second the motion.

Roll call vote #2 was taken indicating 5 YEAS, 0 NAYS AND 2 ABSENT.

**Senator Traynor** will be asked to carry SB 2338.

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/24/2005

Bill/Resolution No.: SB 2338

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						
Expenditures				\$5,000		\$5,000
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.*

Most of the work to establish the aquatic nuisance species program established in the bill would be performed by ND Game and Fish Department staff. Adequate appropriations are expected in the regular Department appropriation to cover the costs of implementing this bill. The cost of per diem and travel expenses of the aquatic nuisance committee is expected to be no more than \$5,000 per biennium and would also come from the game and fish fund.

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.*

None.

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 total of all costs for this program would be about \$110,000 per year. This consists mainly of staff time, costs of educational materials, signs, and some travel. These would come from the North Dakota Game and Fish Department's regular appropriation. 75% of the funds will be federal funds provided for aquatic nuisance species work.

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.*

No funds are appropriated in this bill. Adequate appropriations in the regular Game and Fish Department budget are anticipated. A major portion of these costs are staff time for regular Department staff.

<b>Name:</b>	Paul Schadewald	<b>Agency:</b>	ND Game and Fish Department
<b>Phone Number:</b>	328-6328	<b>Date Prepared:</b>	01/24/2005

Date: 2-3  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2338

Senate Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do Pass of Amendment of CF

Motion Made By Gray Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman			Senator Joel Heitkamp		
Senator Ben Tollefson, Vice Chair			Senator Michael Every		
Senator Layton Freborg					
Senator Rich Wardner					
Senator John Traynor					

Total (Yes) 5 No 0

Absent 2

Floor Assignment \_\_\_\_\_

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



Date: 2-3-05  
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2338

Senate Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Every Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman	✓		Senator Joel Heitkamp	✓	
Senator Ben Tollefson, Vice Chair	-		Senator Michael Every	✓	
Senator Layton Freborg	✓				
Senator Rich Wardner	✓				
Senator John Traynor	-				

Total (Yes) 5 No 0

Absent 2

Floor Assignment Traynor

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

**REPORT OF STANDING COMMITTEE**

**SB 2338: Natural Resources Committee (Sen. Lyson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2338 was placed on the Sixth order on the calendar.**

Page 1, line 20, replace "within a" with "while on a specific"

Page 3, line 10, replace ", for a total of not more than seven days during the open water season" with a semicolon

Page 3, remove line 11

Page 3, line 18, replace "as" with "before", after "equipment" insert "enter or", and remove "or are removed from"

Page 4, line 20, remove "willfully"

Renumber accordingly

2005 HOUSE NATURAL RESOURCES

SB 2338

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2338

House Natural Resources Committee

Conference Committee

Hearing Date **March 3, 2005**

Tape Number	Side A	Side B	Meter #
1	x		0-2170
2	x		2620-2940
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

**Chr. Jon O. Nelson:** I will bring the House Natural Resources Committee to order and ask the clerk to call the roll, Rep. George Keiser absent. Let the record show that a quorum is present. I will open the hearing on SB 2338 and ask the clerk to read the title.

**Sen. John Traynor, Dist. 15:** I hope the committee looks favorably on this bill. It's something we need to protect our lakes and streams in ND from unwanted species. As all of you know, there is a real threat of such aquatic nuisance species especially from Minnesota and Canada. We have to have a system in place to protect our waters and keep our good fisheries like the one in Devils Lake.

**Chr. Nelson:** Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

**Terry Steinwand, ND Game & Fish: (Written testimony attached)** I'm almost embarrassed to say that on Pg. 2, Section 2, on the list of entities that would be involved in the committee, in

error we omitted the State Health Department, which is an absolute integral part of helping to develop this plan. If it would please the committee, add that as a member of that committee. Also, I directed Lynn Schlueter of my staff to develop an Aquatic Nuisance State Management Plan. It has been adopted by the governor and Dir. Hildebrand. We've sent it to the Fish and Wildlife Service. It's under review right now and if approved by them we will be eligible for federal funds. This is a very, very serious threat. We don't take it lightly. We're doing what we can at this point in time. This will give us a whole lot of teeth to work with. I urge your support of this bill.

**Chr. Nelson:** In the draft that you have, is there a list that's been developed?

**Steinwand:** It's a preliminary list. We are in the process of working on a tiered list or class list. Some, we absolutely don't want in ND. Some, it's o.k. for people to bring them in, but under certain conditions. Others, like carp of course, we don't allow into ND, but recognize they are here and here to stay. It will probably be a three-tiered system that will be established.

**Chr. Nelson:** I don't know if this is a fair question, but are you more concerned from an immediate standpoint with plant or animal non-native species?

**Steinwand:** Yes! It is relatively equal. If I *had* to make a choice I would say animal, but that's only slightly above, plants can have a very, very serious effect, also. As an example, curlyleaf pondweed is a non-native species to ND. We do have it in Lake Sakakawea and in only one other lake that we're aware of, which is McDowell Dam, just east of Bismarck. The reason it can be such a bad species is it's monotypic, meaning that's the only species of plant there. It makes too much cover for some fish and unbalances the fish population. That also can clog intake pipes. It's really hard to make a choice between plant and animal life.

**Chr. Nelson:** O.K., I appreciate that.

**Rep. Bob Hunskor:** At this point, are there serious infestations? If so, what are they?

**Steinwand:** Under our definition, there are serious infestations, but I have to put a disclaimer on it. Those serious infestations are carp, which is a non-native species. They've been in ND since the late 1800's.

**Hunskor:** How close is that to ND?

**Steinwand:** Excellent question. Eurasian water milfoil is currently about 20 miles to the west of Alexandria, MN. Zebra mussel are a little further east than that. To the south, they've been reported in the lower Missouri River system reservoirs in SD. That is very concerning; they are continually moving closer to ND.

**Hunskor:** Why are zebra mussels a problem, how do they work?

**Steinwand:** They're a clam about the size of your thumbnail, very prolific. One clam/zebra mussel the size of your thumbnail can filter one liter of water per day. They filter everything out of the water. The impact to fish would be that they (the mussel) are removing the food source for the small fish, the fry and fingerling. In terms of municipal, rural, or industrial water supplies, they colonize on hard surfaces and actually reduce the waterflow and sometimes absolutely plug up the pipe. That's why I talked about that \$383,000 per intake cost. It's a billion dollar maintenance activity across the U.S.

**Chr. Nelson:** Does Minnesota have a policy to limit non-native species in their state so that the spread is slowed, at least, in moving farther west?

**Steinwand:** Yes, they are very good. Minnesota has very good laws and are very hard on the people who transport. As an example, if you get caught trailering a boat from one water body to

another and there is *any plant fragment* on it, you're subject to a \$500 fine, whether that plant fragment is native or not. If you look at maps of zebra mussels, there's a chain of lakes in eastern MN where you can see where the boat traffic has gone. We've been working with local fishing clubs, fishing tournaments for the last five or six years, educating them. Even though a lot of people may not like these big professional walleye tournaments, they are probably the best people out there in terms of educating themselves and the people around them.

**Rep. Dennis Johnson:** If this plan is approved, is there federal money there to deal with the carp?

**Steinwand:** We're not going to wait for the federal monies for the carp situation in Devils Lake. That would be a devastating blow to that fishery. There will be some monies available, we're not sure what they are. We've been told \$80,000 or \$60,000 per year. We're hoping it goes more than that. I talked to a Fish and Wildlife representative on Monday night. That budget has not come through, yet.

**Johnson:** I can appreciate that. I just wondered if there would be more money available to help with that problem.

**Steinwand:** We're going to do whatever it takes.

**Rep. Darrell D. Nottestad:** Why has it taken so long to come forward with this legislation? I live in Grand Forks. We've been hearing that MN has been talking about the disaster of this movement west across their state. Why now, why not three-four sessions ago?

**Steinwand:** We actually started on this about three years ago. We didn't feel we were prepared to defend and put forward a good enough bill to then. We got a little complacent, thinking it was moving slowly and that we could deal with it through policy and educational efforts. I think we

have done a good job on that. We just need more teeth in case it does accelerate that movement, we can do something about it.

**Chr. Nelson:** On Line 20 of the amendment, added in the Senate, are you in agreement with that or did you propose that amendment?

**Steinwand:** I don't have it in front of me. I did offer some amendments and I assume it is. I read the engrossed bill, so I'm guessing it is.

**Chr. Nelson:** Are there any further questions? Seeing none, thank you for your testimony.

**Steinwand:** If anybody wants copies of this, I can get hard copy or e-mail you a copy. It can be some lengthy reading.

**Chr. Nelson:** Would you provide one to the clerk? **(3-ring, ND ANS Mgmt. Plan attached)**

**Glenn A. Elliot, Mandan:** **(Written testimony attached)**

**Chr. Nelson:** Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

**Jason Dubord, ND Wildlife Federation:** We urge a do pass of SB 2338. We just want to go on record in support of it. We were on the committee that helped put together the ANS (Aquatic Nuisance Species Management) plan. We're definitely for getting after this problem before it's a big problem in ND.

**Chr. Nelson:** Is your organization in support of the amendments that were added in the Senate as well?

**DuBord:** Correct, we stand behind the Game & Fish on their amendment.

**Chr. Nelson:** Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?



**Bill Pfeifer, ND Chapter, The Wildlife Society:** First of all, I'm not Mike McEnroe. He's testifying in the Senate at this time. **(Written testimony attached)** This equates to leafy spurge and how it got out of control before we knew how to handle it. We ask for a unanimous do pass.

**Chr. Nelson:** Are there any questions? Seeing none, thank you for your testimony.

**Dale Nieswog, Basin Electric Power Cooperative & Dakota Gasification Co.:** We are in support of SB 2338. At this time, we're not aware of any significant problems that we've had with aquatic nuisance species but due to our critical need for water in our facilities, the potential problems could be very significant. We are supportive of the State's efforts to be proactive in this area and urge a do pass recommendation.

**Chr. Nelson:** Are there any questions? Seeing none, thank you for your testimony. Is there further supporting testimony?

**Dwaine Ash, ND Sportfishing Congress:** **(Written testimony attached)**

**Chr. Nelson:** Are there any questions?

**Rep. Dawn Marie Charging:** Thank you for coming in, knowing that you lost your father..

**Ash:** Thank you.

**Added to the public record, unable to be here in person:**

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

**Jeff Olson, ND Department of Agriculture:** **(Written testimony attached)**

**Chr. Nelson:** Our condolences as well. Are there any further questions? Is there further supporting testimony? Seeing none, is there any opposition? Seeing none, I will close the hearing on SB 2338.

**Afternoon, March 3, 2005:**

**Chr. Nelson:** Let's take up SB 2338, the aquatic nuisance bill. The amendments add the Health Department.

**Rep. David Drovdal:** I move the amendment to SB 2338., Pg. 2, Section 2, Line 9, after Agriculture Commissioner, to insert "State Health Department,".

**Rep. Todd Porter:** Second.

**Chr. Nelson:** Discussion on the proposed amendment? I'll ask for a voice vote. All those in favor of the amendment to SB 2338, signify by saying aye. Opposed, same sign. Motion carried.

**Drovdal: I move a do pass as amended.**

**Rep. Dorvan Solberg: Second.**

**Chr. Nelson:** There is a do pass as amended motion by Rep. Drovdal, and a second by Rep. Solberg. Committee discussion. Seeing none, I'll call for the vote

**SB 2338, Do pass as amended, vote:**

**11-Yeas; 0-Nays; 3-Absent; CARRIER: Johnson**

50779.0201  
Title.0300

Adopted by the Natural Resources  
Committee

March 3, 2005

VR  
3/3/05

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2338

Page 2, line 10, after the second comma insert "state department of health,"

Renumber accordingly

3/3/05  
4:55/0LC  
amended  
@ 3/4/05

Date: 3/3/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2338

House NATURAL RESOURCES Committee

Check here for Conference Committee

Legislative Council Amendment Number : 50779.0201 Title .0300

(engrossed + 6th order)

Action Taken : No Pass as Amended

Motion Made By : Drovdal Seconded By : Solberg

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

Total (Yes) 11 No 0

Absent 3

Floor Assignment Johnson ✓

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

**REPORT OF STANDING COMMITTEE (410)**  
March 4, 2005 3:56 p.m.

Module No: HR-40-4219  
Carrier: D. Johnson  
Insert LC: 50779.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**SB 2338, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2338 was placed on the Sixth order on the calendar.

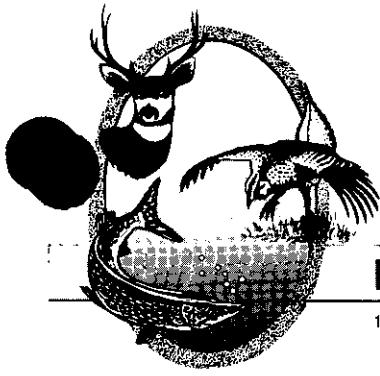
Page 2, line 10, after the second comma insert "state department of health,"

Renumber accordingly

2005 TESTIMONY

SB 2338

Terry Steinwand



"VARIETY IN HUNTING AND FISHING"

## **NORTH DAKOTA GAME AND FISH DEPARTMENT**

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

### **NORTH DAKOTA GAME AND FISH DEPARTMENT SUPPORTS SB 2338**

#### **TESTIMONY FOR SB 2338**

February 3, 2005

Aquatic nuisance species, as defined in this bill, are one of the most serious threats North Dakota has seen in recent years. To date, we have a limited number of aquatic nuisance species present in the state and most only in isolated locations. However, on a nationwide basis more infestations are being reported each day and they are moving closer to the eastern border of North Dakota.

This is not only a fisheries issue. It potentially affects all facets of North Dakota society that enjoy and use water. Our fisheries could see dramatic declines, duck production could suffer, water intake structures could become fouled and plugged, and the list goes on. As an example, it's estimated if zebra mussel infested our waters, the additional cost for annual maintenance and monitoring for water intake facilities would be \$383,000 per intake.

This proposed legislation provides the tools to reduce the risk of introducing ANS into our state by 1) the development and adoption of an official ANS list; 2) provides for a permitting system for possible import of ANS if deemed safe and appropriate; 3) provides the ability to close access to infested water for control purposes; and 4) regulate activities that have high potential to introduce or spread ANS.

In summary, the passage of SB 2338 would supply the necessary tools to substantially reduce the risk of aquatic nuisance species entering or spreading throughout North Dakota.

Mr. Chairman and members of the Committee, I request your favorable consideration of SB 2338.

Suggested changes to SB 2338 as originally proposed:

Page 1, line 20:

“..of a species ~~within~~ while on a specific water of the state...”

(The rationale here is simply to clarify the language. “A water of the state” could mean all water bodies since all surface waters of the state are considered public waters. It could potentially mean movement between distinctly separate water bodies could occur.)

Page 3, lines 9-11

“Closure of points of access to infested waters if the director determines closure is necessary, ~~, for a total of not more than seven days during the open water season for control or eradication purposes.~~”

(The rationale behind this is there may be times when chemicals are required to eradicate the plant or animal and we would not be able to procure the necessary material in time. The determination of closure would have to include a risk analysis of movement to other waters.)

Page 3, line 18

“...as prior to the water craft and equipment entering or leaving ~~or are removed from~~ the waters of the state...”

(The rationale here is inspection should occur prior to putting watercraft into the state. The ‘leaving’ statement is good for movement between water bodies but extra protection occurs when we have inspection prior to launching the craft.)

Page ~~4~~, line 20

“ **Penalty.** A person who ~~willfully~~ violates this chapter is guilty of a Class B misdemeanor.”

(The word ‘willingly’ implies an intent, malicious or otherwise, that would be very difficult to prove. Keeping this particular language may make this bill simply a public information effort, which we’re already doing.)



**TESTIMONY OF DUAINE ASH, LOBBYIST #383,  
NORTH DAKOTA SPORTFISHING CONGRESS  
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE**

ON

**SB 2338**  
February 3, 2005

Mr. Chairman and member of the committee:

I feel this bill is the most important bill facing the legislature this year. Water represents an important part of the state's recreation and is vital for economic growth. Our state's aquatic resources are not currently degraded with invasive species but that degradation can be seen in other regions of the country. It is important that we, you legislators, work to keep our state's resources in the current state of high quality and as a legacy for the future North Dakotans.

There has been a lot of work done this past year to develop a statewide management plan for aquatic nuisance species. The plan was written as a cooperative effort of private groups, various state agencies, and representatives of tribal entities. That plan calls for the development of reasonable and effective regulations to prevent the spread of aquatic nuisance species into or within North Dakota. Those concepts are before us in the proposed legislation.

The passage of this legislation, SB 2338, is important in the preventing the introduction of aquatic nuisance species into North Dakota from outside sources. The regulations will be instrumental in keeping our states aquatic resources at their high quality for public enjoyment.

We encourage you to support SB 2338.

Thank you for your time.

**TESTIMONY OF DUAINÉ ASH, LOBBYIST #383,  
DEVILS LAKE CHAMBER OF COMMERCE  
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE**

ON

**SB 2338**

February 3, 2005

Mr. Chairman and member of the committee:

The aquatic nuisance legislation represents one of the most important issues that you are facing this year. The Devils Lake region has had many economic hardships over the past several years. Recreation provided by Devils Lake has been a major benefit to this region and the state. Anglers, hunters and boaters, both North Dakotans and nonresidents, are coming to the lake region to enjoy the bountiful recreation. This lake is not infested with aquatic nuisance species as are many other lakes in surrounding states. We must keep our state's resources at their high quality and as a legacy for the future North Dakotans and for others to enjoy.

There has been a lot of work done this past year to develop a statewide aquatic nuisance species management plan. The plan was written as a cooperative effort of private groups, various state agencies, and representative of tribal entities. That plan calls for the development of reasonable and effective regulations to prevent the spread of aquatic nuisance species into or within North Dakota. Those concepts are now before us in this proposed legislation.

The passage of this legislation, SB 2338, is important in the preventing the introduction of aquatic nuisance species into North Dakota from outside sources. The regulations will be instrumental in keeping our states aquatic resources at their high quality for public enjoyment.

We encourage you to support SB 2338.

Thank you for your time.

**TESTIMONY OF DUAINE ASH, LOBBYIST #383,  
FRIENDS OF LAKE SAKAKWEA  
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE**

ON

**SB 2338**  
February 3, 2005

Mr. Chairman and member of the committee:

The aquatic nuisance species bill is most important legislation before the legislature this year. We know water level will return to Lake Sakakawea in the future and we would expect the fish and boating recreation to also rebound. This will not be the case if aquatic species such as zebra mussels, silver carp, and other deleterious species become established in this waterbody. These invasive species will prevent the lake from being a recreation attraction, be an economic base for the region, and important source of clean drinking water. Lake Sakakawea may never again be the aquatic resource that we remember from a few years previous, if aquatic nuisance species become established.

There has been a lot of work accomplished this past year to develop a statewide management plan for aquatic nuisance species. The plan was written as a cooperative effort of private groups, various state agencies, and representative of tribal entities. That plan calls for the development of reasonable and effective regulations to prevent the spread of aquatic nuisance species into or within North Dakota. The regulatory concepts are before us in the proposed legislation.

The passage of this legislation, SB 2338, is important in the preventing the introduction of aquatic nuisance species into by North Dakota from outside sources. The regulations will be instrumental in keeping our states aquatic resources at their high quality for public enjoyment.

We encourage you to support SB 2338.

Thank you for your time.



*United Sportsmen of North Dakota*

Post Office Box 272

Bismarck, ND 58502

[www.unitedsportsmen-nd.org](http://www.unitedsportsmen-nd.org)

E-mail: [info@unitedsportsmen-nd.org](mailto:info@unitedsportsmen-nd.org)

**TESTIMONY REFERENCING**

**SB 2338**

**By Mike Donahue, Lobbyist #275**

**Senate Natural Resources Committee**

**February 3, 2005**

The United Sportsmen of North Dakota and the N.D. Wildlife Federation urge a **Do Pass**.

We have been briefed on the necessity for this bill and on aspects of the management plan, and we concur.

Please accept the amendments offered from the department and give a **Do Pass**.



**Cass County  
WILDLIFE CLUB**

**Box 336  
Casselton, ND 58012**



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

ON

**SB 2338**

February 3, 2005

Mr. Chairman and Members of the Committee:

The Club is in full support of this bill. This is a very timely bill designed to prevent and control these aquatic nuisance species.

The bill puts in place a management plan that probably should have been in place sooner.

Please support the effort to keep North Dakota waters as clean as possible.



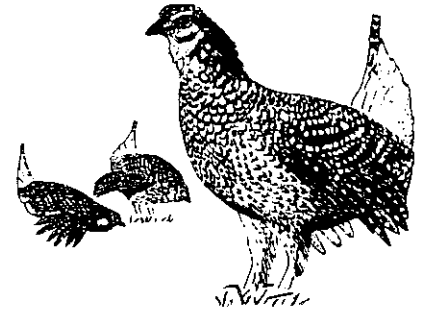


*North Dakota Chapter*

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# THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE  
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY  
PRESENTED TO THE SENATE NATURAL RESOURCES COMMITTEE  
ON SB 2338, FEBRUARY 3, 2005**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mike McEnroe speaking on behalf of the North Dakota Chapter of The Wildlife Society. The North Dakota Chapter supports SB 2338.

Aquatic Nuisance Species (ANS) will have a serious, detrimental effect on our fisheries, lakes and rivers. These species of exotic fish, plants, and invertebrates are extremely costly to control, and probably impossible to eradicate. Prevention truly is more cost effective than control.

The bill provides for preparation of a statewide ANS management plan to be approved by the Governor and creates an ANS committee to develop strategies and policies to prevent the introduction and spread of ANS into North Dakota waters.

The management actions called for are similar to those already in place in other states where these ANS are already creating problems. The big difference is that

North Dakota is being pro-active, addressing and preparing for the problem, before it occurs.

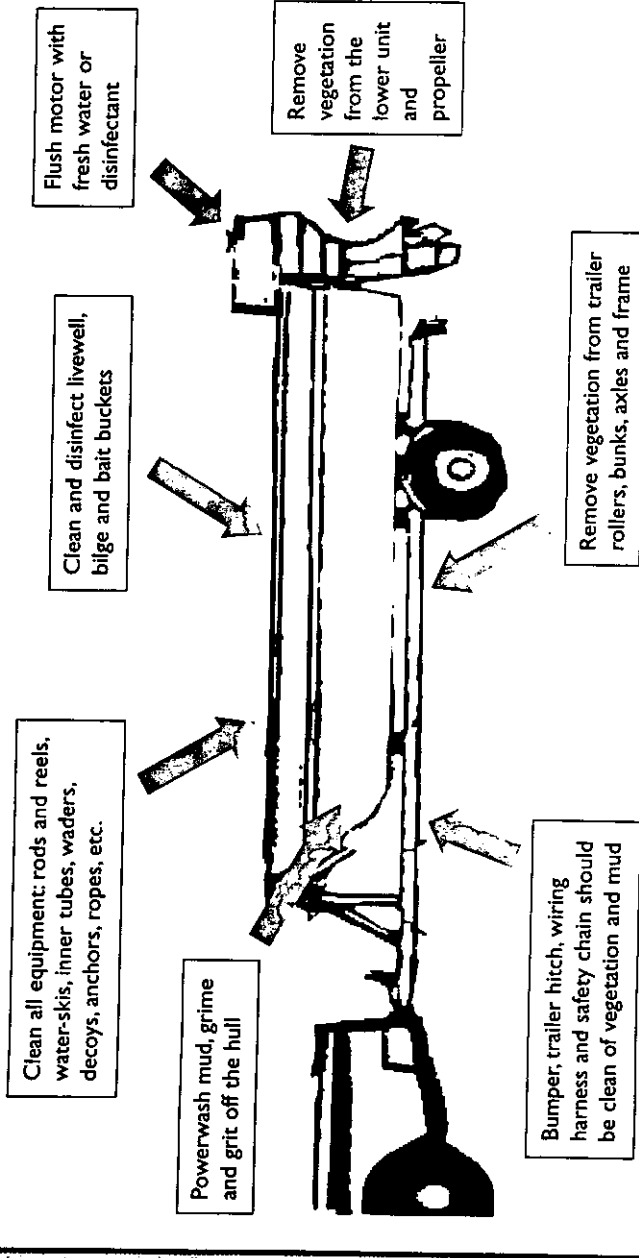
This is not only a "wildlife" issue. ANS such as the zebra mussel, will clog intake pipelines choking off water supplies for cities, towns, livestock watering systems, and irrigation systems. They are extremely costly and difficult to remove.

The Chapter urges a "Do Pass" consideration on SB 2338.

# PREVENTING the SPREAD OF AQUATIC NUISANCE SPECIES

KEEP IT CLEAN and you will prevent the spread of ANS. Make sure that "equipment cleaning" is a habit, each time you leave a waterbody. It takes only a few minutes to complete.

## Hitchhiker hiding places and preventative measures:



REMEMBER TO CLEAN OUT THE INTAKE PORT ON PERSONAL WATERCRAFT

Your actions are key to the future of your lake's fishing.  
Please encourage others to prevent the spread of ANS.

If you have any questions about ANS prevention please contact:



North Dakota Game and Fish Department  
100 North Bismarck Expressway  
Bismarck, North Dakota 58501-5095  
(701) 328-6300  
Email: [ndgf@state.nd.us](mailto:ndgf@state.nd.us)

# AQUATIC NUISANCE SPECIES LOSE the HITCHHIKERS

or  
LOSE the LAKE

It's YOUR CHOICE!  
Exotic Plants and Animals  
are Threatening  
Fishing and Other Recreation  
in North Dakota

Aquatic Nuisance Species (ANS) are difficult to control once they become established. ANS are moved to new areas as unwanted hitchhikers on boats and trailers, on personal watercraft or on sporting equipment. Each year new infestations are reported because recreators unknowingly transported ANS.

ANS prevention takes only a few minutes. It is simpler and more effective to prevent ANS than to control an infestation once it is established. Clean your equipment after each use, and again, before your next outing. LOSE THE HITCHHIKERS or LOSE THE LAKE... it's YOUR CHOICE!



North Dakota  
Game and Fish  
Department

100<sup>th</sup>  
Meridian  
Initiative



## FISH SPECIES of CONCERN



CARP



RUFFE



GOBY



RUDD

These exotic fish species outcompete native fish and desirable fish populations, by eating plants or food items needed by game fish. A waterbody's recreational fishery quickly deteriorates once exotics are introduced. Waterbodies infested with ANS provide little enjoyment.

To prevent infestations, use only "clean" bait, do not dump your bait bucket, and do not stock fish into any waterbody. Anglers often illegally stock fish in hopes of bettering a lake's fishery, but this causes more problems than improvements.

## AQUATIC PLANTS of CONCERN



Photo by Bonnie Alexander

EURASIAN  
WATERMILFOIL

Both of these plant species grow under the water's surface and form thick mats. The dense vegetation is too much cover, which leads to stunted fish. When the plants die off in the fall, decomposition causes lower dissolved oxygen levels in the water.

Plants can be spread by individual seeds or seed pods hidden in the mud, as fragments entangled on trailers, boat propellers or other equipment. A single plant fragment can create a new population in a new location.



CURLY LEAF  
PONDWEED

## TERRESTRIAL PLANTS of CONCERN

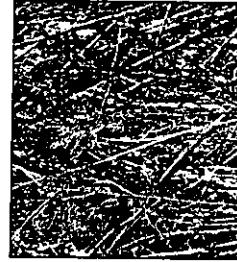


Photos by Dean Cline, ND Department of Agriculture

PURPLE LOOSESTRIFE

These aggressive plants grow along the shorelines or in shallow water. The plants form thick stands and native plants are crowded out. The habitat modification creates problems for fisheries and wildlife populations.

The plants produce thousands of small seeds that drift on the water and lay on the lake shore. Seeds can be moved in the mud, on equipment, or from being picked up by people or pets. Vegetative material lodged on a boat or trailer can be moved to a new area and start a new infestation.



SALT CEDAR

These aggressive plants grow along the shorelines or in shallow water. The plants form thick stands and native plants are crowded out. The habitat modification creates problems for fisheries and wildlife populations.

## The guidelines for cleaning equipment are simple:

- Remove plant fragments from your boat or other watercraft, the trailer, and fishing, hunting or scuba gear when leaving the waterbody.
- Drain water from the boat motor, livewell, bilge, and behind the transom before leaving the waterbody.
- Power wash your boat and trailer.
- Clean and disinfect all fishing tackle, hunting or scuba gear or other equipment after an outing.
- Disinfect the boat, livewell, bilge and sporting equipment by:
  - Power washing using water that is 110° or hotter; or rinse with a bleach solution (one part chlorine bleach to 20 parts warm water).
- Do not release bait or bait water into a lake, or move fish from one lake to another.
  - Place excess bait in a fish grinder, appropriate garbage receptacle, or bury it at home.
  - Only release fish into the waterbody from which they came.
  - Do not transplant fish to other waterbodies.

## INVERTEBRATES of CONCERN



Photo by MN Sea Grant

ZEBRA MUSSEL

These invertebrates outcompete desirable zooplankton for food and living space. They eat food items used by desirable fish. This can reduce game fish populations. They reproduce in large numbers and can quickly take over a waterbody.

These invertebrates hitchhike on equipment, on boats and trailers, on motors, in livewells or in bilge water. If kept damp, they can live for a long time. When released into a waterbody, they can produce new infestations.



SPINY WATER FLEA

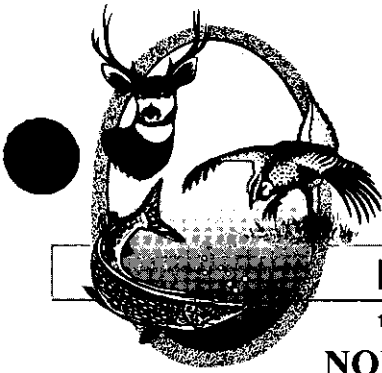
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**IT'S YOUR CHOICE! DO THE RIGHT THING FOR YOUR FAVORITE LAKE! ENCOURAGE OTHERS TO TAKE PRECAUTIONS AGAINST**

**AQUATIC NUISANCE SPECIES**

By: Terry Steinwand  
Re: SB 2338-3/3/05



"VARIETY IN HUNTING AND FISHING"

## **NORTH DAKOTA GAME AND FISH DEPARTMENT**

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

### **NORTH DAKOTA GAME AND FISH DEPARTMENT SUPPORTS SB 2338 HOUSE NATURAL RESOURCES COMMITTEE**

#### **TESTIMONY FOR SB 2338**

March 3, 2005

Aquatic nuisance species, as defined in this bill, are one of the most serious threats North Dakota has seen in recent years. To date, we have a limited number of aquatic nuisance species present in the state and most only in isolated locations. However, on a nationwide basis more infestations are being reported each day and they are moving closer to the eastern border of North Dakota.

This is not only a fisheries issue. It potentially affects all facets of North Dakota society that enjoy and use water. Our fisheries could see dramatic declines, duck production could suffer, water intake structures could become fouled and plugged, and the list goes on. As an example, it's estimated if zebra mussel infested our waters, the additional cost for annual maintenance and monitoring for water intake facilities would be \$383,000 per intake.

This proposed legislation provides the tools to reduce the risk of introducing ANS into our state by 1) the development and adoption of an official ANS list; 2) provides for a permitting system for possible import of ANS if deemed safe and appropriate; 3) provides the ability to close access to infested water for control purposes; and 4) regulate activities that have high potential to introduce or spread ANS.

In summary, the passage of SB 2338 would supply the necessary tools to substantially reduce the risk of aquatic nuisance species entering or spreading throughout North Dakota.

Mr. Chairman and members of the Committee, I request your favorable consideration of SB 2338.

By: Glenn Elliott  
Re: SB 2338- 3/3/05

Testimony in Favor of Senate Bill 2338

by Glenn A. Elliott, a private citizen and resident of Mandan, North Dakota, appearing on his own behalf on Thursday, 3 March 2005

Before the Natural Resources Committee of the North Dakota House

To the Chair and Members of the Committee:

I am offering this testimony in favor of Senate Bill 2338.

1. There are numerous examples of the detrimental effects possible when non-native or "exotic" species are introduced into an ecosystem.

a. There should be no need to detail to North Dakotans the problems we have with Leafy Spurge and Purple Loosestrife. Saltcedar is ascending in importance.

b. The gypsy moth caterpillar has partially or completely denuded large numbers of trees. The parasitic fly introduced to control it has proved not to be species-specific and is attacking other native moths and butterflies including the Cecropia moth and the beautiful Luna moth.

c. The brown tree snake of New Guinea apparently entered Guam during the Second World War on cargo ships. This pest has decimated the population of native birds that are rare in the region or even exclusive to Guam, and evolved largely in the absence of predators. The Federal government is expending considerable effort to stop the snake from spreading to Hawaii, which is similarly situated.

d. A growing aquatic invader is *Calerpa taxifolia*, the bright green aquarium "weed" that is actually a very large single-cell organism. Originally intended for a freshwater environment, the weed can thrive in both fresh and salt water. It crowds out native aquatic plants and has an endotoxin that makes it inedible to most native aquatic plant-feeders. This has an immediate effect up the food chain. Sections of the Mediterranean Sea bottom resemble a manicured lawn, with few or no species of a normal marine ecosystem.

2. Aquatic nuisance species present a particular problem:

a. The water environment is spared the harsher temperature extremes of land, favoring survival.

b. Water can well be favorable to an organism's spread.

c. As people and the objects they use enter and leave the water, they can pick up nuisance species and move them to other water bodies.

3. This bill prescribes measures that are assertively extensive and proactive, which may bother some people. However, controlling the spread of non-native species requires quick and comprehensive action. This is the classic "problem of the interior:" The defender has to be lucky all the time; the attacker only has to get lucky once.

I recommend that the Committee vote "do pass" on Senate Bill 2338.

Given by: Bill Pfeifer  
Re: SB 2338 - 3/3/05  
Pg: 1 of 2

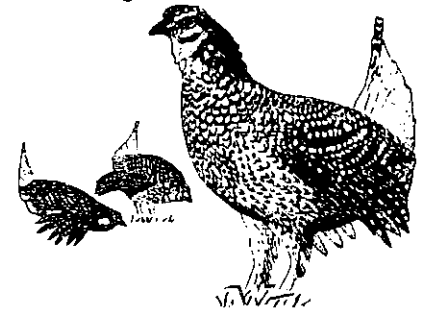


North Dakota Chapter

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## THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF MIKE McENROE**  
**NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY**  
**PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE**  
**ON SB 2338, MARCH 3, 2005**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mike McEnroe speaking on behalf of the North Dakota Chapter of The Wildlife Society. The North Dakota Chapter supports SB 2338.

Aquatic Nuisance Species (ANS) will have a serious, detrimental effect on our fisheries, lakes and rivers. These species of exotic fish, plants, and invertebrates are extremely costly to control, and probably impossible to eradicate. Prevention truly is more cost effective than control.

The bill provides for preparation of a statewide ANS management plan to be approved by the Governor and creates an ANS committee to develop strategies and policies to prevent the introduction and spread of ANS into North Dakota waters.

The management actions called for are similar to those already in place in other states where these ANS are already creating problems. The big difference is that

By: Bill Pfeifer  
Re: SB 2338 - 3/8/05  
Pg: 2 of 2

North Dakota is being pro-active, addressing and preparing for the problem, before it occurs.

This is not only a "wildlife" issue. ANS such as the zebra mussel, will clog intake pipelines choking off water supplies for cities, towns, livestock watering systems, and irrigation systems. They are extremely costly and difficult to remove.

The Chapter urges a "Do Pass" consideration on SB 2338.

By: Duaine Ash  
Re: SB 2338- 3/3/05

**TESTIMONY OF DUAINE ASH, LOBBYIST #383,**

**NORTH DAKOTA SPORTFISHING CONGRESS,**

PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE

ON

**SB 2338**

March 3, 2005

Mr. Chairman and member of the committee:

I feel this bill is the most important bill facing the legislator this year. Water represents an important part of the state's recreation and is vital for economy growth. Our state's aquatic resources are not now degraded with invasive species that can be seen in other regions of the country. It is important that we, you legislators, work to keep our state's resources in their high quality for now and as a legacy for the future North Dakotans.

There has been a lot of work done this past year to develop a statewide management plan for aquatic nuisance species to be approved by the governor. The plan was written as a cooperative effort of private groups, various state agencies, and representative of tribal entities. That plan calls for the development of reasonable and effective regulations to prevent the spread of aquatic nuisance species into or within North Dakota. Those concepts are before us in the proposed legislation which is needed and supported by North Dakotans.

The passage of this legislation, SB 2338, is important in the preventing the introduction of aquatic nuisance species into North Dakota from outside sources. The regulations will be instrumental in keeping our states aquatic resources at their high quality for public enjoyment.

We encourage you to support SB 2338.

Thank you for your time.



Cass County  
**WILDLIFE CLUB**

Box 336  
Casselton, ND 58012

By: Harold Neameyer  
Added to public record.  
for SB: 2338



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

**SB 2338**

March 3, 2005

Mr. Chairman and Members of the Committee:

The Club is in full support of this bill. This is a very timely bill designed to prevent and control these aquatic nuisance species.

The bill puts in place a management plan that probably should have been in place sooner.

Please support the effort to keep North Dakota waters as clean as possible.



Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



*By: Jeff Olson  
Added to record, late*  
Phone (701) 328-2231  
Toll Free (800) 242-7535  
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

Testimony of Jeff Olson, Program Manager  
Senate Bill 2338  
March 3, 2005  
House Natural Resources Committee  
Pioneer Room

Chairman Nelson and members of the Natural Resources Committee, my name is Jeff Olson. I am a program manager with the North Dakota Department of Agriculture. I am here to testify in support of Senate Bill 2338.

The North Dakota Department of Agriculture is a member of the Aquatic Nuisance Species Committee (ANS), and we have been involved in the development of the strategic plan. We have also offered to inspect nurseries for any aquatic nuisance plants. We agree that the Director of the Game and Fish Department should be designated as the chairman of this committee, because of his existing responsibilities. We further agree that all permitting responsibilities should rest with the North Dakota Game and Fish Department.

We believe that if there is an expansion of our agency enforcement responsibilities, that we should receive additional funding through the ANS program, so that other important weed control efforts are not hampered. We are also willing, however, to assist with the expertise of our weed control staff.



We also believe that a representative from the North Dakota Department of Health should be included on the ANS Committee because of their water quality expertise.

Thank you for your consideration of this bill. I would be happy to answer any questions you may have.

*Protecting  
water. NET*

SB 2338

# North Dakota

## STATEWIDE

# AQUATIC NUISANCE SPECIES (ANS) MANAGEMENT PLAN

*Protecting our aquatic resources for the future  
through education and responsible actions by  
the public, and the public officials entrusted to manage  
North Dakota's aquatic resources!*

Prepared by  
Lynn R Schlueter, principle author  
Special Project Biologist  
North Dakota Game and Fish Department

→ *Contact Game & Fish for copy* ←