

February 1, 2023

Chairman Todd Porter
North Dakota House Committee on Energy and Natural Resources
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Chairman Porter and Members of the North Dakota House Energy and Natural Resources Committee,

I'm writing this testimony as a "regular" sportsman of the great state of North Dakota. The topic before you has been concerning to me for over a decade and I'm grateful for the opportunity to see a positive change for North Dakota. In that time I've served as a fishing tournament director, tournament committee member, small business owner, father of student anglers, charitable donor, mentor and author of an outdoor book that teaches parents how to raise kids in the outdoors.

For the last 40 years the current statute has unjustly affected tournament anglers, charities, communities and now the youth of our state. Like many issues that arrive in front of your committee, it can be difficult to understand where people are coming from and what the desired outcome is for each group. There are a few things that I have learned over the last decade that helped me understand the dispute between the 2 sides of this discussion and why many are confused looking in from the outside. First of all there are many words that are thrown around that have meanings other than what most North Dakotans think they mean. The word that is most important to look at is resource.

Resource: The 10% conservation fee has always been there to defend and protect the "resource". The general public and anyone else outside of fishing would fairly assume that this means fish. It does not. Within the context of this discussion, the "resource" means lake access, fish cleaning stations, wait time at a boat ramp and education. It's the stance of the NDGF that we have healthy fisheries that can withstand any amount of current fishing pressure with no need for additional protection. The following link is a good example of the NDGF stance on fishery quality in ND. [Video Link](#)

This gets to jurisdiction. Growing up in North Dakota nobody ever explained to me the difference between jurisdictional boundaries, responsibilities and authority. When it comes to boat ramps in North Dakota, some of these ramps fall within the jurisdiction of the NDGF but others fall under the jurisdiction of cities, counties, state and federal agencies. One of the issues at hand is that all boat ramp complaints are directed to NDGF and not the proper responsible agency. This puts NDGF in a tough place. Now, add in technology and social media into the competitive arena and it opens up the unforeseen and untested virtual jurisdictional boundaries.

History

It wasn't until recently and asking for nearly 10 years that I was able to see a glimpse of history relating to the original statutes back in 1984. At that time fishing tournaments were not allowed in North Dakota and were viewed as gambling. And as it goes, it took the direction of the Governor to allow the first tournaments to happen. No-one could have comprehended the internet, student angling as a high school sport, students going to college with a full ride angling scholarship, \$500,000 charitable tournaments with no payout and anglers making a professional living with the skills they've learned on the water.

In the early 1990s, a professional tournament, run by an honorable man, brought a national championship to North Dakota. Because there was no entry fee for this tournament, based on their format, there was no conservation fee paid and a group of people were upset enough to bring it to the ND legislature. The result was a \$10,000 conservation fee that was required for a tournament that had no entry fee and that gave away prizes. Again, today we are paying for the unintended consequences of this legislative change.

At some point in time, after this legislation was passed, a \$5,000 cap was negotiated and granted to larger tournaments. However, the legislation was not changed and this cap was not public knowledge until 2020 when the cap was lifted. Tournaments that didn't know about this cap made decisions based on the published Century Code on the NDGF website that would've been different had they know that the cap existed.

Unintended Consequences

The first unintended consequence is that NDGF 40 years later has been put in a position of trying to do the right thing, hold to the ND Century Code and for lack of a better word - keep those they serve happy. This has led to an unequal application of the law, along with the confusion of anglers and ND residents. It's not right to ask a state agency to determine which causes or groups of people are worthy of an exception to the ND Century Code. I personally applaud the NDGF for some of these exceptions but they are still exceptions none the less.

Another unintended consequence is that the current statute is, as far as I've found, the only place in the ND Century Code, that we ask charities and non-profits to give away 85% of the funds they raise during a fishing event. There are many faith based organizations that would participate in angling fundraisers if they were not required to participate in activities that go against their moral compass to raise money such as raffles, calcuttas or other games of chance. This 85% giveaway requirement also centralizes donated funds that would be used in local areas where it is desperately needed. One example is all of the fire departments in ND that receive zero state funding and are holding tournaments to raise money for needed equipment.

The most costly unintended consequence is the barriers placed on student angling in ND. The current statute allows for an emphasis of teaching young children to the age of 15 angling. There is nothing for them after the age of 16 except for paying for a fishing license and entering adult tournaments where they are forced to compete for large cash prizes due to the required 75%

payout to the anglers. This doesn't leave room for high school students to be mentored in the biology of fish, the ethics of conservation, the importance of helping others, the responsibility of leadership, the value of a dollar and the importance of earning their way. From a financial perspective from the NDGF, it's keeping all of these new, young anglers and their parents from buying fishing licenses, which unlocks the additional funding for the NDGF.

The limitation of removing larger professional angling events has two unintended consequences. The first is the severe negative economic impact on our small businesses that rely on outdoor recreation for their income. The second is the current statute and its application are the only place in ND Century Code that restricts a North Dakota resident from competing in front of a home crowd. It's mind boggling to me that someone can hate an event so badly that they won't allow someone to compete at home when they've reached the pinnacle of their sport.

The final unintended consequence I'd like to address is what I would call an unhealthy ownership of our fishing waters in North Dakota. I cannot express how painful, and embarrassing it is when a fishing non profit from Minnesota came to help me work through my PTSD after being injured as a volunteer firefighter in ND and how poorly we were treated by locals at the boat ramp, on the water and at the fish cleaning station on Lake Sakakawea. We need to heal our broken fishing culture and allow anglers to start fishing for something other than themselves.

Equal Application

The purpose of HB 1538 is to remove the unintended consequences of a 40 year old statute while at the same time providing NDGF with the ability to oversee and enforce fishing tournaments within their jurisdictional responsibility and practical boundaries. At the same time, removing the unnecessary oversight of NDGF for anglers who are participating in normal fishing activities within their communities. This also allows NDGF to utilize it's resources with better efficiency while improving fishing opportunities in ND.

By removing the conservation fee and lifting the 75% payout currently required, sport clubs and conservation groups across North Dakota will be able to raise and utilize exponentially more dollars for conservation at both the local and state level and allow NDGF the time and resources to leverage more dollars in grant match that are currently unrealized.

Furthermore, this will allow communities to start student angling teams that can learn and compete unhindered. This will create healthy growth in sport fishing for our state.

I'm not pointing fingers, however over the last 2 years, as I've been researching on what it would take to fix these unintended consequences, I've found 2 groups of people who support keeping things the way they are. These are people who do not want other people in their fishing spot and people who hate tournament anglers. I do not have an issue with this being their opinion. As my kids grew up I can't keep track of the number of times that they asked what it would take to kick jet skiers and water skiers off the lake. I moved back to North Dakota to raise my kids with the same ethics and values that I was raised with. It was my responsibility when they asked about jet skiers and water skiers to teach them that we all have the right enjoy North Dakota. And it is each of our responsibility to learn to respect everybody and their recreational choices. What I

think is sad is that for the last 40 years this respect has not been given to a group of people who pours more money into conservation and the NDGF fisheries budget than any other group of people. It's time to fix the current Century Code and start treating all North Dakotans in a just and equal manner.

This is why I support the passing of House Bill 1538.

Humbly Submitted,

Jeremy Olson
North Dakota Angler & Dad