

03/13/2023

Written testimony in support of HB 1151

Dear Senate Energy and Natural Resource Committee members,

I am writing to you today to show my support for HB 1151 which would not allow the department to issue rules or adopt a policy or practice prohibiting the baiting of big game animals for lawful hunting (on private land).

This bill has been heavily debated on the House side during several committee meetings and excellent testimony has been provided as to why we should allow baiting for hunting purposes within the state of North Dakota, especially units that have previously been banned by the North Dakota Game and Fish.

Our current Game and Fish administration takes the position that anytime a unit has been identified to have a positive case of Chronic Wasting Disease, it is then activated for CWD management protocols including; herd reduction practices to maintain lower deer population densities, limited mobility and transportation of harvested deer carcasses, restrictions on hunting over bait as well as other “potentially” mitigating practices. Please keep in mind I said “potentially” as you will see that these are not scientifically backed or proven to be beneficial. Not only are CWD protocols implemented in the unit in which the positive case was identified, but also in any bordering unit within 25 miles of any positive case. This means units that do not have a single positive case are also subject to the CWD protocols our “professionals” impose for CWD positive areas.

Our Game and Fish office is part of the Association of Fish and Wildlife Agencies (AFWA), which is an entity in which all 50 state’s Division of Wildlife Management and Authority offices (Game and Fish offices) have jumped aboard and adhere to its prescribed management tactics. This “scientific” document was created in 2017 and implemented in 2018 and lays out parameters and guidance protocols for “Best CWD Management Practices”. Unfortunately, this document is not so “scientific”. It does cite several peer reviewed studies, but cherry picks data from documents as far back as 2005, with limited recent studies being cited within the paper. Only a few studies from 2015 included, most being well over a decade old from the time of the writing of the document itself.

The AFWA document is quite lengthy and is written much like an opinion piece, 111 pages in all, but most of it contains sources, cited as footnotes, with very little context actually written to provide direction given its overall size. The “best practices for baiting and feeding” segment contains only two pages of context and includes just as many in footnotes pointing to sources. What is most concerning is the AFWA document was assembled by ONLY thirty people including biologists, veterinarians AND agency leaders but is the current backbone for all CWD management practices across the United States. This would be similar to all of our state Department of Transportation Agencies accepting and adhering to climate change protocols,

policy and regulations put in place by only a handful of hand picked “experts”, all of which aren’t even actual scientists themselves, but administrators of departments. Certainly, leaving our climate concerns up to only a handful of people among a vast field of experts is not in the best interest of our economy, our future and our planet, and neither should the future of hunting and managing/utilizing our wildlife resources be left to the opinions of only thirty people.

In this “scientific” document, you will find words like; “May”, “Could be”, “Likely”, “Potentially”, “Generally”, “Probably”, “Appears”, etc.

In fact, words that indicate no conclusive science occur over 160 times within the piece. This is also the same document that directs and calls for the complete cull/eradication of an infected locale of deer by method of sharpshooters. Theoretically, this is in effort to stop the spread and transfer of the disease by reducing animal contact, however we have come to understand that the CWD prion can live indefinitely on the landscape, so any deer repopulating the infected area can easily be exposed to contaminated soil and become infected again and again according to the information the “accepted” research would want us to believe. This management practice has proven to be absolutely worthless for mitigating the spread of disease, as we have still observed CWD expansion after mass culling, but yet it is touted as a “best management practice” within the document.

A couple of years ago, I questioned one of the NDGF big game biologists about CWD and a Cervids (deer) ability to develop generational resistance (evolution) to the prion, he literally stated that he believed that the process of evolution does not apply in this context relating to this disease, but could not back up that statement with any reason or point to any specific source. (It is currently known that some deer possess a CWD resistant gene. Sheep scrapie is also a transmissible spongiform encephalopathy (TSE, which is similar to a CWD prion in nature but affecting sheep, and its presence has been greatly reduced and almost eliminated due to genetic research and through promotion of generational resistance.)

In 2019 our Game and Fish tested a deer that had been found deceased and was pronounced CWD positive near the Williston area. They performed a mass cull on a sizeable herd in the general area where the deer was found, (although the CWD positive deer’s actual method of mortality had not been identified) and they wiped out a group of 52 deer in order to extract post mortem brain tissue samples for CWD “surveillance and monitoring” purposes. Not a single one of the deer shot for this testing was processed or even stored (to hopefully feed the hungry upon negative results) while awaiting the test results. All of the results came back negative and all of the meat from the massacred resource was deposited into the landfill, even though it was perfectly fine for consumption. This falls under the definition of Wanton Waste, but since our Game and Fish did it as a targeted management practice, it is considered science and falls within the “best management practice” which they considered “justified” to help identify a potential disease threat. In reality, this practice and the way the Game and Fish mishandled and abused the resource was and is an absolute disgrace.

The Theory Of Evolution and how it pertains to Natural Selection is biology 101, something our “professionals” should subscribe to. This is a widely accepted theory and is the primary theory taught in biology. An animal's best chance of survival is by developing generational resistance to any biological threat; but exterminating animals, especially those that may be CWD positive and pass on resistant traits to their offspring only prolongs the issue of CWD remaining on our landscape and poses a possible long term effect on cervids.

The AFWA document also states that eliminating the feeding or baiting of deer is also a “best management practice”, but interestingly enough it cannot cite or provide a specific source or study that proves this is a prolific or even miniscule source of transmissibility. In fact, currently no study can prove that this is a viable means of transmission at all. It is argued that by common sense, artificial congregation in theory will increase the odds of transmission, but the Game and Fish cannot back up this assumption with any sort of science. It is simply conjecture but evidently that is evidence enough to instill a baiting ban according to the NDGF. Several states that have implemented baiting bans for over a decade realize significant growth of CWD cases despite the protocol being imposed. So is baiting really the detrimental issue concerning the spread of this disease?

In the end of 2022, the US Congress passed a spending package which earmarks \$70 Million annually for the next seven years, dedicated to the issue of trying to find a solution to combat CWD. Half of this funding is dedicated to research, while the other half is set aside for mitigation strategies, such as testing. Our Game and Fish will be looking to receive these funds from the testing side, as they partake in very little research, and only within the past year have they participated jointly in a research study when it comes to CWD.

Funds spent towards the monitoring of CWD so far within the state have been spent on truck decals which convey: “protect the herd” and also toward test collection sites, advertising and testing materials themselves. Millions of dollars will be spent on “monitoring and surveillance” in the upcoming years, only to identify the spread of the disease, but sadly those funds won't be contributed towards developing a vaccine or cure. Our Game and Fish will have their hand out when it comes to federal funding and will be pushing to advance their monitoring of CWD...but the question should be asked; how does that benefit us? We already know that CWD is present on the landscape, that it is spreading, and that it is here to stay for the time being. How does it help us or help solve the issue that our Game and Fish agency wants to spend millions of dollars “monitoring”, only to observe that the disease is already doing what we historically know it is capable of? Why spend the millions on vehicle stickers and tests that literally accomplish nothing? If this is such a scourge, shouldn't most, if all available funding be allocated toward developing a potential vaccine or cure? Monitoring and testing accomplishes nothing in the management of this disease, it will only tell you if it is present...and then what? There is no treatment, no cure, just wasted dollars and implementation of more restrictions and protocols that have proven to be ineffective, as evidenced by data from other states who have had CWD prevalence for years and their AFWA directed protocols have done nothing to stop or even slow the spread of the disease.

This bill was brought forward unfortunately because of our Game and Fish Department's unwillingness to listen and work with sportsmen, but it's also very much about the department's allegiance to the AFWA document and the prospect of the funding it could bring to the agency. Furthermore, this issue predates the AFWA document and goes back to 2009 and earlier regarding the department's stance on baiting when they publicly called for a bait ban based on ethical reasons. When the citizens of North Dakota rejected the Game and Fish's multiple attempts to remove this vital tool, the department then seized a back door opportunity (that the AFWA document afforded) them to slowly restrict baiting one unit at a time. When the progression of CWD was not moving fast enough in the state, the new protocol was to then include bordering units within a 25 mile range of a CWD positive case to help expedite the no baiting ideology. Sadly, the management of this state is left up to the personal ideals and beliefs of a few policy makers within the department who are touted as the "professionals", although they cannot back up their stance with scientific facts, and only have the AFWA document, a loosely constructed opinion piece, to back their beliefs on. Also keep in mind that being a member of AFWA and implementing its protocols only helps to advocate for the awarding of federal dollars to the NDGF department through the latest CWD Research and Management Act.

In 2001 there was a big push on the CWD rhetoric. An article was published that presented a model that said at the current rate of transmission and how deadly this disease is, North America could be devoid of deer by 2030. Currently, many states who have CWD prevalence are experiencing abundant and flourishing deer herds. Other states that have CWD prevalence and tout low population densities, like parts of Saskatchewan, Montana and Colorado would like to attribute lower populations due to the disease, when truthfully, it is the game management agencies issuing excessive tags to decrease deer populations that have contributed to lower herd numbers, but not from actual CWD deaths. This is also part of the AFWA strategy, to decrease deer populations to low densities in order to help limit the spread of the disease. In other words, the disease isn't killing the deer, it's the management strategies that are. In states with high CWD prevalence, like Wyoming and Wisconsin, emaciated and drooling "zombie" deer are not wandering around the landscape and tipping over by the hundreds like the deer herds did here in the last EHD or "Blue Tongue" outbreak. In fact, EHD (Epizootic Hemorrhagic Disease) wiped out more deer in one single year than CWD could ever hope to in 100 years. This is where I would like to quote a friend: "If CWD is so fatal, then where are all the dead and dying deer?"

Regarding the House amendments, I do not support them as written. Especially page 1, subsection 1; line item 8-13 and subsection 3; line item 19-23 and page 2, line item 1-4. This terminology is redundant and allows the Game and Fish to challenge the language of the bill in a court of law by issuing a citation to anybody "feeding" wildlife after these dates. The specific dates pertaining to baiting are not needed as it is already illegal to hunt deer after a designated hunting season which is already set and printed in a proclamation developed by the Game and Fish. It would be beneficial to use language that allows baiting to be "concurrent with any deer hunting season as defined by the NDGF". As written, North Dakotans could potentially be charged with a criminal offense for providing feed after the dates stated in the current version of

the bill. This is very damaging to deer herds as feeding in the middle of harsh winters is detrimental to a cervid's survival and remaining healthy to help fight off disease.

As an example, Utah subscribes heavily to AFWA's CWD management protocols in regards to feeding and baiting of wildlife. Currently Utah is experiencing such a harsh winter, that they have implemented emergency feeding protocols, utilizing farmers and ranchers and the public, to provide feed for deer and elk because they are in jeopardy of losing entire herds due to the extreme snow cover which is causing widespread starvation. In a state that heavily pushes the CWD rhetoric, even the wildlife management department has thrown the ideology of "artificial congregation spreads disease" out of the window in order to save their already dwindling herds. If this isn't the definition of hypocrisy, I don't know what is.

In regards to the setback amendment Page 1; Subsection 2, line 17-18, although I believe this bill is not about a landowner rights issue, some of that may be arguable due to the amendments added, and creating a set back can negatively impact many hunters in the state who hunt on smaller tracts of land. I am located in a rural subdivision on the outskirts of Minot's city limits and have lots of deer frequent our three acre lot. Due to the language, my family and many others in this situation across the state might not be able to bowhunt deer on our own lots due to how our property lines are drawn. Without the permission of the adjacent landowner, hundreds if not thousands of hunters may not be able to hunt their small tracts of land even though they are suitable and provide opportunity for harvesting deer if the neighboring landowner does not grant permission. This is an infringement on my land ownership rights by allowing another neighbor to dictate what I could previously legally do on my lot, but might now not be able to, due to the setback amendment added to this bill (this only applies in units where baiting is currently still legal). Simply put, while the passage of this bill would give a tool back to the hunters of North Dakota, it could potentially limit many hunters who only have access to smaller tracts of land with not so "neighborly" neighbors.

I hope you read through this testimony and understand this issue isn't about landowner rights, it isn't about having the ability to harvest a deer easier, or even about ethics. This is about combatting control. While NDGF is utilizing CWD hysteria for both financial benefits and simultaneously accomplishing their goal to eliminate baiting due to their ethical stance, hunters are unjustly being stripped of a tool that is extremely beneficial on our prairie landscape to help hunters of all kinds effectively and efficiently harvest deer. This bill is also about protecting our rights from being taken away without just cause or in this case, a lack of scientific proof. Please support this bill and vote yes on HB 1151.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Matt Williamson". The signature is written in dark ink and is positioned above the printed name.

Matt Williamson  
Minot, ND