

Members of the Senate Energy and Natural Resources Committee,

I am writing to you today in rebuttal to some of the testimony that was presented during the House hearings and committee work for HB 1538.

First, I want to address the term “conservation fee.” Conservation is defined as preservation, protection, or restoration of the natural environment and of wildlife. Fees are imposed for the primary purpose of covering the cost of providing a service, with the funds raised directly from those benefiting from a particular provided service. Taxes are imposed for the primary purpose of raising revenue. It can be argued that this 10% is a fee and it can also be argued that it is a tax. What cannot be argued is that the money collected is not used for “conservation.” NDGF Director Jeb Williams, during the committee work on 2/10, stated that the conservation fee went back to infrastructure. That is not completely true. While much of the fee does, there are many tournaments that use the fee for kids fishing programs and scholarships. So it is not all infrastructure, but it certainly isn’t used for preservation, protection or restoration of the natural environment and wildlife. If you don’t believe me, please reach out to the NDGF and ask them how much of the “conservation fee” has been used for fish stocking and habitat improvement(rather than infrastructure). So at the least, the term “conservation fee” needs changing.

NDGF Fisheries Division Chief, Greg Powers cited some statistics from a 2021 survey of licensed anglers regarding the 10% conservation fee. As we all know statistics can be spun and survey’s written to show what people want. So I wanted to provide some information that I think is really important relating to this issue.

Let us start with the changing of the current conservation fee administrative rule to remove the \$5000 cap. This was changed in 2020 during Covid, it is safe to say that the administrative rules hearings are not usually well attended. I can tell you that very very few people were aware of the rule change proposed by the NDGF. This left tournament anglers behind and not finding out about this change until the Fall advisory board meetings that were hosted virtually. It is still safe to say that many anglers are still unaware of the regulations that are imposed on tournaments.

The 2021 survey that was sent out to 7000 licensed anglers(of roughly 150,000) was completed by only 1273 anglers. Of that 1273 only 102 said they have fished a tournament in the past 3 years. So using Greg’s data he presented and records that I open records requested:

- They only tried to survey 4.6% of all licensed anglers
- They received responses from 0.8% of licensed anglers
- The 151 tournament anglers that responded are only 0.75% of tournament participants using the 2019 numbers Greg submitted as testimony.

Are these numbers large enough to even consider this survey statistically significant? I don’t think it is... I understand there is a cost to survey’s, but the NDGF surveys all deer license holders every year(60,000+), and all other licenses that require a tag. So did the G&F really want to survey everyone on this issue? Especially in 2021 when all these surveys can be done electronically.

The next important part of this survey are the questions that were asked. Wording and background information is also an integral part to creating a valid survey. Like I mentioned earlier, anglers are generally unaware of the requirements placed upon fishing tournaments. Below are the questions that were asked on the survey.

1. Have you fished in a North Dakota fishing tournament in the past three (3) years?
2. For all North Dakota fishing tournaments, at least 10% of the entry/participation fees must be set aside for a fishery conservation project. Do you support this requirement, or should the fee be reduced?
 - a. If Reduce, which of the following(only one) would receive your most support?

Nothing in the questions references any of the administrative changes that had been recently made in the past year, so to say this survey accurately reflects the beliefs of anglers on the 10% conservation fee is not valid. I would be willing to guess that most anglers believe that the conservation fee is designated for fish stocking programs, but in reality the fees go for other improvements(boat ramps, fish cleaning stations, etc). In order to make this survey legitimate, the background information needs to be presented.

Moving on to other important information. Mr. Powers was also questioned by Representative Kasper during the initial committee hearing. Representative Kasper asked if the 10% conservation fee wasn't really about the money to the department, to which Mr. Powers responded with a "You are correct." So the department itself admits it's more about buying acceptance of tournaments.

So to see how many people are complaining about tournaments, I open records requested the complaints against fishing tournaments that the department has received. I was told "All complaints have been taken by phone; therefore, we have no records to provide you." So there are no documented complaints and no statistical numbers that the ND Game and Fish can speak about. It makes it really difficult to back their stance that the fee will help with tournament acceptance, because they have no data about tournament complaints.

Tournament anglers and local convention and visitors bureau's tried to work the the NDGF for a resolution and it ended up in arbitration with the NDGF not willing to discuss it any further. So we as tournament anglers were left with one option, Legislative action.

As all tournament anglers are required to have licenses, they are allowed to keep the same 5 walleyes per day just as every other angler. In fact it is oftentimes less during a tournament as tournament rules often say that you can only keep 8 in your livewell and weigh your top 5(in 2 man team events). So just because we pay our own hard earned money to be in a tournament, using the same resources as the other licensed anglers, we have to pay 10%? That's not fair.

Do big buck contests, pheasant tail contests, and coyote contests have to pay a conservation fee? To answer my own question, NO! Again only tournament anglers get the "fee" Wouldn't that be a good way to help with putting more land into PLOTS, or other public hunting access and habitat improvement?

When the NDGF bases the conservation fee based on percentages, it just penalizes the people who wish to pay more to play, even though, as I've stated earlier, I'm using the resources just the same as everyone else(tournament anglers and non tournament anglers). Let's look at a few examples, let us assume that the fishing is spectacular and everyone catches a limit!

- Example 1: 100 Boat Tournament \$50 entry fee.
 - \$5000 total money collected, \$500 conservation fee.

- 500 fish harvested= \$1/fish conservation fee, that doesn't really go back to fish.
- Example 2: 100 Boat Tournament \$1000 entry fee.
 - \$100,000 total money collected, \$10,000 conservation fee
 - 500 fish harvested= \$20/fish conservation fee, that doesn't really go back to fish
- Example 3: 100 non tournament boats fishing on a Random Saturday at Van Hook. (which is an extremely low traffic weekend)
 - \$0 collected, \$0 conservation fee
 - 500 fish harvested= \$0/fish conservation fee.

Are the above examples fair to everyone and everything involved, including fish, boat ramps, & cleaning stations?

A flat rate fee across the board for participants(\$5-\$10 per boat) in fishing tournaments is the most fair way if the NDGF feels that it is necessary to buy acceptance. Also there is nothing in this proposal that says these tournament hosting entities cannot still give that 10% back to their projects if they wish.

Another suggestion that I would like to propose, make the fee higher for tournaments that are catch and kill tournaments(\$10/boat). Give the tournaments that are catch and release a break(\$5/boat) because they are taking less fish from the resource.

I find it really interesting that since tournament anglers provide many funds through this conservation fee that the tournaments aren't recognized as a contributor on all the boat ramps and fish cleaning stations that have benefitted from this fee. But don't worry the sportsmans clubs and park boards will put their names on the signs to take all the credit along with the NDGF.

As a teacher, fishing guide, and tournament angler, I have a substantial interest in all of this. I want to see the youth involved, I want to promote the great fishing in North Dakota for my business, and I want to be able to compete at the highest level on my home waters. I urge you to please give this bill a do-pass recommendation out of committee.

Sincerely,



Matt Liebel
District #1 Williston, ND
Liebel's Guide Service
matt@liebelsguideservice.com
701-770-6746