

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1400

2005 HOUSE NATURAL RESOURCES

HB 1400

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1400

House Natural Resources Committee

Conference Committee

Hearing Date February 3, 2005

Tape Number	Side A	Side B	Meter #
1		x	2480-End
2	x		0-765
Committee Clerk Signature <i>Loren Bonnet</i>			

Minutes:

**Chr. Nelson:** We will open the hearing on HB 1400 and ask the clerk to read the title.

We will have to leave this testimony open since the sponsors aren't here. They will introduce the bill tomorrow. Is anyone aware whether the Senate sponsors, Sen. Kerzman or Urlacher, are here or went to Fargo. Is there any testimony in favor of HB 1400?

**Dale Patten, McKenzie County Commissioner, Watford City:** (Written testimony attached)

**Rep. Solberg:** Would you be in favor of an amendment that lets the director of the ND Game & Fish in on a committee and added a representative from the ND Stockmen's Assoc.?

**Patten:** I think there is a bill on the senate side in that regard. I don't know if there has been any action on it. If that is the only choice, I believe the Stockmen's Association should be represented. That still does not resolve the conflict of interest issue. There needs to be some separation there.

**Chr. Nelson:** Are there further questions of Mr. Patten?

**Rep. Hanson:** How many members do the ND Stockmen's Association have?

**Patten:** I'd be guessing, I'm not sure.

**Hanson:** What I'm getting at is the Game & Fish would probably represent the whole state of ND where the Stockmen's Association is a smaller group.

**Patten:** We also have the ND Farmers Union and ND Farm Bureau represented. Again, we're not resolving the conflict of interest issue. They are very willing and able and do a good job in testifying in public hearings. They also have the opportunity to provide their input to the governor and the advisory committee.

**Rep. Nottestad:** As you look at the conflict of interest, you also have on this committee now, the state forester, the director of parks. If land is acquired that will be part of the state forest or part of the state parks. Are you saying that those people shouldn't be on because they would have a conflict of interest as well?

**Patten:** I'm not real familiar with the land that is managed by the Parks Dept. or land that is managed by the State Forest. I don't know if there is a significant amount. My experience is that most of the land being acquired that is actually agricultural land is turning in and being managed by the Game & Fish.

**Nottestad:** One of the reasons this land is managed by the Game & Fish is for the simple reason of taxation. The land acquired and managed by Game & Fish pays in lieu of taxes 100%. That's the main reason Game & Fish manage it, so that local entities, local townships, and local counties do not lose tax base. It could be managed by the Park Department or by someone else,

or even the federal government. Perhaps there is some conflict of interest, but for the betterment of all that's why it's managed by Game & Fish.

**Patten:** I don't have a specific issue with the Game & Fish managing the land, it's just being on the Advisory committee that makes the recommendation creates the conflict. They are making a recommendation to the governor and also managing it; that is the conflict.

**Nottestad:** Maybe the Game & Fish should be gone and it should be managed by someone else. I don't the townships and counties would be too happy. That would resolve your problem.

**Patten:** I don't believe this change should affect which agency of the state would manage the land. Removing the Game & Fish from the Advisory Committee would not change the ultimate choice for managing the land.

**Nottestad:** Game & Fish does represent the entire state of ND. So if conflict of interest is the problem, maybe we can look to others as managers. Of course, there would be ramifications to that.

**Patten:** I'm fully in support of in lieu of tax...but I don't believe this would create a situation where the land would end up being managed by someone different than Game & Fish.

**Chr. Nelson:** One could argue that the whole makeup of this board would change with eliminating the Game & Fish Director and adding the Stockman's Director. The agricultural interests are in a minority position currently. If my numbers are correct, that would change with passage of this bill. Is that also a consideration with you and the county perspective? Further questions for Dale.

**Rep. Hanson:** You mention in your testimony two land sales on the Yellowstone and Missouri Rivers. Was there a possibility that Bass Masters or one of those large organizations were coming in and trying to buy that?

**Patten:** We don't know of any. We've heard of Buck Masters that has a place near Sidney, MT. I'm not aware of any entity like that that was interested.

**Hanson:** If they had bought it, it would have been privatized and you would have commercial hunting there. Now, it's open to the public.

**Patten:** I'm a supporter of private enterprise and private land ownership. In this circumstance, I believe the land should have stayed private, in agricultural use.

**Chr. Nelson:** Any further questions of Mr. Patten? Seeing none, thank you. Is there further support of HB 1400?

**Brian Kramer, ND Farm Bureau:** We do stand in support of this bill. Very simple, it replaces the Game & Fish with the ND Stockmen's Association. You're question about the numbers, yes, it would slant it toward agriculture. However, agriculture is the number one industry in ND. Should we not be represented to that extent? We hope you will give the bill a do pass.

**Nottestad:** We agree that agriculture is the number one industry, but what would be the number two industry and how many representatives would they have?

**Kramer:** I think it might be tourism as number two.

**Nottestad:** Is there any representation for that group?

**Kramer:** No, there is not.

**Rep. Solberg:** Would you be favorable to an amendment that would leave the Game & Fish director on that committee and add a representative from the ND Stockmen's Association?

**Kramer:** I think the previous speaker made the point that the Game & Fish director and G & F department do have a very vested interest in a lot of these purchased lands. From that standpoint, there may very well be a conflict of interest in their voting on whether or not these lands should be acquired. From that standpoint, we would support them being removed. If it has to be that Game & Fish Department remains in there, it has to be, but we would prefer alternatives.

**Solberg:** That would only be one voice on the committee. Don't you believe that they should be represented when they consider these purchases?

**Kramer:** I do believe they are represented, they do have a voice with the governor's office, the governor is the ultimate decision maker on these properties. They are well represented.

**Chr. Nelson:** Because this commission is an advisory commission with no ultimate authority in the final decision-making process, does it matter if Game & Fish is on the commission? They have some tax expertise in lieu of tax situations. The bigger questions is how many times has the commission voted one way and the governor, who has the ultimate decision making, gone the other way?

**Kramer:** I can't answer that. I don't know the numbers. In a good number of instances, the county commissioners of the counties involved have voted unanimously against the sale of a certain piece of property. This advisory commission has been very split. It goes ultimately to the governor who has approved the sale, over the objections of the county commissioners, and on a very divided vote of the Advisory Commission. That has happened on a number of occasions.

**Chr. Nelson:** Has a member of ND Farm Bureau, have you sat in and been one of the voting members of the committee; has the ND Farm Bureau ever supported the acquisition of land by a public entity in your history?

**Kramer:** To my knowledge, no. We believe it should remain in private hands.

**Chr. Nelson:** Any further questions?

**Rep. Clark:** Don't all these people have some vested interest and bring those to the table and not just the Game & Fish?

**Kramer:** You're probably very right.

**Rep. Hunskor:** Do you think the information furnished by the Game & Fish commissioner would be important to the final decision making by the committee? Are the Committee going to miss something if that person isn't there?

**Kramer:** They provide their testimony to the county commissioners, to the Advisory Committee, regardless of whether they are sitting on the committee or not.

**Chr. Nelson:** Seeing no further questions, Brian, thank you for your testimony. Is there further support of HB 1400?

**Mike McEnroe, ND Chpt. Of the Wildlife Society: (Written Testimony Attached)**

**Rep. Solberg:** I have no problem over adding a representative from the ND Stockmen's Assoc, but I am bothered when we are constantly trying to cut the Game & Fish out of some of these decisions. Give me another reason why you think the Game & Fish director should not be on this committee?

**McEnroe:** As someone earlier testified, the Game & Fish has direct access to the Governor, they often appear at the hearings, in several cases they have become the land managers, and as a cabinet position the Game & Fish director has the ear of the governor already.

**Solberg:** Shouldn't the Game & Fish still be represented by this committee when they take up these deliberations?

**McEnroe:** They certainly could be. We were just offering the amendment that if you're taking off the director of the State Game & Fish Department, a cabinet level position, maybe take off all three of the cabinet level positions that are there. If they stay on that's fine.

**Chr. Nelson:** Further questions?

**Rep. Nottestad:** If the committee chose not to accept your amendment would you still be in support of the bill?

**McEnroe:** Yes, I think the ND chapter would be. It has somewhat been discussed here today and probably the 12-14 years of the existence, the governor has approved every land acquisition but the last two to the Cross Lands Inc. That was because the owner of Cross Lands Inc. I believe had not gone through the proper process on the first acquisition, so that was declined. The subsequent one was also declined. So, to my knowledge, all three governors, Sinner, Schaefer, Hoeven, have approved all of the natural area acquisitions that have been proposed to them. Sometimes over objections of the Natural Area Advisory Committee. I don't know the effectiveness of the Natural Area Advisory committee is there. It often doesn't provide advice, the agencies or organizations represented send out their standing policy from their annual resolutions and often don't attend the hearing. It's very difficult to get meaningful input from some of the groups' representatives because they have to rely back on standing policy.

**Chr. Nelson:** Further questions of Mr. McEnroe?

**Unknown voice:** Harold Neameyer, Cass County Wildlife Club, could not be here this morning. I have **WRITTEN COPIES (Attached)** of his testimony if I could hand those out.

**Curtis Blohm, ND Outdoor Heritage Coalition:** Support McEnroe's suggested amendment.

**(Written testimony attached.)** Had to leave for another hearing, left this testimony.

**Chr. Nelson:** We will accept them to the public record. Is there further testimony in support of HB 1400? Is there any opposition to HB 1400?

**Jan Swenson, Badlands Conservation Alliance:** Oppose (**Written testimony attached**)

**Chr. Nelson:** Are there questions of Ms. Swenson? One could argue that by balancing this commission with landrights interests and conservation interests, the ultimate decisions will be more valuable because it is done in a spirit of fairness and public debate. How do you respond to that?

**Swenson:** I don't see this as balanced when agricultural industry and government agencies (are on it), where other interests including tourism and conservation aren't on the table.

**Chr. Nelson:** You have heard some of the proposed amendments that various speakers have offered. Do any of those proposals interest you or your organization?

**Swenson:** I would have to say I was tempted by Mr. McEnroe. At the same time, we have no concern with it standing as it is now.

**Chr. Nelson:** By adding the Stockmen's Assoc. to the commission without eliminating the Game & Fish director's position, that would create that perceived balance. Would you support that proposal?

**Swenson:** No, I'm not sure that we could.

**Chr. Nelson:** Sorry to put you on the spot, but that would create that perceived balance.

**Swenson:** I question whether it's balanced when we just have government and agricultural interests.

**Chr. Nelson:** Are there further questions for Ms. Swenson? Seeing none, thank you for your testimony. Further opposition to HB 1400?

**Dennis Daniel:** I'm in opposition unless you put an amendment on it. If land becomes a park land or land managed by the Game & Fish is to the benefit of all people in the state. Since people seem to think that the Game & Fish has a conflict of interest because they're managing it, I would make an amendment that you add the mayors of the principal 15 cities, or all the mayors in the state. They could appoint one or two members of their group to represent the citizens in the cities who do not live on the farm. The idea and theme that I keep hearing seems to be that we're taking all this land out of agricultural production. Morton county probably has six or seven sections that have been turned into housing developments in the last five years. I didn't see anybody from the Stockmen's Assoc. or Farmers Union or the Farm Bureau saying we can't have these subdivisions. I've never heard anyone come to the county commission meetings and (complain) about taking this land out of production. If you need representation on this board, I can think of no better people than the mayors to represent the public.

**Chr. Nelson:** Questions of Mr. Daniel? Seeing none, thank you for your testimony. Any further opposition to HB 1400?

**Patrice Lahlum, ND Dept. of Agriculture: (Written testimony attached)**

**Chr. Nelson:** Are there questions of Ms. Lahlum? Seeing none, thank you. Is there further opposition to HB 1400? Mike Donahue had to be at another hearing, but has left written testimony to be submitted to the public record.

**Mike Donahue, United Sportsment of ND and the ND Wildlife Federation: Oppose. (Written testimony attached.)**

**Chr. Nelson:** Is there further opposition to HB 1400? Seeing none, I will close the hearing on HB 1400.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1400

House Natural Resources Committee

Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
2	x		1000-4090
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

**Chr. Jon Nelson:** Let's take up HB 1400. All members present. This is the bill that changes the makeup of the Natural Areas Advisory Committee. There were several options presented for amendments.

**Rep. Drovdal:** The idea behind the bill was that they thought there was a conflict of interest with the Game & Fish Department being on the Advisory board. In most cases, the Game & Fish is the one that actually receives the land in trust so they wanted it to be a better balanced advisory board. They wanted to put another group on it.

**Chr. Nelson:** There were several amendments added. In your packet, The Wildlife Society, Mike McEnroe has a significant amendment. He supported the bill and recommended that three additional members be added to the committee to replace the three state agency directors, one from the state university system with expertise in plant science, and two from the natural

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House Natural Resources Committee

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resource community with expertise in wildlife biology, land management or natural area identification and conservation.

**Rep. Nottestad:** I'd like to move those amendments as presented on the second page of Mr. McEnroe's testimony.

Unknown speaker: Who'd come off...

**Rep. Nottestad:** Basically, everybody.

**Chr. Nelson:** The Parks & Rec Director, the Game & Fish, and the State Forester.

**Rep. Charging:** They would come off?

**Rep. Nottestad:** They would be replaced with one from the state university system with expertise in plant science, and two from the natural resource community with expertise in wildlife biology, land management or natural area identification and conservation.

**Rep. Hanson:** I would say Farm Bureau and Farmers Union would have a conflict of interest also because in their booklets, they say that all land should be in private ownership.

**Chr. Nelson:** Let's take this amendment by amendment. Correct me if I'm wrong, Rep.

Nottestad. On Line 11, strike "Director of Parks and Rec. Department;" at the end of Line 12 and beginning of Line 13, strike "the State Forrester;" and overstrikes remain the same.

**Rep. Nottestad:** That gives you three people.

**Chr. Nelson:** In addition, the language on the testimony, we would add those, one from the state university system, and two from the natural resource community. As I read this, that board would be made up of four agricultural interests and four interests from outside.

**Rep. Nottestad:** It would be the outside interests you spoke of. It would be three, would it not?

**Chr. Nelson:** There's a county commissioner.

**Rep. Nottestad:** We have three interests going here.

**Rep. Porter:** There's five agricultural interests, or four agricultural interests, one county interest, and three wildlife interests.

**Rep. Nottestad:** That's what it would end up being.

**Rep. Porter;** I guess, Mr. Chairman, it probably needs to be something even.

**Rep. Nottestad:** This would at least make it people who would not have quite the vested interest that it is right now, or it could be perceived as being mixed. What Mr. Hanson said is very true.

**Chr. Nelson:** Mr. Nottestad has moved an amendment, is there a second?

**Rep. Porter:** Second.

**Chr. Nelson:** Does everybody understand the amendment as presented? We would remove the State Forester, the Director of Parks and Rec, and the Game & Fish Commissioner, and add the Executive Vice President of the ND Stockmen's Association, a member of the State University system, and two members of conservation interests, from the Natural Resources Community to that advisory committee. Is there discussion on the amendment?

**Rep. Hanson:** What was the amendment they had? They didn't have the Stockmen's Association...

**Rep. Nottestad:** That's on the original bill.

**Rep. Hanson:** But on the wildlife...they didn't have that in there?

**Rep. Nottestad:** That was not part of the amendment. He admitted it was only adding these three people. The original bill called for Stockmen's Association.

**Rep. Hanson:** Do you want the Stockmen's Association?

**Rep. Nottestad:** I'm not deleting. I'm moving his deletion of the agency individuals.

**Chr. Nelson:** If we want to further amend, why don't we take this amendment up first, Rep. Hanson, then you can further amend if you choose to do so. Is there further discussion on this amendment?

**Rep. Johnson:** What was the rationale for taking the Parks & Rec Director off this?

**Chr. Nelson:** All three of those positions are members of the governor's cabinet now, and they are drawn on for their expertise already. It's almost overkill to have them on a committee. The executive branch has the final decision making in these issues as it is now, so they would still have their input. This is to bring more input in from outside of state government.

**Rep. Keiser:** How often does this advisory committee meet, and what are they doing? Are we worrying a lot about somebody who never meets?

**Rep. Nottestad:** These groups are the ones that look at acquisition of land like the Cross Ranch, the Eberts Ranch, and the situations along the Sheyenne River Valley. This is why they meet. There is a controversial one going in the northeastern part of the state right now that is part of this group. Yes, they do meet, and yes, there is a lot of controversy involved. They meet often.

**Rep. Charging:** How much opposition was there the day of the hearing? I have the notes, but many of us were absent. Was there a great deal of opposition?

state university system with expertise in plant science, and two from the natural resource community with expertise in wildlife biology, land management or natural area identification and conservation.

**Chr. Nelson:** I show a Jan Swenson and Mr. Dennis Daniel in opposition. Patrice Lahlum was neutral. She works for the Ag Commissioners office. I think she was just down to monitor the proceedings. I think the Ag Commissioner was the chair of that committee.

**Rep. Charging:** And the Badlands...Conference alliance? (uncertain of verbiage)

**Chr. Nelson:** The Ag Commissioner convenes the meetings.

**Rep. Hanson:** The United Sportsmen and The Wildlife Federation opposed the bill, but they had some amendments, too.

**Charging:** The Ag Commissioner would remain, correct?

**Chr. Nelson:** Yes. You should have the testimony in your packet. There has always been questions as to the role of the Advisory Committee because they really don't have any power. They recommend to the governor. The governor does have the final say and I think this (amendment) creates that independent look. I was impressed that the Wildlife Society came in with not only support of the bill as it stood, but they offered this amendment. I think it made a lot of sense. Why would we just take the Game and Fish Director off and leave two other agency heads that have the same role in state government as the Game & Fish Director? It seems to me that if we're going to do this, we should eliminate all three of them or leave it the same. I think by broadening the scope of the advisory committee they may have more effectiveness in their recommendations. Visiting with Dean (Hildebrand) at the Game & Fish Department, he had no qualms with his removal. I don't think they opposed the bill at the hearing. They were independent.

**Rep. Keiser:** It will not be significant factor, but as I understand the amendment, you're taking three off and adding four new ones? The bill substitutes one for one, so you're adding one new body? It would have a fiscal note, but an insignificant one.

**Chr. Nelson:** Correct.

**Rep. Hanson:** What's the number?

**Chr. Nelson:** It would be eight as I read it with the amendment.

**Rep. Porter:** I have nine total, four agricultural, three non agricultural and one county commissioners.

**Drovdal:** That would be eight.

**Chr. Nelson:** We have the Ag Commissioner, the Stockmen's Association, Farmers Union, the Farm Bureau, and the counties.

**Nottestad:** This is wrong. The State Forester needs to be deleted as well.

**Chr. Nelson:** That's right, in addition to the Director of Parks and Rec. Is there further discussion on the proposed amendment?

**Rep. Keiser:** I'm going to oppose the amendment. I think this is a board that doesn't do anything. They meet, they make a recommendation, but in most cases the recommendation can't be acted on until the legislature meets.

**Chr. Nelson:** Further discussion? Seeing none, I'll try a voice vote on the amendment. All those in favor signify by saying aye. Opposed? (one) Motion carries. What's the committees wishes?

**Rep. Porter:** Out of fairness and being on different boards and having odd numbers of representation, that we need to add one more non-ag individual or remove one of the two farm groups and just put the language in there "a member of a ND farmers group." I don't think it's fair to put an off balance committee out there working to make recommendations to the governor. And I don't think it serves the purpose that it's intended to serve. **I would make a motion to further amend the bill to remove the language that states on Line 14, "the**

**president of the ND Farmers Union” and on Line 15, “the president of the ND Farm Bureau” and replace it with “a member of ND farmers group.”**

**Chr. Nelson:** Rep. Porter moves that amendment, is there a second?

**Rep. Keiser:** Second

**Rep. Drovdal:** I'm have to oppose that. I don't think ND Farmers Union and ND Farm Bureau are in the same boat. They both represent farmers but I think they have different interests and different philosophies. I think they both contribute...(can't understand). I think this bill is a much more rural issue than it has to do with some of those people.

**Rep. Nottestad:** I agree with you that they represent the farmers interests, but I beg you to go back to the minutes of all the meetings and you will find that they are both are identical.

Therefore, having one or having two really doesn't make that much difference, one or the other.

**Rep. Norland:** How long has the present board been intact? Have they been there for 20 years?

**Chr. Nelson:** I would think at least that. Does anyone in the audience know? That didn't come up in testimony.

**Roger Rostvet, ND Game & Fish:** Over 15 years, about the mid 1980's.

**Rep. Hanson:** I think they started during the Sinner administration.

**Norland:** I hear testimony that they meet, they make recommendations to the governor, and up to this time we haven't had any problems, and all of a sudden there is a bill up that wants to take the Game & Fish off. I'd be in favor of leaving the board just the way it is. If every time somebody complains about a board we're going to chop somebody off, I suppose next session we will have somebody else to take off. We're just putting band aids on.

**Rep. Charging:** There are movements being made across rural areas like ours, to purchase land and to essentially lock it up, whether it be for hunting use or for natural resources, Sierra Club kind of activities. They resisted it through the help of the Game & Fish Department. The people that are seated on the current committee....

**Chr. Nelson:** This board is only convened when a non-profit organization...

**Charging:** We've had two major purchases from outside interests trying to lock up (parts) of ND, which is probably why it's been brought up. There has been movement.

**Rep. Hanson:** I have a questions of Rep. Drovdal. Did you put this bill in because of that Teddy Roosevelt ranch (Eberts Ranch) that is for sale?

**Rep. Drovdal:** I put this in at the request of a constituent and it's something that has been brewing for a number of years. I don't know if that is the reason that he brought it back up. It also goes back to hearings on the confluence area. There were two acquisitions there that everybody locally denied, testified against, and it was still approved and recommended. They just don't feel that anybody is listening when they have these hearings. I think it goes much further back.

**Chr. Nelson:** I tend to agree with Rep. Keiser. I think this committee hasn't had a lot of effect, but I'm not so sure that this change may give that committee a new look and new expertise because the balance issue concerns me, too. When a non profit comes in to acquire land, all the groups most concerned are the groups like the political subdivisions, the counties, and agriculture. I think it's a good addition because western ND is a spot where much of this land is being acquired, so Stockmen's have a vested interest. Balance is nice, but it isn't necessarily incumbent in this situation because they don't have any effective voice. I think it just gives the

communities a chance to raise objections or support. It would be nice to see ND Farm Bureau and ND Farmers Union actually vote for one of these once if the conditions were right, so you don't get that stigma that they're always opposing. There must be a case where some of these are good deals. I'm going to support the amendment. I think this gives the board another chance to do better work and receive the public comments.

**Rep. Keiser:** I've always had a problem with this particular committee. The issues that they consider are significant financial magnitude, they border on the realm of policy issues, there is always an interim committee that is committed to natural resources issues (with) options and advice to the governor. This committee meets, and may make a recommendation to the governor, but then you have to get into the appropriation side, the emergency commission and the legislature. What isn't happening is the legislature does not participate in the policy question on these major issues. I oppose it on these grounds.

**Rep. DeKrey:** I think the impetus of this committee flat out politically was to give the governor cover to let a land acquisition that was unpopular with the people, but he can say the experts say this was the way to go. I think that was the original reason for it, to give a governor political cover. I think we have it (the committee) so we might as well make it look better than it does.

**Chr. Nelson:** I'm going to try a voice vote on this. The amendment is on Line 14 would read, "the ND Stockmen's Association, either the president of North Dakota Farmers Union or the president of North Dakota Farm Bureau." Mr. Mittleider, do they regularly attend, is that a problem with the presidents being there?

**Mr. Mittleider:** (unintelligible)

**Rep. DeKrey:** I still like the idea of the Farmers Union or the Farm Bureau or their designee because perhaps the presidents of either organization both have a Casselton address and the land purchase is taken out in the western part of the state. It might make sense for them to appoint their member from that area to be the designee.

**Chr. Nelson:** Is that a friendly amendment?

**Rep. Porter:** Line 15, after bureau, "or their designee."

**Chr. Nelson:** I think it's the ag commissioner the way I read it. Committee, I will oppose the amendment because I think the land interest is what the role of this committee is. I don't think the balance is that big a deal. I do see a problem with trying to balance the interests of two major farm organizations in the state in this committee. I don't know how seriously they take it. I hope they do take this committee seriously. I think the ag interests is important to this committee's work, so I'm going to oppose the amendment.

**Rep. Porter:** Mr. Chairman, I would ask for a roll call vote.

**Chr. Nelson:** I'll grant that request. Any further discussion on the proposed amendment? If not, call the roll:

**Motion for amendment: Porter; Second, Keiser;**

**7-Yeas; 7-Nays; 0-Absent; Amendment failed**

**Chr. Nelson:** Motion failed. Any further amendments? Seeing none, what is the committee's wishes?

**Rep. Hanson:** I move a Do Not Pass as Amended.

**Rep. Solberg:** Second

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House Natural Resources Committee

Bill/Resolution Number HB 1400

Hearing Date February 10, 2005

**Chr. Nelson:** Rep. Hanson moves a Do Not Pass as Amended, seconded by Rep. Solberg.

Committee discussion? Hearing none, call the roll:

**Do Not Pass as Amended Vote: 9-Yeas; 5-Nays; 0-Absent; CARRIER: Clark**

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1400

House Natural Resources Committee

Conference Committee

Hearing Date February 11, 2005

Tape Number	Side A	Side B	Meter #
1	x		2550-3450
Committee Clerk Signature <i>Karen Bonnet</i>			

Minutes:

**Chr. Nelson:** We need to take up HB 1400 again.

**Rep. DeKrey:** I move we reconsider our action, whether we pass or fail it.

**Rep. Keiser:** Second

**Rep. Drovdal:** I'm going to resist that motion. I think we had enough time to deal with it with the history of what we know.

**Chr. Nelson:** Motion by DeKrey and second by Keiser to reconsider our actions upon HB 1400.

The reason that we need to do this is that we need to define the membership. We added a member of the ND university system and two members of the natural resource community in that bill yesterday. We need to define that more closely to put who is going to be on that board. In the other sections of that bill, the *president* of Farm Bureau, the *president* of Farmers Union were specifically named. I think we need to more narrowly define that.

**Rep. Nottestad:** What about the wording that he had?

**Chr. Nelson:** I'll call for a voice vote on the motion. All those in favor? Opposed? **Motion carried.**

**Rep. Nottestad: I move that the amendment be worded exactly the way I brought it yesterday. It would read as, "one from the state university system with expertise in plant science, two from the natural resources community with expertise in wildlife biology and land management or natural area identification and conservation."**

**Chr. Nelson:** Rep. Nottestad, do you think that is specific enough?

**Nottestad:** I think it certainly is. We're looking at other groups, if they fall into this category, you start naming individuals that would probably be involved that wouldn't have that, but this way they have to name somebody with these areas of expertise.

**Chr. Nelson:** As a practical matter, who would make that decision?

**Nottestad:** I would think the university system decision would come out of the chancellor's office. The second, I would say that letters would go out to the organizations like the Wildlife Society, asking them to submit names. Administrative Rules would take care of that.

**Chr. Nelson:** The problem came from the Legislative Council. They thought we needed to define that a little more closely.

**Nottestad:** If they need it closer than that, Administrative Rules can come up with a definition. As long these parameters are followed, I don't care what system they use.

**Chr. Nelson:** Would you have any problem having the provision "under the university system or designee." I think it says "State agency director, one from the university system."

**Nottestad:** You already have a designee by stating that.

**Chr. Nelson:** That's true, we don't need that.

**Nottestad:** If we need a specific person then we would need that. The appointment is the designee category.

**Chr. Nelson:** So you're moving the language, "one from the state university system with expertise in plant science and two from the natural resources community with expertise in wildlife biology, land management or other natural area identification and conservation." That's your amendment?

**Nottestad:** Yes.

**Chr. Nelson:** Is there a second to that (Nottestad) amendment?

**Rep. Porter: Second**

**Chr. Nelson:** Porter seconds. Committee discussion?

**Porter:** I still think that it should be a balanced committee. I will support this amendment. I think that the "two members from the natural resources community" should be "three" so that it's four agriculture, four non-agriculture, and one county commissioner to add the balancing point.

**Nottestad:** I would support that if you want to make a friendly change. I have no problem with that. It's balanced, we wouldn't take anyone off but (unintelligible). I would gladly make that one from the university system and three from the others.

**Rep. Hanson:** So there are nine members, Mr. Chairman, one from the university system, three from wildlife, one Agriculture Commissioner, one Stockmen's Association, one Farmers Union, one Farm Bureau, and a county commissioner.

**Chr. Nelson:** By adding three members of the natural resource community it would be added to the natural resource community. Does everyone understand the proposed amendment? I will call

Page 4

House Natural Resources Committee

Bill/Resolution Number HB 1400

Hearing Date February 11, 2005

for a voice vote on the amendment. All those in favor, signify by saying aye. Opposed, same sign. Motion carried. What's the committee's wishes?

**Rep. Porter: Do Pass as amended.**

**Chr. Nelson:** Is there a second?

**Rep. Hanson: Second.**

**Chr. Nelson:** Committee discussion? Seeing none, I'll ask the clerk to call the roll on a

**Do Pass as amended Vote: 8-Yeas; 6-Nays; 0-Absent; CARRIER: Clark**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1400

Page 1, line 11, overstrike "the director of the parks and recreation department" and insert immediately thereafter "a member of the North Dakota University System, two members of the natural resources community"

Page 1, line 12, overstrike "the state forester"

Renumber accordingly

February 11, 2005

VR  
2/11/05

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1400

Page 1, line 11, overstrike "the director"

Page 1, line 12, overstrike "of the parks and recreation department" and insert immediately thereafter "a representative of the North Dakota university system with expertise in plant science appointed by the state commissioner of higher education, three members of the natural resources community with expertise in wildlife biology, land management, or natural area identification and conservation" and overstrike "the state"

Page 1, line 13, overstrike "forester,"

Renumber accordingly

Date: 2/10  
 Roll Call Vote #: 1

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1400**

House NATURAL RESOURCES Committee

Check here for Conference Committee

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

Action Taken : Amend

Motion Made By : Porter Seconded By : Keiser

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) 7 No 7

Absent 0

Floor Assignment n/a - failed

If the vote is on an amendment, briefly indicate intent:  
fail on 7-7 vote

2/10/05  
 Took to LC w. orig.  
 amend & bill  
 @ hold for amend  
 \* Chr. called in  
 afternoon to pick  
 this up from LC  
 + stop the  
 amend, etc.

Date: 2/10/05  
 Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1400

House NATURAL RESOURCES Committee

Check here for Conference Committee

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

Action Taken : Do Not Pass as Amended

Motion Made By : Hanson Seconded By : Solberg

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) 9 No 5

Absent 0

Floor Assignment Clark

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

Date: 2/11/05  
 Roll Call Vote #: 1

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. #B1400 - Composition of natural areas** ✓

House NATURAL RESOURCES Committee

Check here for Conference Committee

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

Action Taken \_\_\_\_\_ : As Amended ✓

Motion Made By \_\_\_\_\_ : Porter Seconded By \_\_\_\_\_ : Hanson

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) 8 No 6

Absent 0

Floor Assignment Chil ✓

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

**REPORT OF STANDING COMMITTEE**

**HB 1400: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "the director"

Page 1, line 12, overstrike "of the parks and recreation department" and insert immediately thereafter "a representative of the North Dakota university system with expertise in plant science appointed by the state commissioner of higher education, three members of the natural resources community with expertise in wildlife biology, land management, or natural area identification and conservation" and overstrike "the state"

Page 1, line 13, overstrike "forester,"

Renumber accordingly

2005 TESTIMONY

HB 1400

TESTIMONY  
HB 1400

Good morning Mr. Chairman and members of the Natural Resource Committee.

My name is Dale Patten from Watford City ND and I am also a McKenzie County Commissioner.

I support House Bill 1400 which will replace the Director of the North Dakota Game and Fish Department (NDGF) with the Executive Vice President of the North Dakota Stockmen's Association (NDSA) on the Natural Area Acquisition Advisory Committee.

I believe that the present makeup of the Advisory Committee results in a conflict of interest for the NDGF. There are many times when the state of North Dakota is looking at acquiring land under this process that the ultimate management of the land will rest with the NDGF. Recently there were two instances of this in McKenzie County with the acquisition of the Ochs and the Neu properties at the confluence of the Yellowstone and the Missouri River.

In this case the NDGF is the agency that will manage the land for the state, they are also sitting on the committee that advises the Governor about the acquisition, and they also provided testimony at the public hearing regarding the acquisition.

I believe that this is a very obvious conflict of interest.

I many cases the acquisition of natural areas by the State of North Dakota will involve land that have historically been grazed by cattle. It is appropriate that an organization that represents the interests of the livestock industry be involved in the process of making recommendations to the Governor about the state's acquisition of any new land.

It is very appropriate for the NDGF to provide testimony regarding the acquisition of land by the State and also explain their management plan if they are going to be the agency that will manage the land. But they should not also be making the recommendation on the acquisition as well.

I would make one recommendation regarding changing this bill after talking to Wade Moser and that would be to change it to read "the President of the North Dakota Stockmen's Association or his designee. This would make it consistent with the language that has been introduced in a different bill to allow that for all of the members of the committee.

Thank you for your time and again, I recommend a "do pass" on House Bill 1400.

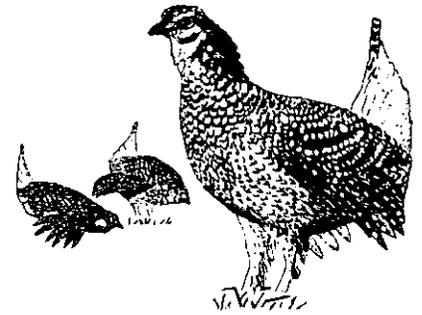


North Dakota Chapter

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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 HB 1400, 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 Chapter supports the intent of HB 1400 to provide advice and recommendations to the Governor on Natural Area Land Acquisitions.

In addition to removing the Director of the North Dakota Game and Fish Director from the Natural Areas Advisory Committee, we recommend removing the State Forester and the Director of the State Parks and Recreation Department. These three positions are all members of the Governor's cabinet, and advise him on a daily or weekly basis.

Most of the natural areas acquisitions deal with grassland and wetland habitats. These areas are usually managed by the current private landowner as grazing lands, and are managed using prescribed grazing by a neighboring landowner after purchase by the non-profit conservation organization. With the tie to grazing

management, the Stockmens' Association seems to be a better fit on the advisory committee than the Farm Bureau or the Farmers' Union. Unfortunately, the Stockmens' Association has a standing policy opposing all non-profit, tax-exempt organizations' ownership of agricultural lands.

We also recommend that three additional members be added to the Committee to replace the three State agency directors; one from the State University system with expertise in plant science, and two from the natural resources community with expertise in wildlife biology, land management, or natural area identification and conservation.

This then truly would be an advisory committee. Thanks you for the opportunity to provide comments on this bill.

North Dakota  
Outdoor Heritage  
Coalition

Curt Blohm  
(701) 258-7056

**House Bill No. 1400**

**Reference: Removes the Game & Fish Director from this advisory committee and replaces him with the Stockman's Association Executive Director**

**House Natural Resources Committee**

**Hearing Date: February 3, 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 testimony and suggested amendments presented by Mr. Mike McEnroe on behalf of the ND Wildlife Society.**

**Thank You.**



**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**

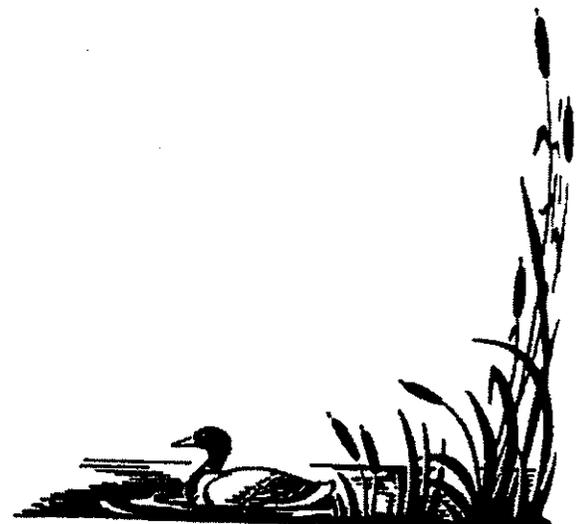
ON

**HB 1400**

February 3, 2005

Mr. Chairman and Members of the Committee:

The CCW Club opposes this bill as originally drafted, which eliminates Game & Fish from having a voice in the natural areas advisory committee. The Club would like to see a sportsman group (i.e. such as the ND Wildlife Federation) be added if the Stockman's Association is added, along with keeping Game & Fish on the committee.



By: Jan Swenson  
Re: HB 1400

**BADLANDS CONSERVATION ALLIANCE**  
A VOICE FOR WILD NORTH DAKOTA PLACES

(Pg 1 of 5)

**Badlands Conservation Alliance**

**Field Office**

801 North 10 Street

Bismarck, ND 58501

701-255-4958 badlandsconservation.org

**RE: House Bill No. 1400**

Testimony of the Badlands Conservation Alliance before the House Natural Resources Committee

February 3, 2005

Chairman Nelson, Vice Chairman Porter, Members of the House Natural Resources Committee:

My name is Jan Swenson. I am speaking as Executive Director of the Badlands Conservation Alliance, a non-profit public education and conservation organization headquartered in Gladstone, North Dakota. The personal background of many of our members is agricultural. Aunties, uncles and cousins, and friends remain on the farm or ranch and deal with the kind of land use changes that exist on the landscape today.

It is time for North Dakota to open its arms to conservation tools available in other states – whether that be incentives, easements, land trusts or acquisition. Supporters of these tools are not focused on “land grabs” but on rural communities buoyed up by economic diversity while protecting the wide open spaces we North Dakotans love. A dialogue is called for and welcome.

BCA's concern with HB 1400 is a limiting of that dialogue rather than expansion. It is no easy matter to approach this conversation under the current Natural Areas Advisory Committee roster. Elimination of the North Dakota Game and Fish Department narrows the breadth of the Advisory Committee while proposed substitution with the North Dakota Stockmen's Association too closely mirrors already participating agricultural organizations. Where is the diversity that promotes understanding and trust?

We have attached and highlighted policy positions of the ND Farm Bureau, ND Farmers Union and ND Stockmen's Association for your comparison. While BCA would compliment the Stockmen's Association's resolve to “explore options to protect agricultural values through alternatives such as ag land trusts,” we must also point out that “The NDSA opposes all state, federal or non-profit tax-exempt organizations' ownership of agricultural lands except those needed for absolutely essential purposes.”

This does not sound promising for the continuing conversation North Dakota needs in 2005 and beyond. It sounds like stacking the deck against it.

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■ Standing Policy Positions |  [Printable Version](#)

The following are standing policy positions duly adopted and intended for use as guidelines in the conduct of Association affairs.

Additional policy positions may be adopted, or these may be amended or repealed by two-thirds vote of the Board of Directors, or by majority vote of the membership at any Annual Meeting.

**Eminent Domain**

The Association is firmly opposed to the exercise of eminent domain in the taking of private lands and condones that exercise only in those rare instances of absolute public necessity.

**Land Ownership**

The NDSA opposes all state, federal or non-profit tax-exempt organizations' ownership of agricultural lands except those needed for absolutely essential purposes.

**Free Enterprise**

This Association believes in the fundamentals of free enterprise and in the free market place as the first choice of economic concepts.

**Land Use Planning**

The Association believes firmly in the constitutional right of individuals to own and control private property; and, further, that all rural zoning or land use plans be subject to the prior approval of those property owners affected before any such plans be implemented.

**Taxation**

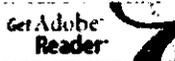
This Association believes in the principle that taxation of rural real estate should be based upon its capacity to produce; and that every effort should be expended toward that objective. FURTHER, we believe that taxation should only be for the essential purposes of government, and not to effect social change.

**Private Property Rights**

The NDSA believes the right to own and enjoy the use of private property is the cornerstone to a free society and firmly opposes any infringement of its lawful use and any effort that results in diminishing value or returns should be considered a taking and just compensation provided.

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North Dakota Farmers Union

Program of  
**P**olicy  
&  
**A**ction  
2005



Printed by North Dakota Farmers Union  
January 2005

As adopted by the members, December 2004

By: Jan Swenson  
Pg 3 of 5

- B. We support the right of all Americans to choose how and where they deposit their earnings and transact their personal financial business.

#### **7. COOPERATIVE MERGERS AND CONSOLIDATION**

- A. Retaining local cooperatives is the last hope of survival for many communities. We urge that local cooperatives consider sharing services. North Dakota Farmers Union, including local and county units, should assist in information and research.
- B. We are opposed to all joint ventures or mergers between a cooperative and a multi-national corporation.

### **SECTION V LAND RESOURCES FOR THE FAMILY FARM**

Recognizing that land is essential to family farmers and is a finite resource, we believe the following policies must be instituted to equitably share the opportunities of land.

#### **1. LAND OWNERSHIP**

- A. Farmland must be controlled by family farmers. Laws should discourage concentration of farmland ownership by corporations and off-farm interests. We call for strict enforcement of our state's corporation farming laws. These laws must be closely monitored and strengthened so they may continue to preserve production agriculture for family farmers.
- B. We believe the anti-corporation farming law as initiated in 1931, which was expanded in 1981 to allow incorporation of farms by close relatives, should not be further weakened to give additional advantages to non-family farm units or to allow the control of agricultural production to move to off-farm interests.

Lands acquired by corporations through mortgages must be divested within a maximum of three years, with an extension of another two years, if leased back to the previous owner.

Non-profit corporations should be allowed to receive land through gifts, estates, etc., but be required to divest themselves of such land within five years. We urge that legislation for ensuring that land mandated for divestiture be sold to family farmers.

We oppose the purchase of North Dakota farmland by environmental groups, investment groups and other outside investors. In the event of such purchase, the land should be taxed at no less than the purchase price.

- C. We support provisions of the state's corporation farming law which prevents corporations and non-farming cooperatives from vertically integrating into the production of agricultural commodities. We support state and federal legislation to define and protect farmers' rights in contracting for agricultural production with commodity buyers, processors and other corporations.

Any partnership, limited partnership, limited liability partnership, limited liability limited partnership, corporations or cooperatives engaging in the business of agriculture production must be required to disclose all partners, limited partners or stockholders to the Secretary of State of North Dakota.

- D. We support the existing law prohibiting non-resident aliens from owning land in North Dakota and call for similar legislation on the federal level. We call for legislation that will require better reporting of such purchases and stronger enforcement by the Attorney General.
- E. Governmental entities which have acquired private lands must be required to pay in-lieu-of-property taxes amounting to 100% of the taxes which would normally be assessed on such property.

#### **2. LANDOWNER RIGHTS IN NATURAL RESOURCE DEVELOPMENT**

We support a comprehensive policy that protects landowners from speculation and unfair contracts in the development of natural resources such as wind development and carbon sequestration.

- A. Prohibition of Non-Disclosure or Secrecy Clauses in Leases
- (1) Non-disclosure clauses serve only to protect the interests of the contractor/developer. Landowners should be allowed to review leases with attorneys, lenders and other holders of leases to ascertain the relative value of a lease offer.
- B. Establish a Registry of Current Standard Wind Leases and Make Accessible to the Public
- (1) A registry allows landowners to compare offered leases with standard leases and better ascertain the relative value of a lease offer. Allows landowners to compare other lease terms with standard leases.
- C. Prohibit Mandatory Arbitration Clauses
- (1) Mandatory arbitration requirements are becoming more common in contracts. Prohibiting such clauses in contracts will ensure the right of civil litigation for landowners in lease disputes and helps balance the legal interests of landowners and developers.

**Government Owned Lands**

135

We support a net reduction of government-owned land. For every acre acquired, a reduction of two acres should be made and/or for every dollar of value acquired, two dollars of value should be relinquished. --ID#: 764/05

We support a no-net gain of government-owned land. --ID#: 128/05

We support the sale of federal and state land back to the private sector. --ID#: 649/04

We oppose the development of public lands management plans with poor information. We recommend that the scientific, economic, sociologic and historic inputs into the development of management plans are of peer review quality. Those directly affected by these management plans must have their inputs given equal weight in this development process. --ID#:

131/03

We continue to support a local advisory committee to the National Forest Service to help monitor and oversee the grazing and use of National Grasslands. --ID#: 133/03

We are opposed to any changes in the Forest Service Management Plan for National Grasslands/Forest Service lands located within North Dakota that alters the multiple-use of such lands, and that would adversely impact North Dakota residents. In addition, North Dakota Farm Bureau is opposed to any change in the management plan for said lands that:

1. Inhibits or reduces economic uses of said lands, including but not limited to livestock grazing.
2. Reduces the ability to fully develop all energy resources on such land, including but not limited to oil and/or gas resources.
3. Inhibits or reduces recreational uses of said lands.
4. Undermines, or changes, the purpose for which said lands were initially acquired; and
5. Reduces revenues from said lands that would reduce payments in lieu of taxes to the counties in which the land is located. --ID#: 130/03

**Hunting and Trapping**

136

We support offering excess deer licenses at a discount (half price) or first-come, first-served on free excess licenses. --ID#: 778/05

We support North Dakota property owners' rights to continue to control all types of hunting on their property. Property owners or lessors shall decide who hunts their land, and if they prefer, to charge a fee to the hunter for that privilege. --ID#: 159/05

All hunter access programs conducted by the Game & Fish Department must strictly adhere to all the hunting rules and regulations. --ID#: 789/05

We believe that property owner/lessors should not be legally responsible for any natural or man-made obstacle or situation that may cause personal injury or property damage to persons using their property. --ID#: 727/05

We support any action to repeal the restrictions on out-of-state hunters with regard to hunting zones. --ID#: 823/05

We support reimbursement by the North Dakota Game & Fish Department to rural communities that suffer revenue loss due to the restrictions placed on out-of-state hunters. --ID#: 825/05

In order to control the state's excessive deer population, we support a program that allows all holders of an antlered deer license to take either a buck or a doe. --ID#: 611/04

We urge the continued support of the current hunter safety course. --ID#: 163/04

We support a loss of hunting privileges and stiffer financial penalties for hunters who trespass on private land and fail to observe "No Hunting" signs. --ID#: 699/04

We oppose limiting the number of out-of-state hunters or any difference in season limitations between resident and non-resident hunters. --ID#: 680/04

To help reduce the deer population, the Legislature shall allow transferable depredation tags for antlerless deer be

made available to landowners, in addition to the regular hunting season licenses. --ID#: 28/03

We support a ban on hunting from any improved public highway in the state. This shall apply to shooting firearms from, on, over, across or parallel to the specified roadways within the road right-of-way. --ID#: 574/03

We should continue to work through all channels toward the end result of considering all lands as posted and closed to public access unless permission is given by the landowners. --ID#: 542/03

#### **Mineral Rights**

137

Owners of mineral rights should pay 20 percent of the real estate taxes and mineral rights should revert back to the surface owner(s) if not used in 10 years or when title to the property is transferred.. --ID#: 843/05

We believe owners of mineral rights should be liable for 50 percent of costs incurred for updates of abstracts. --ID#: 760/05

No government entity should be allowed to take title to mineral rights. --ID#: 619/04

We are opposed to financial institutions severing mineral rights on repossessed land. --ID#: 127/04

#### **Predator Control**

138

We aggressively encourage the USDA/Wildlife Service Agency to explore ways in which to exterminate, sterilize or least contain prairie dogs. Steadily increasing prairie dog populations are causing widespread destruction of our native grasslands and prairies, resulting in financial hardship for ranchers. --ID#: 770/05

We support efforts to control the blackbird population to the point where it is no longer an economic problem for agriculture. --ID#: 167/04

We believe the North Dakota Game and Fish Department should continue to fund an aerial hunting program for coyotes. --ID#: 168/04

We support the animal damage control program and adequate funding to maintain the program's integrity. --ID#: 170/03

We believe farmers should be allowed to take the necessary steps to keep wildlife from destroying personal property and/or be compensated for the loss. --ID#: 169/03

#### **Property Rights**

139

We believe that all private property should be considered "Posted - No Trespassing" even if signs or other notices are not in existence, unless otherwise designated. --ID#: 160/05

We support the efforts of the Northern Plains Public Interest Law Firm in its lawsuit against the state of North Dakota pertaining to the issue of trespass. We encourage the NPPILF to pursue other private property protection issues as they arise. --ID#: 613/04

Due to governmental agencies' interest in river corridor preservation, we support the protection of private property rights of landowners against government takings. --ID#: 662/04

We believe one of the duties of government is to protect private property, especially from invasion and interference by government itself. To further this objective, NDFB supports limiting the regulation of private property and protecting private property and identifying the costs of regulation of private property. --ID#: 540/03

We oppose the federal "wild and scenic" designation for any rivers and their tributaries in North Dakota and oppose any wilderness land designations in North Dakota. --ID#: 550/03

#### **Public and Private Utilities**

140

We urge cellular phone service companies to provide basic service and more towers with adequate and uniform coverage to rural North Dakota. --ID#: 729/05

We believe the North Dakota Territorial Integrity Act serves the best interests of both rural and urban consumers

We support renewed efforts to develop a locally managed wetland policy that recognizes the interest of private landowners. --ID#: 782/05

We propose that all farmable land be exempt from wetlands designation. --ID#: 736/05

To decrease the threat of West Nile disease, farmers should be able to drain nuisance ponds to eliminate mosquito-breeding habitat. --ID#: 845/05

We believe landowners should have the right to consolidate wetlands on their own property. --ID#: 152/04

We call on the governor and congressional delegation to enforce the provisions of the lawsuit regarding wetlands delineation on any easement controlled by U.S. Fish and Wildlife Service. --ID#: 650/04

We believe that wetlands or temporary bodies of water in areas of 10 acres or less should not be under the jurisdiction of state or federal agencies. --ID#: 569/03

**Wildlife Management**

149

Rather than controlled burns, grazing or haying should be used to control grasses on state and federal wildlife management areas. --ID#: 844/05

We believe the state and federal wildlife management areas should not be allowed to use controlled burns until after August 1, the same as CRP rules. --ID#: 772/05

We should actively pursue and participate in the development of a North Dakota Game and Fish Citizen's Commission made up of at least 50 percent agricultural producers and be elected at the county level. This Citizen's Commission would be responsible, in part, for policy development, conservation programs and budget usage of the North Dakota Game and Fish Department. This Citizen's Commission would replace the current advisory board and would have more statutory control over the department's decisions than the current advisory board. --ID#: 722/05

We resolve that one dollar from each general game license be distributed to townships for road maintenance due to increased hunter vehicle traffic. Each county would distribute these funds according to certified miles to each township (organized and unorganized). --ID#: 723/05

We recommend that the North Dakota Game & Fish Department and/or U.S. Fish & Wildlife Service should pay agricultural producers for wildlife depredation of crops. The producer would be paid for losses at market price or contract price. --ID#: 806/05

We believe that local agricultural input must be considered in the development of any wildlife management plan. --ID#: 627/04

We oppose the closure of currently open road and section lines by the U.S. Fish and Wildlife Service, the N.D. Game and Fish Department, the Forest Service and the Bureau of Land Management without the consent of county or township governments. --ID#: 145/03

*Endangered Species*

We strongly oppose efforts to secure endangered species status for prairie dogs. --ID#: 478/03

**Wildlife Property**

150

We believe that wildlife property and wetlands should be subject to eminent domain procedures in the same manner as is private property. --ID#: 785/05

Compensation for mitigated acres should apply to agricultural acres, as well as for wildlife acres. --ID#: 787/05

We believe that in order to protect a producer from possible violations, all new wildlife easements must be surveyed and recorded and the party receiving the easement should incur the expenses. --ID#: 135/04

We believe perpetual easements should be eliminated. Landowners should be entitled to purchase back those easements. --ID#: 534/03

We support prohibiting any governmental agencies, such as U.S. Fish and Wildlife Service, from having first

purchase or easement rights on land conveyed back or repossessed by the state FSA, other lending agencies, or any government agency. -ID#: 572/03

Because long-term easements are a type of government control and tie the hands of the producer, NDFB opposes consecutive easements of more than 10 years by FSA, NRCS, FWS and other government agencies. -ID#: 568/03

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



By: Patrice Lahlum  
Re: HB 1400  
Phone (701) 328-2231  
Toll Free (800) 242-7535  
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Pg 1 of 2

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

To: Representative Jon Nelson, Chair  
House Natural Resources Committee

From: Patrice Lahlum   
ND Department of Agriculture

Re: Natural Areas Acquisition Advisory Committee record (HB 1400)

Date: February 3, 2005

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Attached please find a spreadsheet which provides information on the acquisition proposals that have been received by the Natural Areas Acquisition Advisory Committee (NAAAC) since 1997.

The NAAAC committee has received a total of 16 proposals during this time period. Of those proposals, county commissioners have recommended approval of a land sale seven times. The NAAAC committee has recommended approval of a land sale twelve times and the Governor has approved land sales thirteen times.

Please contact me if you need additional information.

**Natural Areas Acquisition Advisory Committee  
Proposed Acquisitions - 1997 to present**

<b>Date Acquisition Name</b>	<b>Submitted by:</b>	<b>County</b>	<b>County Commission Recommendation</b>	<b>NAAAC Recommendation</b>	<b>NAAAC Voting Record Yes-No-Absent</b>	<b>Governor's Decision</b>
Jan-97 Davis Ranch	Nature Conservancy	Sheridan	deny	Tie vote	4-4	Approve
Mar-97 Trautman Tract	Stutsman Co. Wildlife Federation	Stutsman	approve	approve	8-0	Approve
Jan-98 Brown Ranch	Nature Conservancy	Ransom	deny	approve	5-3	Deny
Aug-99 Gordon Tract	Nature Conservancy	McLean	approve	approve	7-1	Approve
Dec-99 Brown Ranch, Sheyenne Delta	Nature Conservancy	Ransom	deny	approve	5-3	Approve
Apr-00 Schock Tracts	Nature Conservancy	McLean	deny	approve	5-2-1	Approve
Mar-01 Joliet Ferry Tract	American Foundation for Wildlife	Walsh	approve	approve	5-3	Approve
Oct-01 Cook Slough	ND Natural Resources Trust	Wells	approve	approve	3-2-2	Approve
Sep-01 Joliet Ferry Expansion	American Foundation for Wildlife	Walsh	approve	approve	5-1-1	Approve
May-02 Freborg Tract	Nature Conservancy	McLean	deny	approve	4-1-2	Approve
Jul-02 Martin Tract	Ducks Unlimited	Kidder	approve	approve	4-0-3	Approve
Sep-02 Walhalla WRP Project	ND Natural Resources Trust	Pembina	approve	approve	4-1-2	Approve
Sep-03 Neu Tract	American Foundation for Wildlife	McKenzie	deny	Tie vote	3-3-1	Approve
Jul-04 Ochs Tract	American Foundation for Wildlife	McKenzie	deny	approve	4-3	Approve
Sep-04 Crosslands- Griggs County	Crosslands, Inc.	Griggs	deny	deny	6-1	Deny
Nov-04 Crosslands - Cavalier County	Crosslands, Inc.	Cavalier	deny	deny	7-0	Deny

# United Sportsmen of North Dakota

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## TESTIMONY REFERENCING

### HB 1400

**By Mike Donahue, Lobbyist #275**

**House Natural Resources Committee**

**February 3, 2005**

The United Sportsmen of North Dakota and the N.D. Wildlife Federation oppose this bill.

We offer an amendment.

At line 13 keep the Director of the Game & Fish Department.

At line 13 after department insert a comma and after the comma add the president of the North Dakota Wildlife Federation, the president of the North Dakota Chapter of the Wildlife Society and the executive director of the North Dakota Stockmen's Association.

Re-number accordingly.

With our amendment we would support the bill.