

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1039

2007 HOUSE NATURAL RESOURCES

HB 1039

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1039

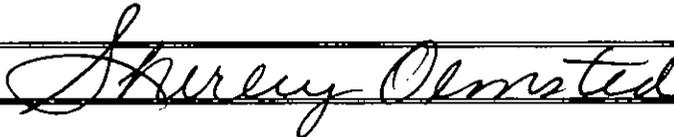
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2556

Committee Clerk Signature



Minutes:

Chairman Porter opened the hearing on HB 1039.

Representative DeKrey presented HB 1039. He read the proposed amendments. See attached proposed amendments marked as Item #1.

Chairman Porter asked for testimony in favor of HB 1039.

Mr. Roger Rostvet from the North Dakota Game and Fish Department came forward in support of HB 1039. See attached written testimony marked as Item #2.

Representative Keiser asked if he had a chance to look at the proposed amendment and the wording that he has proposed.

Mr. Rostvet said he had not.

Representative Hunskor he wanted to talk about the disease thing. Most every farm yard and most every field have hay bales or small grains. The deer and cattle share in those, sometimes the sale piles of grain. Do the bait piles that are put out complicate the problem a lot more than what is already there? There is bait available for them all over already.

Mr. Rostvet said yes. The thing we are talking about during the hunting season is something generally at that time of year we are not concentrating on that as much because the things you are talking about are spread out. Those things are going to happen whether there is law

against it or not. That is just part of the agricultural environment in North Dakota. However, when you take a look at other practices, I guess a good example would be smoking too much or eating too much or drinking too much. If you quit doing those things it doesn't guarantee that you will never get cancer or have a heart attack. You would want to do that to increase your odds of having that occur. There are a lot of things out there in nature that are potentially negative.

Representative Hunskor said he noticed on one of the handouts that show Saskatchewan has partial baiting. Can you share with the committee what that means and what the success has been in allowing this?

Mr. Rostvet said that on the back of his testimony there was a map that shows the US and Canada and the status of whether baiting is prohibited, restricted, or unrestricted. Wisconsin also has the same status. They switch back and forth and have a real variety of restrictions. He is not sure but can certainly find out for him.

Representative Hunskor said that in Saskatchewan he had read that they did allow baiting but the size of the pile was restricted to 1 to 5 bushel. He was not sure of the number. It seemed to be very successful.

Mr. Rostvet said he thought there were some others shaded in gray as well.

Representative Meyer referred to his regulation wording. How does this work for a rancher who is charging people to hunt to help the cash flow situation and I am dumping semi loads of screenings on the ground to feed my cattle. How is this going to play into this if I have fee hunting operation and ranching going on at the same time?

Mr. Rostvet said it says no person will willfully place or use bait to aid hunting. I would be up to the department's game warden to determine if you placed that bait out there and your hunters were actually using that bait. You have to place it and use it to aid in hunting. Simply

placing feed supplies out there is not illegal as hunting is not illegal, but the combination of placing the bait and actually using it would be illegal. We would have to prove that they were aided by the placement of that bait.

Representative Meyer said to follow up on that; it is definitely going to aid in the hunting of big game and yet that is not our intent. We did willfully place it there. If I am raising cattle and charging for hunting, there is a problem with that sentence.

Mr. Rostvet said any materials naturally-occurring or deposited by natural processes or as a result of agricultural, gardening practices, forest management, wildlife food plots, or scents and lures are not considered bait.

Representative Hanson asked about putting a water tank out in the middle of the badlands for elk, deer, or antelope. Would that be considered baiting?

Mr. Rostvet said no.

Representative Hanson said that you would be attracting wildlife to it and you put it out there for just that purpose.

Mr. Rostvet said that it is not grain, grain screening, hay, salt, mineral, agricultural product, lick, liquid feed. It is none of the things that are described as bait. It is simply water.

Representative Hofstad said he was uncomfortable with the interpretations of farming practices. Back in the 90's we heard about several fields of grain were left and several people were charged for baiting. I believe that was a federal issue but it really put hunting into a tail spin. He is concerned of how that interpretation would be made. It seems there are spills that are left as part of normal agricultural practices. These piles must be a hundred fold of those left for baiting. There are many piles of hay left as well.

Mr. Rostvet said the first issue of "standard farming practices" is not part of the language. That is because there is NO standard farming practices in North Dakota when it comes to corn

or grain. From the federal staff decided to start interpreting their regulations, Game and Fish was opposed. That was the last thing they wanted to do. These practices were agriculture practices. They do not use standard practices in their wording because this then leaves that open to interpretation. When a combine leaves piles and the deer come and eat it that is not baiting because it is there one and the deer eat it and it is gone. One of the keys is longevity. **Beth Carlson**, Deputy State Veterinarian provided written testimony. Please see written testimony marked as #3.

Mr. Mike Donahue came forward in support of HB 1039. The Wildlife Federation is in support of this bill.

Mr. Bill Helphrey from the North Dakota Bow Hunters came forward in support of HB 1039.

The North Dakota Game and Fish Department has been charged with the task of managing the wildlife natural resources in the state of North Dakota. They have people spread across the state and have eyes on every place around this state. They have people who are on staff who know what they are doing. The ND Bow Hunters say they are the ones who know how, and they are charged with the task, and they will support them to do their job.

Representative Hanson asked if any of their members had ever hunted bear with bait.

Mr. Helphrey said yes.

Representative Hanson asked what the difference was.

Mr. Helphrey said he didn't believe that there was a disease problem with hunting bear with bait like there is with other large game.

Representative Nottestad said bear are not affected by disease, but deer would certainly come to that same area. Deer love sweet stuff. Wouldn't that cause a problem?

Mr. Helphrey said he didn't believe that deer would come to the same bait as bear. With bear smell in the area, they are going to stay away from there.

Mr. Curt Wells from Wahpeton came forward and indicated that there were not any bears in North Dakota. It is not the same because the baiting situation in North Dakota is completely different. There are so many other reasons to ban baiting besides ethics. He is concerned about the image that baiting projects to the public. Most hunters cannot believe that baiting is even legal. The danger of disease is a genuine concern. Many diseases can be linked back to the bait piles. Baiting also causes conflict between hunters, farmers and their neighbors. Some outfitters are drawing deer off other property with baiting. Baiting changes the movements of deer and usually keeps large numbers of deer on private property that cannot be accessed by the hunters. Virtually every state that allows baiting is struggling to combat disease. Between Michigan and Wisconsin they have spent a combined three hundred million dollars addressing problems caused by disease transmissions. I am not sure where that kind of money would come from in North Dakota. Limiting the amount of baiting would do nothing to eliminate the diseases. There are many reasons to ban baiting. He can think of no reason to not support this bill.

Mr. Brandon Mason, Regional Director for the Northern Great Plains Region of the Mule Deer Foundation came forward in support of HB 1039. Please see attached written testimony marked as Item #4.

Mr. Craig Larson of Bismarck came forward in support of HB 1039. He is concerned about the disease transmissions. Weed control is another huge issue. He also talked about the baiting of deer on private property and the problems that creates. He commends this committee and Game and Fish for all opportunities they have tried to create to bring hunters into this state. He believe that deer baiting takes away opportunities for hunters. He does not bait, but he certainly knows people that do. You know that they are not dumping that bait out to eliminate the doe population. They want the biggest buck in the area. Baiting brings a lot of

stress between hunters and land owners. There are baiting wars where the antes get raised and raised again and that is really where this thing leads to. Farmers do not have to worry about what they are doing on the country side. This bill is not going to minimize people's ability to farm. He knows that you do not have to bait to be a successful hunter. He would support banning baiting in the state of North Dakota.

Chairman Porter asked if there was anyone else that would want to testify that has new information to offer before we move on to the opposition. He also asked that anyone with written testimony, please turn that in so that can become part of the record.

He asked for any opposition to HB 1039.

Mr. David Jenson, retired employee of the Game and Fish came forward in opposition. Over the years of working for Game and Fish, they had feeders on the game management areas. He was involved in putting feed in those feeders and usually by March, those feeders were empty. He is not sure what the animals did after that. We had a bad winter in 1978, and he was involved in telling the public that they could not feed deer. They do not have the bugs in their bellies to digest corn, sunflowers and other grains. The sportsmen went to the legislature and got you to force Game and Fish to put up some money for feeding deer in the wintertime and that has been a practice that I hope will continue when the winter gets tough because our deer population will drop. At the same time, we have a large deer population in North Dakota and one method of being able to reduce the deer population is when you can bait the deer in one area and giving an unlimited number of licenses to shoot deer in city limits allows elimination and the problem. You heard a lot today about the problems with disease. There is possible problem but they are using that as a tactic to sway your opinion on this. The reality is that wasting disease is going to come to North Dakota some day. By eliminating baiting, you can eliminate a method of reducing deer. The baiting thing is really about jealousy between

hunters. He goes to landowners and gets a lease from them. He puts out the bait and is able to attract deer into that sight. He has done it for two years. The problem is usually off of private land where there is no control over the deer that are harvested on that land. From what he has seen in his past experience, by passing a bill like this you are opening a can of worms. You are attacking every private landowner that wants to do something on their own land.

Mindy Goodman presented written testimony on behalf of Leland Goodman. See attached written testimony marked as Item #5.

Mr. Leland Goodman brought up the issue of disease. If we were to have the diseases that they are having in other areas, no one would be here asking to continue baiting. The fact is that we do not have those problems and until we have those problems, the practice is detrimental to all who are doing this. He uses creek feeders and when he had deer eating out of his feeders, game and fish came and used snow fence to wrap my feeders. I asked him how I should feed my calves and he didn't know but as far as they were concerned, the problem was solved. This is what happens when you turn over total control to the Game and Fish. It is too often a shot gun affect of what goes on and there too many people telling us out here in the community what we have to abide by. I don't have to talk about the ethics of hunting either.

Chairman Porter said that he had mentioned that if disease were to show up, that it would be no question that baiting should stop. One of the arguments on the other side is why wait until it happens.

Mr. Goodman said because we are paying for monitoring and it is being tracked very closely to see that it doesn't come into the state. If it does come in, it will come through our borders first. It will come into South Dakota, Manitoba, Montana, and Minnesota long before it will come here.

Mr. Larry Snyder lives in Bismarck but has two farms in the Turtle Mountains that he uses strictly for deer hunting. He thought this would be a hunters dream but he found out that the winters were harsh in the Turtle Mountains and the predators were harsh and that they had no deer. It dawned on them that the deer were literally starving to death so they put up feeders for the deer. Going fast forward to 1996, they feed over 1000 bushes of oats which he paid for to keep the deer alive. Currently with their feeding program, they have about 50 deer on their north farm and the south farm has about 55-60. They do allow people to come in from all over and hunt. It is not so much about the baiting, but the feeding of the deer to keep them in good condition. The deer leave his property in the spring. He doesn't feel like he should have to worry about disease. North Dakota has no regulations and we have no disease. The deer are confined and are not moving all over crossing state borders. As far as the noxious weeds are concerned, one wind of 40 mph will give you more problems than all the baiting will ever do. Deer are too smart to be baited.

Jim Redlin from Ellendale said one of his concerns about the hay bales. When someone shoots a deer at 300 yards will you get fined for baiting on that? He also mentioned the weeds in the CRP fields in July. Those purple flowers in the CRP are weeds.

Lynn Kongsli from Towner, North Dakota said he was in the middle of this bill. He handed out some newspaper articles. Please see items marked as Item #6. There are some good things about this bill, but in his opinion it should be amended and should have the 5 gallon rule on it. He doesn't believe in baiting, but a few years ago, some of the neighbors baited and he soon didn't have any deer on his land. He said the truckloads of feed have to quit. They are concerned about the weed problem. The Game and Fish are not spraying like they should. As the bill reads right now, he strongly opposes it. It should be the 5 gallon rule.

KariAnn Buntrock said her family baits and she has heard all the comments today. They are really putting forth the biological point of it. She feels that it is very ethical but it does have to be controlled from the biological point. She feels that you need to take all these things into consideration.

Andy Buntrock, said he was opposed to this bill. He would like to read an email that was sent to you about 2 evenings ago, in case you haven't had a chance to read it. I reside in south Bismarck along with my lovely wife and grew up small town North Dakota. Both of us are avid bow hunters and partake in all kinds of hunting and fishing in this great state that we have. I am writing to you in one of the few free evenings that I have with my family before I leave for Iraq with the ND National Guard. I have a lot of things to do in preparation but I feel it is important to voice my opinion on this issue. My fear is that this legislation will give the Game and Fish the unrestricted ability to enact regulations to band the baiting of big game in North Dakota on the false pretenses that baiting spreads disease among our deer herds. To date there has not been a case of CWD found in our white deer population and aside from that we are not certain how this disease is transferred. Although we think this disease can be transferred through contact with the spinal cord of an infected animal, nothing is being done to collect and properly dispose of the thousands of dead deer along our roadways. If there was an immediate concern to stop the spread of such disease, are there not issues such as this that should be handled first before we take away quality field time from our hunters in North Dakota. If the disease is spread through close contact of the animals, then we have a much larger problem on our hands with the winter months when hundreds of deer are congregated around hay stacks, corn fields, and silage piles. I have been bow hunting since I was 8 years old and I have been utilizing bait for almost all of those years. I can count on two hands the number of times deer from separate groups have visited my bait site if any at all. To his

knowledge a vital threat to our deer herd does not exist. The argument about disease is unsubstantiated. I believe that much of this argument is about ethics. There are those that oppose baiting and there are those that feel it is a fair means of take. Shouldn't this be determined by the hunter and not by a governing set of rules? Since residents of this state have been allowed to bait for years causing no adverse affect on the deer population, should it not be fair to allow them to continue until a better and improved is brought forth. Thank you for your time.

Representative Drovdal thanked him for his duty to the ND National Guard and wished him a safe trip.

Mr. Tom Alexander from Minot came forward in opposition. He just wanted to reiterate what several people have already said. He thinks that his kids help bait and if they are not allowed to be a part of that, they will loose interest. Some people do not bait ethically. Kids that grow up hunting and fishing should be allowed to bait. They will loose interest if they go to a tree stand ten times and see nothing. He has spent a lot of money hunting and if he is not allowed to bait, he will not spend his time and money on any of this. The fact of the matter is that there is no disease in North Dakota. He baits with corn, barley and grain screenings and there are no weeds. Wind spreads more weeds than baiting.

Representative Nottestad asked him if he baited on his own property.

Mr. Alexander said yes on his father's property.

There was no further testimony on HB 1039.

Chairman Porter closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1039

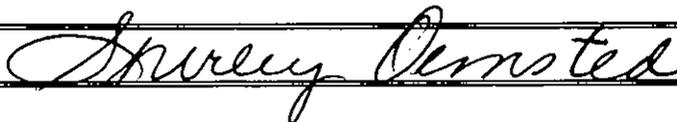
House Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2647

Committee Clerk Signature



Minutes:

Chairman Porter opened the discussion on HB 1039.

Representative Hanson said that he was in favor of going to the original bill and let the department handle it. They can put it in the proclamation and if it needs to be changed it is easier to change in the proclamation than coming back in 2 years and changing it here. If they have to add something or take something out. He made a motion for a do pass and

Representative Solberg seconded the motion.

Chairman Porter said he had concerns about doing that because as you look at the existing regulations the department already has everything that we would be giving them except the guidance to take the hot potato out of their plate. Really giving them this puts them in a bad situation. We either have to deal with the definitions here or we just have to get rid of the whole idea totally. I don't think that this is the right way to do it.

Representative Nottestad said that very seldom does he disagree with Game and Fish. He said he would rather see the do not pass to start out with.

Representative Hunsakor said that he surveys a lot of people and half of them are for this and half of them are against it. The one half that is for it is using small, clean piles and it is a family enjoying the thing. They hunt with their children and it might be bow and it might be gun.

There is a lot of people who do it right. Unfortunately, there are the people that misuse the thing with large piles and big piles of screening. On the other side, you have the people that are not for baiting and the big problem is the noxious weeds which could probably be handled almost 100% with small piles and keeping them clean. Chronic wasting falls into that area and there certainly could be a problem there. Ethics is another arena so from my particular part of the world, I would like to see baiting legal. I would like to see it restricted to very small piles, a bushel or two bushels, whatever it might be. It should be clean piles, not screenings. Maybe that is a big scenario, but that is where I am coming from.

Representing Charging said that she thinks about the definition of a hunter and I am a hunter and so what do I do. What is the difference if it is a corn field or a wheat field or the farmers pile or the neighbor's squirrel bait? I don't know. Who are we to say that? Hunting is what hunting is.

The clerk called the roll on a do pass on HB 1039. Let the record show that there were 5 yes, and 9 no, with no one absent. The motion fails.

Representative DeKrey made a motion for the amendment with a second by **Representative Clark** for a so pass as amended.

There was no discussion. A voice vote was taken and the motion was defeated.

Representative Drovdal made a motion for do not pass. **Representative Hofstad** seconded the motion.

There was no discussion. The clerk called the roll on a do not pass on this bill as written.

Let the record show there were 7 yes and 7 nos. The motion fails.

Representative Keiser made a motion that they adopt the game and fish proposed language.

Chairman Porter asked him what he was referring to.

Representative Keiser said page 3 of their handout with the regulation wording.

Representative Meyer said she had a huge problem with that language. The word intentional is a very ambiguous term and if you are a rancher and a farmer and you willfully put that out and charge for hunting on your land, which people do for cash flow, you are going to be in violation of this on how this is written. In the first paragraph it states screenings and in the second paragraph it states common agricultural practices. We do both. It becomes an unenforceable language I think.

Representative Keiser makes a motion that we adopt the wording on page 3 of Game and Fish's testimony. There was no second so the motion failed.

Chairman Porter asked if there was any interest in what Representative Hunskor suggestion about it being unlawful for someone to bait more than one bushel or some kind of language like that or would you kick it out without committee recommendation.

Representative Nottestad said there are different areas, like sugar beets in the eastern part of the state. It may work in some areas and not in other. I would say without recommendation. We are not going to solve it here.

There is a motion from **Representative Drovdal** to send the bill out without recommendation.

There was a second from **Representative Keiser**. There was no discussion. The clerk took the roll and it will go out as 7 yes and 7 no without recommendation. **Chairman Porter** will carry this bill to the floor.

Date: 2-1-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1039

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Hanson Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter		✓	Rep. Hanson	✓	
Vice-Chairman - Rep Damschen		✓	Rep. Hunsakor		✓
Rep. Charging		✓	Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Meyer		✓
Rep. DeKrey	✓		Rep. Solberg	✓	
Rep. Drovdal		✓			
Rep. Hofstad		✓			
Rep. Keiser		✓			
Rep. Nottestad		✓			

Total Yes 5 No 9

Absent 0

Floor Assignment _____

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

Motion Fails

Item # 1

Proposed Amendments to House Bill 1039

Prepared for Representative DeKrey

Page 1, line 1, after "Act" insert:

"to create and enact section 20.1-05-09 of the North Dakota Century Code, relating to the baiting of big game animals; and"

Page 1, after line 4, insert:

"Section 1. Amendment. Section 20.1-05-09 of the North Dakota Century Code is created and enacted as follows:

20.1-05-09. Baiting of big game for hunting is illegal. It is unlawful to use bait for the purpose of hunting or taking big game animals. Bait is defined as any grain, hay, screenings, salt or minerals, or agricultural product placed for the purpose of attracting big game in order to hunt, shoot, or take such game. It is not considered baiting to plant food plots, store agricultural crops or hay on piles or stacks, follow normal agricultural practices, or to hunt over the same. The use of scents or scent-lures for big game hunting is legal. Land management activities of natural resource agencies are excluded from the provisions of this Section."

Renumber accordingly

Date: 2-1
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

To pass as
Action Taken Amendment

Motion Made By DeKrey Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter			Rep. Hanson		
Vice-Chairman - Rep Damschen			Rep. Hunsakor		
Rep. Charging			Rep. Kelsh		
Rep. Clark			Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal					
Rep. Hofstad					
Rep. Keiser					
Rep. Nottestad					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Repealed

Date: 2-1-07
 Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1039

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not Pass

Motion Made By Drovdal Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter		<input checked="" type="checkbox"/>	Rep. Hanson		<input checked="" type="checkbox"/>
Vice-Chairman - Rep Damschen	<input checked="" type="checkbox"/>		Rep. Hunskor	<input checked="" type="checkbox"/>	
Rep. Charging	<input checked="" type="checkbox"/>		Rep. Kelsh		<input checked="" type="checkbox"/>
Rep. Clark		<input checked="" type="checkbox"/>	Rep. Meyer	<input checked="" type="checkbox"/>	
Rep. DeKrey		<input checked="" type="checkbox"/>	Rep. Solberg		<input checked="" type="checkbox"/>
Rep. Drovdal	<input checked="" type="checkbox"/>				
Rep. Hofstad	<input checked="" type="checkbox"/>				
Rep. Keiser		<input checked="" type="checkbox"/>			
Rep. Nottestad	<input checked="" type="checkbox"/>				

Total Yes 7 No 7

Absent _____

Floor Assignment Porter

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

No Recommendation

Date: 2-17-07
Roll Call Vote #: 4

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1037

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Adopt w/out Game & Fish testimony *page 3*

Motion Made By

Keiser

Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Chairman - Rep. Porter			Rep. Hanson		
Vice-Chairman - Rep Damschen			Rep. Hunskor		
Rep. Charging			Rep. Kelsh		
Rep. Clark			Rep. Meyer		
Rep. DeKrey			Rep. Solberg		
Rep. Drovdal					
Rep. Hofstad					
Rep. Keiser					
Rep. Nottestad					

Total Yes _____ No _____

Absent _____

Floor Assignment Porter

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

Not
~~Motion failed~~
H/D recommendation
Stacy [Signature]

REPORT OF STANDING COMMITTEE

HB 1039: Natural Resources Committee (Rep. Porter, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (7 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1039 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1039

Item # 2

HB 1039
HOUSE NATURAL RESOURCES COMMITTEE
FEBRUARY 1, 2007

*Roger Rostud
G + J*

The North Dakota Game and Fish Department supports legislation directing the Department to regulate the use of bait for hunting big game. One of the baseline questions in the debate whether to allow or prohibit the use of bait for hunting of big game animals is whether there is any biological or game management value to this practice. The Department is responsible for minimizing or eliminating controllable artificial risk factors or practices to prevent negative effect game management. The use of bait for hunting big game is one of those controllable risks.

I am sure that others will discuss the social and ethical pros and cons but I will keep my comments focused on the biological and game management portion of this debate.

Baiting is defined as the placement or use of bait to attract or habituate animals to a specific location. For our discussion bait is any grain, grain screening, hay, salt, mineral, agricultural product, lick, liquid feed, fruit, vegetable, nut, seed, or any other food or food by-product that is transported or placed for hunting big game. Any materials naturally-occurring or deposited by natural processes or as a result of agricultural, gardening practices, forest management, wildlife food plots, or scents and lures are not considered bait.

Significant biological and ecological effects of baiting have been documented at the individual, population, and community levels. Some of these effects are:

:

- Increasing the probability of disease transmission, especially Bovine TB, Brucellosis and CWD. Disease outbreaks in neighboring states and provinces have drawn attention to potential negative consequences of baiting wild animals and have raised concern about the potential impact of these practices.
- Limiting the ability to achieve population management objectives by localized concentrations of animals
- Increased conflicts among hunters and between neighboring landowners

- Changing of natural distribution of animals by attracting animals to and holding them in inadequate winter habitat and then stopping baiting after season closes
- Training big game to abandon natural feeding habits and become more aggressive in depredation on livestock feed supplies.
- The spread of noxious weeds.
- Decrease the creation of habitat, no amount of artificial feeding will replace the need for adequate habitat, which is essential for survival of wildlife

How many North Dakota hunters use bait?

Based on hunter surveys we estimate at least 3,900 resident(28 %)and 280 non-resident deer-bow hunters hunted over bait during 2003 In addition we also estimate 4,400 deer-gun hunters used bait. The vast major of the baiting in the state has started since 1995

Some will argue that hunter success will drop, especially for archery hunting and that baiting is needed for population management. The facts are that the number of archery hunters has increased to record levels (16,906 purchased a archery lic in 2005). Archery success has increased from 15.8 % in the 70's to over 40 %.since 2000. When we just look at the harvest of white-tailed deer by resident bow hunters, the annual harvest has steadily increased. This is an expected result because there are more hunter, better equipment and the use of bait. Also, between 1984 and 1994 about 54% for the deer harvest were antlered bucks. Between 1995-1999 about 64% were antlered bucks, and between 2000 and 2005 about 69% were antlered bucks. Some of this shift in the sex and age of the animals harvested is believed to be a result of baiting, which allows archery hunters to be more selective. What was not expected is that despite the increase in the number of hunters and hunters' success; the absolute number of antlerless deer harvested by bow hunters on archery licenses has actually declined from an average annual harvest of 1561 between 1990-94, to 1235 between 1995-99, and 1327 between 2000-05.

Solutions:

1. Limit the amount or type of bait put out:

This might help solve some of the social issues over competition over who can afford the biggest pile of the most attractive bait. The requirement of "Weed Free" bait may help with concerns over the spread of noxious weeds. A volumetric approach will do nothing to address the biological or game management concerns of this issue. Researchers in Michigan monitored deer feeding at baiting sites for two years. This study included sites using various quantities of bait, types of bait, and different methods of feeding (e.g., bait in piles, spread in lines, and bait dispersed by mechanical feeders). They found that face-to-face deer contact was highest at 5 gallon piles of corn. They also noted that up to 35 different animals may visit a 5 gallon bait site within a one hour period (Garner 2001). USDA research has shown that the bacteria responsible for causing bovine TB can remain infectious for up to 16 weeks in frozen feed. The conclusion from this research was that any amount of bait can be expected to sustain and spread diseases like bovine TB, but smaller quantities of certain foods (e.g., corn) tended to aggravate the problem. Unlike fishing where bait is used to attract and immediately catch the first fish that bites, the use of bait for big game is intended to habituate them to come to a specific site time after time and hopefully in larger numbers and with bigger bucks each time, few if any hunters bait does.

2. Total prohibition of baiting (preferred by the North Dakota Game and Fish Department and to be included in the Governors proclamation or by statute)

In North Dakota there are NO biological or game management values to intentionally placing food supplies (bait) to habituate big game animal to make them easier to kill.

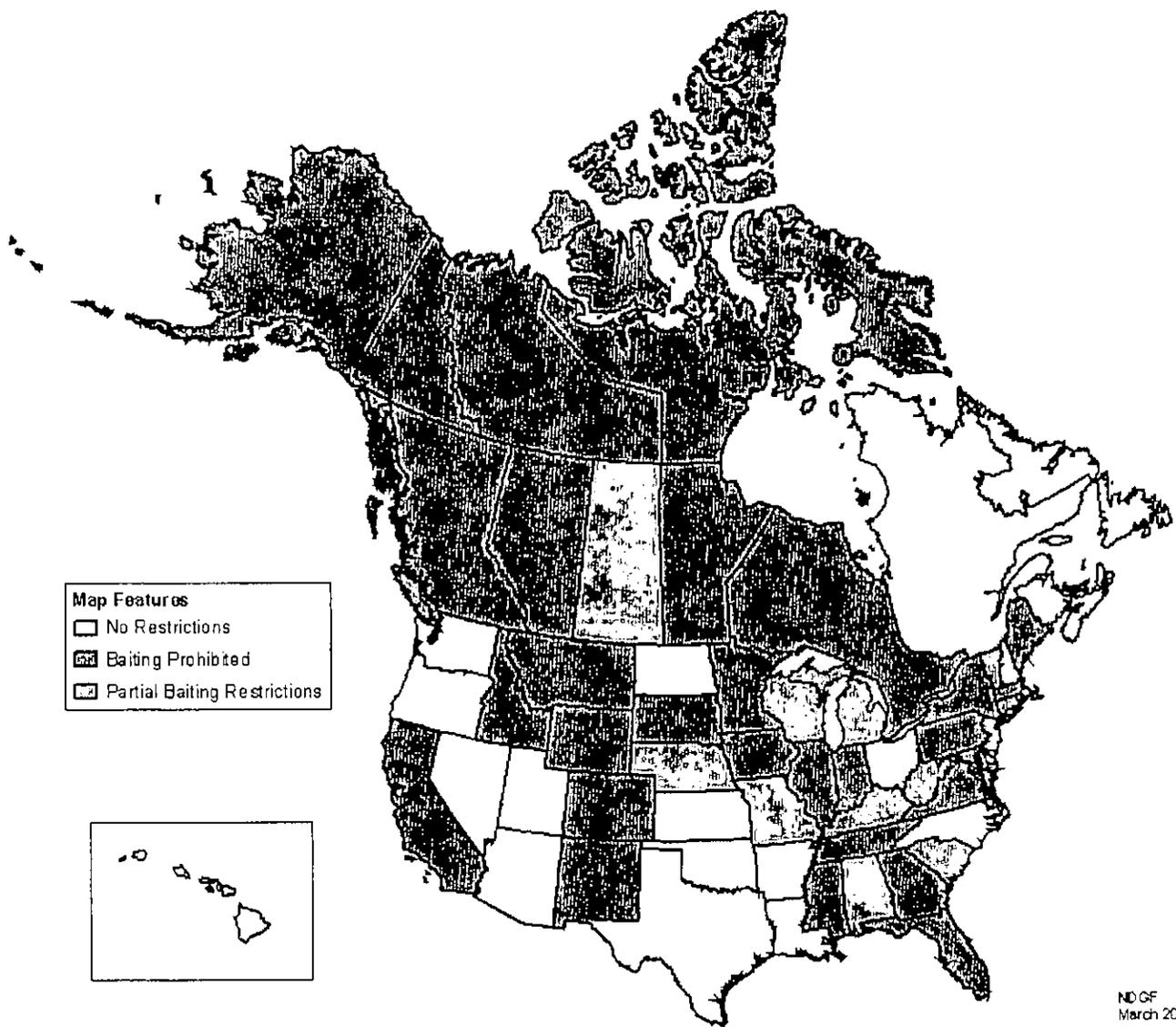
Regulation wording:

No person may willfully place or use bait to aid in the hunting of big game.

Definitions:

Bait is any grain, grain screening, hay, salt, mineral, agricultural product, lick, liquid feed, fruit, vegetable, nut, seed, or any other food or food by-product that is transported or placed for hunting big game.

Any materials naturally-occurring or deposited by natural processes; or occur as a result of agricultural, gardening practices, forest management, or wildlife food plots, are not considered bait.



Baiting: As recently as 1999, only 18 states prohibited the use of bait while hunting deer. As of March 1, 2004, 24 states prohibit hunting deer over bait and another 8 states permit baiting with some restrictions. Additionally, 6 states have in the past year, or are currently reviewing changes to their baiting laws (i.e., Alabama, Kentucky, Mississippi, Vermont, West Virginia, and Wisconsin) (Table 1). In Canada, as of March 1, 2004, 8 of the 13 provinces and territories do not permit baiting (Table 2) (Dunkley and Cattet 2003) (Figure 1).

Roger Johnson
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**Testimony of Beth W. Carlson, DVM
Deputy State Veterinarian
House Bill 1039
House Natural Resources Committee
Pioneer Room
February 1, 2007**

Chairman Porter and members of the Natural Resources Committee, I am Deputy State Veterinarian Beth Carlson. I am here today on behalf of the North Dakota Department of Agriculture and the State Board of Animal Health in support of HB 1039 which will allow the North Dakota Game and Fish Department to establish administrative rules regarding the baiting of wildlife.

The State Board of Animal Health is charged with protecting the health of the domestic animals and non-traditional livestock of the state. As a result, we are also concerned about the health of the wildlife of the state of North Dakota, and we work closely with the North Dakota Game and Fish Department on many issues.

Irresponsible baiting of wildlife can create the potential for disease transmission. Although what we know about the health of the wildlife in North Dakota suggests that we do not have

tuberculosis, brucellosis, or chronic wasting disease in the state, we can not be certain that that is the case. Feeding grounds in Wyoming have been identified as the source of brucellosis transmission in the elk herds of the Greater Yellowstone Area (GYA). In 2003, this disease was transmitted to cattle herds, causing Wyoming to lose its Brucellosis-Free status, and creating significant costs to cattle producers in the state. In Michigan, tuberculosis in the deer population is known to be transmitted in areas where deer congregate for feeding. We now know that two whitetail deer in northwestern Minnesota tested positive for tuberculosis in the winter of 2005-2006. Five more deer have tested presumptive positive for the disease this winter. In both states, tuberculosis in the cattle population has cost those states' beef and dairy industry millions of dollars. It is imperative that North Dakota has appropriate regulations in place to reduce the potential for disease transmission, should these diseases ever be identified in our state.

We also would urge that in drafting these rules, consideration is given so that landowners are not prohibited from following normal agricultural practices.

Chairman Porter and committee members, for those reasons, I urge a do pass on HB 1039. I would be happy to answer any questions you may have.

Item # 4

**Mule Deer Foundation Testimony
Regarding HB 1039
House Natural Resources Committee
Chairman: Rep. Todd Porter
February 1, 2007 (Pioneer Room)**

Mr. Chairman:

My name is Brandon Mason and I am the Regional Director for the Northern Great Plains Region of the Mule Deer Foundation (MDF). As you may or may not be aware of, the MDF is the only national non-profit organization dedicated to the conservation of mule deer, black-tailed deer and their habitats.

Mule deer are a symbol of "the West" and their numbers are declining throughout much of their historical range. This decline can be attributed to multiple factors including increasing numbers of large predators, urban sprawl into key habitat areas (winter range, for example), fire suppression, ongoing threats of invasive plant species, and the spread of wildlife diseases. It is with the latter two factors that the wildlife baiting issue starts to hit home & where I'd like to begin my testimony today.

It has been noted by multiple state and federal wildlife agencies that artificially baiting wildlife can aid in the spread of noxious weeds. Not only does this lead to a deterioration of habitat for all species of wildlife, but it is also a tremendous cost to government agencies and private landowners alike. The practice of purchasing grain screenings, which are often polluted with noxious weed seeds, for baiting in big game animals has become a common practice. It has been noted that screenings are dumped near gravel pits, which provide a solid backstop for shooting at incoming deer. The weed seeds that are left behind are commonly transported with the gravel that is distributed along countless county roads across the state. The cost of controlling the spread of noxious weeds is staggering! The North Dakota Department of Agriculture grants over \$1.7 million from their biennial budget to county and city weed boards. The North Dakota Game & Fish Department has spent over \$500,000 during this biennium alone to control noxious weeds. While there are many factors that lead to the spread of noxious weeds, the elimination of baiting would help to minimize the artificial spread of noxious weeds.

Next we have the issue of wildlife diseases. When wild animals are artificially congregated, such as in the case of baiting, the potential of disease transmission is increased exponentially. Mule deer and other big game animals that are baited by humans tend to concentrate at feeding sites where disease outbreaks can affect a large number of animals. Members of the deer family are susceptible to chronic wasting disease and easily spread tuberculosis in crowded conditions.¹ The potential spread of chronic wasting disease and tuberculosis when coupled with big game animals being artificially congregated, or baited, into an area, provides a recipe for disaster. Since 2002, the North Dakota Game & Fish Department (NDGF) has spent over \$450,000 on

¹ Mule Deer Working Group. 2003. Mule Deer: Changing landscapes, changing perspectives. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies.

the surveillance of chronic wasting disease alone. Even with the great efforts that the NDGF has put forth to minimize the occurrence of wildlife diseases, one of the quickest ways to ensure the spread of a disease, is to allow uncontrolled baiting to continue.

Disease isn't the only troubling side effect of baiting. Some species of wildlife are migratory, relying on traditional movements throughout a landscape to get the food, cover and water requirements they need year-round. Baiting can disrupt these movement patterns and cause wildlife that were once migratory to become year-round residents.²

Lastly, I'd like to discuss the topic of hunting ethics, fair chase, and the use of bait to draw in animals. The Boone and Crocket Club, which was started over a century ago by a group of concerned individuals that banded together to save wildlife and a place known as Yellowstone, defines fair chase as the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals. It is my opinion that baiting is an unfair advantage. Theodore Roosevelt, who has been called our most conservation minded President, said this about pursuing wildlife, "The man who follows him must be sound in limb and wind. Skill and patience, and the capacity to endure fatigue and exposure, must be shown by the successful hunter." Jim Posewitz, an accomplished author and great conservation mind of our time states this about wild game, "Their value is enhanced by the fact that for more than a century the taking of these animals represented gaining honor through effort." These individuals and groups have helped us develop and maintain what we now know as the North American Model of Wildlife Conservation. This model has shaped the great history of wildlife management in America. We have the opportunity today to adhere to this strict code of ethics for not only our sportsmen, but also for the non-hunting public, our wildlife resources, and our children. Baiting in North Dakota needs to stop. It is my hope and the hope of the Mule Deer Foundation that you will support this bill and support the NDGF's ability to soundly manage our state's wildlife resources. Thank you.

Brandon Mason
Regional Director
Mule Deer Foundation
(701) 527-0609

² Mule Deer Working Group. 2003. Mule Deer: Changing landscapes, changing perspectives. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies.

Item # 5

HOUSE BILL NO. 1039

Testimony of: Leland Goodman
802 77th St NE
Willow City ND 58384

In the 2005 Legislative Session we addressed the baiting issue and after testimony the bill received a do not pass. Yet here we are again in 2007 having to defend the position of bait or no bait again...but this time with a new twist. Not to debate the issue of baiting, but to debate the issue of letting the Game & Fish Department control the decision of baiting. The concern is...this is not an open debate about baiting...just a decision to give the Game and Fish Department unchecked authority on an issue they have already established a clear position on.

The position of the Game and Fish Department for no baiting is continually supported by rhetoric that baiting causes Chronic Wasting Disease. However, a recent article in the Minot Daily News stated that no Chronic Wasting Disease has been found in North Dakota and no where within a reasonable distance of our borders.

It is clear that the baiting issue is an emotional issue for all involved and many believe that it's easy to say that the problem is solved if we just stop. But stop what...stop outfitters, stop hunters, stop livestock producers? Yes, livestock producers. As a livestock producer, how do I stop the deer from eating out of my creep feeders in large numbers? Should I stop feeding my cows to avoid baiting deer? Am I, like other producers perpetuating a situation I can not control? Is this an environmental issue, an ethical issue or an economic issue?

Clearly it's all of these issues. As an outfitter and a livestock producer I depend on the income from my outfitting business to supplement my ranching operation. It is my job, it is my livelihood. Baiting for hunts is like feeding my cattle. However, just like my cattle, the deer that live on my property and around my property are also part of my livelihood and I treat them as such. I feed them year round, not just during the hunting season. As part of our outfitting business we monitor the deer populations and health year round and set yearly limits on the number of hunters we take to assure quality hunting and true sportsmanship.

As an outfitter, I operate a regulated business complete with laws and responsibilities. If a baiting law was to be enacted I would be monitored. But who will monitor the average hunter. How will we regulate the private nature of hunting and some of the actions that accompany it? The private nature that includes a hunter alone in the woods with a bag of apples or sack of corn. Is this not baiting...is this to be overlooked, or considered acceptable. And with a written law, regulated, and enforceable...who will be monitored, who will be punished, who will be accountable, who will be economically impacted? Clearly the outfitters and ranchers will be those affected making this an economic issue.

The pressure to eliminate baiting comes from a small minority of hunters who have access to hunting areas where stock and stand works. But this is not the case everywhere. In many cases the only available hunting land for some sportsmen are shelterbelts, CRP, vacant farmsteads or ravines. These are often the only places many youth hunters, first time hunters or urban dwelling hunters have access-to. Without bait to lure the deer a hunt in these types of locations can be hampered before it starts.

But this is where the ethical debate takes shape with many feeling that baiting is unethical and unsporting. However, what about the ethical treatment of the deer themselves. Many hunters use their bows only once a year with little practice. For young or inexperienced hunters a clean kill is often difficult. Even for experienced hunters... a shot at 40 yards is risky for a clean kill. The hunters who say they don't want bait take these kind of shots and leave wounded deer to suffer all the time. Often tracking is hard because there isn't a blood trail. With baiting you can change the window of distance for a clean kill and hopefully reduce the amount of wounded deer. Because where is the sportsmanship in not making a clean kill and leaving an animal to suffer or just plainly leaving a wounded animal so you can try for a better shot the next day. Where are the ethics in leaving a deer behind because it was just too hard.

This is clearly an issue of environment and economics and ethics...but not based on rhetoric. It's about hunters that value sportsmanship and about businesspeople that earn their living from the land. It's about understanding the real meaning of ethical hunting and the real economic motivations and environmental concerns. Ranchers will continue to feed their cows, outfitters will continue to provide guided hunting to supplement their ranching operations, true sportsman, youth hunters and new hunters will continue to search for any hunting access, and hunters with money will continue to pay for prime hunting locations. With or without baiting laws, it will continue. Over eager hunters will still take bad shots, hunters will still leave wounded deer lay rather than track and go out to shoot another day. As a sportsman hunter for over 40 some years and an outfitter for over ten I have met my share of hunters and my share of true sportsmen. I have learned through experience as an outfitter that baiting is defiantly an economic and ethical issue for me...but it is most certainly an ethical issue for the deer and the true sportsmen. Baiting helps take part of that window of wounded suffering deer away by bringing the deer within range for a clean kill.

It is important that we truly consider all the reasons, environmental, ethical and economic before providing complete control over the issue of baiting to an organization that clearly has already established their position.

I ask this committee to recommend a do not pass on this bill as it will affect many hunters and true sportsmen, as well as those who reap their living from the land and operate businesses that have a hand in driving the North Dakota economy.

Thank You,

Leland Goodman

HB 1039
Lynne C

Item # 6

AGWEEK / Monday, January 29, 2007 — PAGE 13

TELETYPE NEWS

Landowner at odds with deer feeding ban

■ DNR banned the practice to minimize the risk of bovine TB

By Brad Dokken
Grand Forks (N.D.) Herald

NEAR ROSEAU, Minn. — Gary Engkjer says he wondered if he'd made a mistake buying land south of Roseau, Minn., about nine years ago.

An avid hunter, Engkjer (pronounced ANK-er) bought the property with an eye toward retiring, managing the land for deer and carving out his little piece of hunting paradise.

Problem was, Engkjer says, he couldn't find a single deer track on the property that next hunting season.

"We were going to deer hunt, and I told my girlfriend, 'I think I made a mistake,'" Engkjer recalls.

Even in this part of northwest Minnesota, a mix of poplar, swampland and pasture best suited for raising cattle and hunting deer, whitetail populations were slow to recover from two severe winters, 1995 to '96 and 1996 to '97.

Like so many other people in this part of the state where hunting borders on religion, Engkjer decided to give the deer a hand.



Jackie Lorentz, staff photographer

"I went and started hauling in beets, carrots and whatever I could find because I knew nothing about the system at the time," Engkjer recalls. "I was a city boy. My goal was to keep the deer off the roads so they wouldn't be poached. There probably weren't 20 deer on this

place."

Today, that scenario would be hard to imagine.

Four years ago, Engkjer, 58, retired from his job as a partner in a Pennsylvania steel building company. He built a log home on his northern Minnesota property and devoted extensive amounts

of time and money to improving the habitat for deer and other wildlife, an effort that also included food plots and a "substantial" feeding program.

Combined with efforts to reduce poaching and control hunting access — large, orange signs line his property warning would-

◀ Gary Engkjer finds himself at odds with the deer-feeding ban across a 4,000-mile expanse of northwestern Minnesota. The ban includes his land.

be trespassers — the results have been impressive.

"I can honestly say — and I'm not being arrogant — in this area, I single-handedly put the whitetail on the map," Engkjer says. "These deer don't just stay on my ranch."

Controversy

These days, Engkjer finds himself at odds with a deer-feeding ban that took effect in late November across a 4,000-square-mile chunk of northwestern Minnesota.

The ban, which includes parts of Minnesota's Roseau, Marshall, Beltrami, Pennington and Lake of the Woods counties, results from a handful of bovine tuberculosis cases detected in cattle herds near Skime, Minn., in summer 2005.

While extensive tests showed the disease was a Mexican strain that originated in cattle brought into the area, a few deer near Skime also have tested positive for bovine TB. That prompted the Minnesota Legislature during the 2006 session to pass a bill requiring the Department of Natural Resources to

■ **DEER:** See Page 14

DEER

Continued from Page 13

implement the feeding ban.

The bill also appropriated more than \$50,000 for cattle producers in the TB area to construct high fences around their feed supplies to reduce the risk of deer feeding with the livestock. Eligible farmers could get up to \$5,000 worth of material to construct the 8-foot-high wire fences.

So far, five eligible cattle producers have or will receive material, but it didn't arrive until December, after the ground was frozen, so no fences will be built until spring at the earliest, according to Nick Reindl, deprivation specialist for the DNR in Brainerd, Minn.

Skeptical eye

News of the feeding ban has been met with skepticism by hunting camp owners and others in the area who feed deer recreationally.

The goal of the ban is to reduce the risk of concentrating deer, DNR officials say. It's all part of a multiagency effort to help the state regain its TB-free status, a crucial benchmark for cattle producers.

Deer-feeding proponents, however, say 4,000 square miles is too much.

"I do think the DNR has to trust the sportsmen a little bit," Engkjer says. "They do more per acre (for wildlife) than anybody; 4,000 square miles is a huge abuse of power."

"In my opinion, every landowner who pays taxes should have the right to make their own decisions on their property."

According to Michelle Powell, wildlife health program coordinator for the DNR in St. Paul, the reach of the ban represents a compromise, of sorts. The U.S. Department of Agriculture had asked that the ban cover the entire affected counties, Powell says, but the DNR used roads instead of county lines to define the area.

The bill lawmakers passed required a deer feeding ban within 10 miles of affected cattle herds, which would have been considerably less than 4,000 square miles.

"That's pretty much how the size and shape of it got worked out," Powell says. "It exceeds, by more than twice, the criteria passed in this last legislative session."

Powell says the emphasis this first year is to educate people about why the ban is in place. Still, DNR conservation officers have the authority to cite people who feed deer in the ban area.

"I'm sure there will be discussions with our COs," Powell says. "The aim is to crack down on that kind of activity. When you start a ban like this, education is the first step, ensuring people are aware of the changes and giving them a chance to change their behaviors. It's up to the officers what level of action they take. Each case will be different."

Tough sell

Paul Telander, regional wildlife manager for the DNR in Bemidji, Minn., says field staff got some calls from people who opposed the feeding ban shortly after it was announced, but he hadn't heard much recently.

The rule to implement the ban, he says, was written for 18 months, so feeding in the restricted area also will be off-limits next winter. After that, the DNR will re-evaluate the ban, he says.

While the DNR has taken the brunt of the flak from opponents of the ban, Telander says the agency didn't just arbitrarily impose the restrictions.

"It's required by USDA as part of the effort to get TB-free status back for Minnesota," Telander says. "We're required to do that, basically. Maybe some people didn't understand we didn't voluntarily (propose the ban). It seemed like the right thing to do in the scheme of things."

Still, convincing people of that promises to be a tough sell. Engkjer, like many others in the ban area, continues to feed.

And he's not afraid to say so.

"Even if they came out here and fined me, personally, I would litigate it," Engkjer says. "That's just me. I'd hope I wouldn't be standing alone. I'm not out here abusing the wildlife."

Both sides of issue

Rusty Billberg owns a gas station in Wannaska, Minn., and also helps his brother, Chad, and father, Dale, with a 100-head beef herd. An avid deer hunter, Billberg says people in the area feed deer for two reasons — recreation and to help improve the deer herd quality.

"We have cattle, but we also deer hunt, so we're seeing it from both sides," Billberg says.

Speaking as a cattle producer, Billberg says feeding the deer also helps keep them out of cattle feed supplies. The family's herd has tested free of bovine TB.

"We've had livestock for five generations on our farm," Billberg, 36, says. "We would rather have the feeding stations out in the woods, keeping the deer out there, versus having them come into where our cattle are. The DNR talked about not having the deer herding up in the winter. Well, if there's not feeding stations out, they're going to be herding up — with people's livestock."

The fact that no high fences have been constructed to prevent that from happening also makes the feeding ban tough to swallow, Billberg says.

"I think most of the guys that have been feeding, they're still continuing to feed," Billberg says. "Most of them feel the DNR, they kind of promised along with this feeding ban there was going to be a high fence law put in place around hay pens and silage bunkers. Well, the feeding ban went on, and that didn't follow, so I think most people are continuing to do what they do."

It's also important, Billberg says, to differentiate between feeding and baiting, a practice that's illegal for

"If they're going to crack down on feeding, start talking about the baiting issue," Billberg says. "That's an issue that needs to be dealt with."

Rather than an outright ban, Billberg says maybe the law should be written so feeding can't begin until after deer season; and when it begins, that landowners spread out the feed and not just place it in one spot.

"Take a little different approach to it," Billberg says. "From the cattle end, we don't want any more TB here, either, so we want to do what's right, also. But I don't think the feeding ban is the right answer."

Reluctant accord

While many landowners in the ban area keep feeding deer, others have decided to stop. Conway Marvin of Warroad, Minn., owns hunting land near Skime, where the TB was found in cattle and where a handful of deer have tested positive for the disease.

Marvin, who owns Streiff Sporting Goods west of Warroad, Minn., says he decided to stop feeding rather than risk a confrontation hurting his business.

That doesn't mean he likes it.

"If I wasn't in the business I was in right now, I'd be feeding," Marvin says. "I'd say, 'Tough, I'm doing what I think is right, and you haven't convinced me that I shouldn't be feeding.' I don't think what they're doing is right, and I'll go on record and say that."

Still, Minnesota's largest deer hunting organization supports the ban.

"Scientifically, it's the right thing to do," says Mark Johnson, executive director of the Minnesota Deer Hunters Association in Grand Rapids, Minn.

Johnson says he, too, is frustrated that high fences haven't gone up in the area near Skime where the TB outbreak occurred. But for those who use it as an excuse to continue feeding, he has this advice:

"I would highly encourage absolutely everybody to stop feeding deer. And if you know people who are feeding, contact the DNR. It's illegal up there right now, and the reason for that is, it's very appropriate."

"If feeding continues, you're just giving the opportunity for it to spread to more deer."

Meantime — ban or no ban — feeding is likely to continue in northwestern Minnesota. Engkjer, who manages his land near Roseau for deer, says he doesn't think he has any choice because drought last summer made the corn and soybeans he planted in his food plots all but worthless for deer.

As always, Engkjer says, he started feeding after deer season. He plans to continue feeding the deer a mix of barley, wheat, soybeans and hay until spring, when he knows the does carrying fawns are in good condition.

Without help, Engkjer says, his land wouldn't support the wildlife.

"My deer are not going to starve," Engkjer says. "It's not a good thing. If the DNR would come to me and give me some facts that I thought were legitimate, if they could prove to me that feeding the deer was going to hurt my wildlife out here, I would stop tomorrow."

Northwest Minnesota cattlemen rebuilding herds

■ Producers in TB zone get their operations back on track

By Brad Dokken
Grand Forks (N.D.) Herald

SKIME, Minn. — Slowly but surely, cattlemen forced to depopulate their herds as part of an effort to eradicate bovine tuberculosis in the remote part of northwestern Minnesota are rebuilding.

Jim Dole and Roger Skime are at Ground Zero in this effort.

The Minnesota Board of Animal Health first announced the presence of the disease in Skime's cattle in July 2005, forcing him to depopulate the entire herd of more than 1,000 animals. That happened over three days in late September 2005, Skime recalls.

"I'll remember those days forever," says Skime, who's 64.

Dole, whose property adjoins Skime's, lost his herd in December 2005 after further investigation found the disease in his cattle. Dole says 141 cows were moved off his property and later depopulated.

"It wasn't the easiest thing



Jackie Lorentz, staff photographer

▲ Jim Dole, who raises cattle near Skime, Minn., says the cases of bovine tuberculosis aren't anyone's fault. Dole was forced to depopulate his herd after a single animal tested positive.

"I've ever done," Dole, 58, says. "You don't have any choice when you're dealing with the government."

He estimates the TB has cost him about five years in wages. According to Bill Hartmann, Minnesota state veterinarian,

five herds, all in the Skime, Minn., area, tested positive for the disease in that first wave. Two additional herds, both nearby in Beltrami County, Minn., tested positive this past fall. In each case, only a few animals have tested positive.

Minnesota lost its TB-free status as a result of the outbreak and won't be able to get it back until December 2008 at the earliest, Hartmann says. TB-free status is an important benchmark in marketing cattle.

Hartmann says the protocol, once TB is found, includes a 30-day waiting period after the cattle are removed. Then, the premises are cleaned and disinfected.

Rebuilding herds

Skime and Dole both have started rebuilding their cattle herds. Dole says he has 72 cows and 76 calves — a mix of red Angus, Herefords and Charolais — back on his 800-acre ranch.

"I didn't get quite the quality

of cattle I had before," Dole says. "I've just got older cattle to start with."

Meanwhile, Skime, a snowmobile engineer at Arctic Cat in Thief River Falls, Minn., says he now has about 250 head back on the 4,800-acre spread where TB first was discovered. He plans to stay with the Angus and Tarentaise breeds he had before the outbreak.

"We're a long ways from the 1,000 that we had, but we're starting to rebuild," he says.

Skime says that even though he was reimbursed for the cattle he lost, he still went backward \$300 to \$400 per head.

Multiply that by 1,000 head, and it's no wonder he's taking it slow.

Before he gets too deep into rebuilding, Skime says he's keeping an eye on results from a testing campaign the Minnesota Department of Natural Resources conducted during the firearms deer season.

■ HERDS: See Page 14

HERDS

Continued from Page 13

The DNR has collected tissue samples from more than 1,700 deer in the TB area since fall 2006. So far, the disease officially has been confirmed in two deer.

More positive results are expected, though. Preliminary results from additional testing last fall show four adult bucks shot near Skime during deer season also have the disease, DNR officials say. Final results from the entire fall testing effort of about 1,000 deer in the TB area won't be available until at least March.

Keeping deer at bay

Skime and Dole also are taking advan-

tage of money the Legislature appropriated in 2006, which provides up to \$5,000 in materials for constructing 8-foot fences to keep the deer out of cattle feed supplies.

According to Nick Reindl, depredation specialist for the DNR in Brainerd, Minn., nine ranchers in the TB area have requested information on the fencing program, and five have committed to building fences. The DNR didn't deliver the materials until December after the ground was frozen, though, so no fences will be erected until spring, he says.

"The focus this fall was to get the materials on site, and that's been accomplished," Reindl says. "There are five that want to fence, and four of those five have materials delivered."

So far, though, deer feeding with the

cattle hasn't been a problem this winter, according to Skime and Dole. Both have changed the way they feed. Aggressive efforts by the DNR to reduce deer numbers in the outbreak area also have played a role, they say.

"There's some deer, but nothing like it used to be," Dole says. "I used to supplement hay with beet pulp, and of course, deer really go for that. Now, I don't have anything to draw them outside of hay."

Skime says he's compensated for the lack of fences by securing his cattle feed with large hay bales to keep the deer at bay.

"We just have to do our best to keep the cattle away from the wildlife," Skime says. "Keep the wildlife away from the feed and try and keep the contact between deer and cattle down."

What's ahead

The ultimate goal, of course, is to eradicate bovine TB — both in the cattle and the deer. Hartmann, the state veterinarian, says the board also is in the process of testing hundreds of cattle herds around the state. So far, the effort has produced no additional positives, he says.

Hartmann says the board plans to reassess its control strategy once the DNR gets results from its fall deer-testing effort.

"We're making great progress," Hartmann says. "We're not finding any new (cases), and we hope it continues. We want to make sure if there's any disease out there, we find it."

"We don't want to be doing this a second time." □

Other Written Testimony

1/31/07

The House Natural Resources Committee :

I live in Northeastern North Dakota in deer hunting unit 2-C. Last fall Crystal Sugar left 8% of their beets in the field because they had no use for them at the processing plant. When the farmers completed their harvest with Crystal these remaining beets in the field were then dug and hauled to several places and dumped for deer bait for hunting season. The piles varied in size but most were hauled with triple-axle or semi-trucks that could haul up to 22 ton per load. These huge piles could attract large herds of deer and create the possibility of spreading some disease. There were 18 of these piles dumped next to my hunting property from 10 feet to a quarter of a mile of my property line. If I go out to a half-mile the number rose to 30. This was very common in our area, in fact one custom hauler hauled more beets for the deer than he did for the beet harvest. Some charged 30 dollars a ton delivered. This would be about 660 dollars a load. Not such a cheap sport anymore. Some of the loads went west of Adams so the haul reached out to 40 miles or more.

We know deer diseases are many and most are spread by close contact or nose to nose. So any licking, sneezing, coughing, drooling or slobbering is a problem. CWD is also transmitted nose to nose.

At this moment USDA sharpshooters are eliminating a deer herd in NW Minnesota near Skime. The area has a radius of six miles so this is close to 4 townships in size. The edge of this area is 54 miles from our border and hunting unit 2-C. The latest count is 5 adult bucks tested positive for TB. More will be found as the kill continues. The no-feed zone for deer in this area is 4000 sq. miles which is a little smaller than unit 2-C and is only 42 miles from our border. We know for sure that deer can move this far because a deer from my farm traveled 62 miles in 2004. Deer can just walk across the ice now or in summer they can swim 6 miles per hour so the Red River will not stop them.

I'm sure by now you have heard that food plots are the same as bait piles but it's not true. Food plots provide nutrition and energy through the year and a bait pile is simply a candy bar treat and stopped when hunting is completed.

If we don't ban baiting in this legislative session and TB crosses our border I don't want to see us wiping out township after township of diseased deer in a couple of years because it won't be pretty.

I urge you to push for this bill. This is your chance to do something good for the species. Remember, the future of deer hunting 'BEGINS NOW.'

Thank you very much.

Larry Lewis, President NDQDM

To the Chairman and members of the committee, my name is Clay Olson from Glen Ullin, ND. I'm not in favor of this bill because I don't agree with the basis for it, nor the language in it.

I would be in favor for an actual size restriction on baiting, but not an all out ban on baiting. It is a useful tool when used with common sense and discretion. Unfortunately there are some abuses, and if it were not for these abuses, we probably would not be talking about it today. I do believe that a restriction would fully address these abuses and greatly reduce them.

I also believe that size restrictions would greatly reduce the arguments about the possible transfer of Chronic Wasting Disease, or the spread of noxious weeds. First of all Chronic Wasting Disease was first documented in captive animals more than 40 years ago.....and in wild populations nearly 25 years ago. I think if there was a serious threat to our wild populations, we would have seen it by now. It's not to say it's not possible, but the efforts of other states have reduced the outbreaks, and some to nearly zero occurrences. Some of these states still allow baiting, but do have size and proximity restrictions in place. Studies have also shown that CWD is also passed by blood transfer via insects. Just another reason why a ban on baiting is not effective in stopping any possible transfer. Mother nature will take care of her own.....so why try to remedy that which we do not even have a problem with, and mostly likely won't.

As far as spreading noxious weeds, I find that completely unfounded. I would be much more concerned about the thousands of birds transmitting seeds from one location to the next.....like Sparrows, Blackbirds and yes even Pheasant. These animals routinely feed in weed filled fields and tree rows, transferring seeds over wide areas. Once again, a ban on baiting will not effect this transfer on bit.

And as far as baiting goes, anybody knows that has ever lived in North Dakota in the winter, the deer are not going to quit congregating just because a bait pile is not present. They will simply congregate somewhere else....like a ranchers hay pile, along his feed bunks and string of pellets (cake), or outside a farmers grain bins. Deer will not become dependant on it as a food source, they simply take advantage of it. It is beneficial towards their health, and helps them maintain a condition that helps them survive the winter.

And as far as size amounts, I believe anybody can see that hundreds of deer aren't going to congregate around 5 gallons of feed on the ground.....5.....maybe 10, but I even doubt that many. It's the folks that dump out a pickup box or a grain truck full that are the greatest threat. And a ban on baiting will not affect the landowners or guides who will still be able to plant food plots and manage their fields for wildlife.....it will affect the "little guy" who does not own a sttch of land, who maybe has only 5 or 10 acres to hunt, if that.

Most of the pro-ban arguments are based on hypothetical situations.....what if's.....I have spoke to wildlife biologists from Nebraska, Kansas, Texas as well as some of our own. States like Texas and Kansas have had baiting for well over 50 years.....yet have not seen one occurrence of CWD. Nebraska is the 3rd worst state for CWD, yet still allows baiting. So please vote no on this bill.....baiting serves a useful purpose as an effective tool for herd management, and is also beneficial to overall health of the animals. Don't let the few abuses dictate your decision that will affect all of us that use it as it was intended.

Sincerely,

Clay Olson

Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF FOSTER HAGER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON

HB 1039
February 1, 2007

Mr. Chairman and Members of the Committee:

My name is Foster Hager representing the Cass County Wildlife Club.

We support HB 1039. We understand that this bill may be hard for the Game and Fish to develop regulations that will satisfy all people that use baiting as a method of hunting.



Meyer, Shirley J.

From: BILL FREITAG [badlands@ndsupernet.com]

Sent: Thursday, February 01, 2007 7:28 AM

To: Meyer, Shirley J.

Subject: please vote no HB 1039

FROM: BILL & BETTY FREITAG
LIFE LONG STATE RESIDENTS
AND LANDOWNERS OF NORTH DAKOTA
DICKINSON, NORTH DAKOTA
701-225-6109

REPRESENTATIVE SHIRLEY MEYER,
OUR TESTIMONY FOR HB1039

WE ARE UNABLE TO MAKE THE COMMITTEE HEARING THIS MORNING BECAUSE OF WEATHER. WOULD YOU PLEASE FORWARD OUR INFO ON TO THE REST OF THE COMMITTEE MEMBERS FOR THIS MORNINGS HEARING ON HB 1039. THANK YOU!

WHAT HAVE BEEN THE PROBLEMS WITH BAITING AND FEEDING OF WILDLIFE?

THE UPSIDE OF BAITING HAS BEEN THAT LANDOWNERS ACROSS NORTH DAKOTA LEAVE GRAIN, FEED, CROP AND COVER FOR WILDLIFE TO UTILIZE. THIS FEEDING HAS HUGELY INCREASED THE NUMBERS OF HUNTABLE WILDLIFE ACROSS OUR GREAT STATE OF NORTH DAKOTA. NOT ONLY BIRD HUNTERS, BUT DEER NUMBERS HAVE INCREASED BECAUSE OF AVAILABLE FOOD. THIS FOOD WOULD NOT HAVE BEEN THERE HAD IT NOT BEEN FOR THE LANDOWNERS OR LAND LEASORS. THE LANDOWNER / LEASOR CONTRIBUTES THE MOST TO FEEDING WILDLIFE HERE IN NORTH DAKOTA.

THE LANDOWNER / LEASOR ALSO SEES THE FRUITS OF THE DOLLARS HE SPENDS BECAUSE HE ENJOYS SEEING WILDLIFE MULTIPLY SO THERE ARE ENOUGH WILDLIFE FOR HIS FAMILY TO HUNT. AT THE SAME TIME, HE CARRYS ON THE FAMILY TRADITION OF HUNTING. THE EXTRA WILDLIFE THAT HE PRODUCES FROM HIS EXPENSE OF PUTTING OUT FOOD INCREASES THE NUMBERS OF WILDLIFE ON HIS PROPERTY TO THE POINT THAT HE CAN ALLOW HUNTERS FROM OUTSIDE OF HIS FAMILY TO COME AND HUNT ON HIS PROPERTY. HUGE DOLLARS ARE PUT OUT BY LANDOWNERS / LEASORS SO THAT EVERYONE CAN ENJOY HUNTING HERE IN OUR GREAT STATE OF NORTH DAKOTA.

THINK OF WHAT HAPPENS TO MATURE BUCKS WHEN THEY ARE THROUGH BREEDING. THEY HAVE LITTLE OR NO FAT RESERVES TO BE ABLE TO STAND OUR SEVERE NORTH DAKOTA WINTERS AND MANY OF THEM DIE. OUR LANDOWNERS / LEASORS HAVE PROVIDED THE FOOD NECESSARY FOR THESE MATURE BUCKS TO MAKE IT THROUGH ANOTHER NORTH DAKOTA WINTER AND EVEN GROW LARGER FOR THE COMING SEASON. THANKS TO THE LANDOWNER / LEASOR OR ANYONE WHO PUTS OUT FOOD FOR WILDLIFE. THE SAME FOR ALL BIRDS AND ANY OTHER BIG GAME ANIMALS. LET US NOT FORGET THE HABITAT THAT IS PROVIDED BY THE LANDOWNERS / LEASORS. WITHOUT LANDOWNER / LEASORS HELP IN FEEDING / BAITING WILDLIFE THERE WOULD NOT BE THE NUMBERS OF WILDLIFE TO BE HUNTED.

IF WE STOP BAITING / FEEDING WILDLIFE, WE LOOK AT TAKING FOOD AND COVER AWAY FROM WILDLIFE. THIS NOT ONLY PUTS A BURDEN ON WILDLIFE, BUT ALSO ON HUNTERS. LESS WILDLIFE MEANS MORE TRESPASSING AND POORER HUNTER LANDOWNER RELATIONS.

THE LANDOWNER / LEASOR WHO FEEDS HIS LIVESTOCK AND SHOOTS A DEER FROM THAT LOCATION WOULD BE IN VIOLATION IF BAITING WERE ILLEGAL. LANDOWNERS / LEASORS ARE HUNTING ALL THE TIME WHILE THEY ARE DOING THERE NORMAL DAILY ROUTINES. GRAIN OR WILDLIFE FOOD IS ALSO LEFT FROM COMBINES AND SPILLS FROM TRUCKS. NOW IF A HUNTER SHOOTS A DEER FROM ONE OF THESE UNDETERMINED LOCATIONS ON PRIVATE LANDS ACROSS NORTH DAKOTA THEN HE WOULD BE IN VIOLATION IF THE EXISTING LAW WERE CHANGED.

NOW SHOULD WE START ARRESTING LANDOWNERS / LEASORS AND HUNTERS WHO SHOOT WILDLIFE ON PRIVATE PROPERTY WHERE FEED HAS BEEN PUT OUT FOR LIVESTOCK AND WILDLIFE? THERE IS NO WAY TO DETERMINE THAT ANY GIVEN AREA THAT HAS FEED THAT HAS BEEN PUT OUT FOR LIVESTOCK OR WILDLIFE IS NOT AN AREA TO BE HUNTED. LANDOWNERS AT TIMES PUT OUT FEED A DAY OR SO AHEAD OF TIME BEFORE OPENING A GATE TO ALLOW LIVESTOCK IN TO EAT. IF YOU ARE A DEER HUNTER AND SHOOT A DEER 300 YARDS AWAY AND WHEN YOU GET TO THAT DEER YOU REALIZE HE IS WHERE WILDLIFE HAVE BEEN FED THEN YOU WOULD BE IN VIOLATION SHOULD THE BAITING LAW BE CHANGED.

IF YOU WANT TO SEE MORE GATES CLOSED TO STATE HUNTERS, LESS FOOD FOR WILDLIFE AND LESS WILDLIFE FOR ALL HUNTERS THEN IT WILL BE ACCOMPLISHED BY STOPPING BAITING / FEEDING WILDLIFE ACROSS OUR GREAT STATE OF NORTH DAKOTA. I DON'T THINK WE WANT TO CREATE MORE HUNTER / LANDOWNER ISSUES.
PLEASE VOTE NO ON HB 1039

Mr. Chairman and Representatives of the ND House Natural Resources Committee,

I have already shared these thoughts with my district representatives but I think it may be worth sharing with your Committee as well. These are my thoughts, as an avid bow and rifle hunter, on the Baiting Bill (HB 1039). First off I support the Bill which is a ban on baiting and would even suggest follow-up legislation on "feeding" should be considered. I would even more strongly support the de-politicization of the issue by having the legislature grant NDGF the authority and obligation to develop and enforce policies thru proclamation on such issues. Let your experts do their job and allow the public to give input, debate the pros and cons with staff, via the NDGF Advisory Board.

There are 3 main issues:

1. Disease
2. Management
3. Ethics – harvest rates historic, instant gratification, right or privilege

Disease: Chronic Wasting Disease (CWD), Tuberculosis (TB) and Slipper Foot are just a few of the more prominent disease issues. CWD is the most oft discussed. It is not yet present in ND but it is on our borders. It is spread by contact with Mucosa, Saliva and other bodily fluids. Concentration of deer accelerates the spread of this 100% fatal disease and 5 gallon buckets of feed have been shown to concentrate more than 30 deer within very short time periods of exposure to the bait. The issue here is that as deer feed they leave a little saliva and mucous in the feed and on surfaces. You also get more face-to-face contact which directly transfers fluids. The first instinct in a partial ban would be to limit it to small bait piles, unfortunately this has been shown to be the worst for the spread of TB and I think evidence will also show the same for CWD given the similarity in transmission. Many diseases stay viable for 16 weeks at bait piles just waiting for the next host to come along.

Some will argue that since the disease is not here we needn't take such steps until we see the diseases. I equate that to lets not use a flu shot until a pandemic is in full bloom. Once the disease is here and confirmed (and **it is coming**), it will be too late, the exposure is done and contagion is very likely. Imagine the heat NDGF and the legislature will get once it comes and deer populations plummet. We will be called to task for not managing the resource but instead managing the politics of the resource. I haven't even discussed the implications to domestic livestock losses that have demonstrated the ability to transfer brucellosis (a similarly spread disease) back and forth with wild ungulates (Deer, Elk, Moose and Bison). This is a case of just do the right thing and we all know what it is when we step back from our personal short term benefits.

Management: Baiting/Feeding creates management problems because it changes concentrations, movement patterns and range of deer. One of the greatest issues hunters have in this state is ACCESS. Those who feed and bait are more likely to post than those who do not. This redistributes deer to areas where average folks don't have the same opportunity to hunt them. (It is often argued that "I have to bait to draw the deer off the posted land where they are being fed." Well if neither side is doing it deer will redistribute and in the long run average folks will have better access to the resource.) By redistributing and concentrating deer it also impacts the ability for NDGF to get appropriate harvests in areas where only a limited number of hunters have access to the deer. This is evident when you drive along the river and see the very large herds of deer which half the folks think are a problem and the other half feed during the winter.

Ethics: The most vocal group of hunters and frequent baiters are guides and bow hunters. Bow licenses have traditionally been very freely available because the harvest rate was considered low enough not to impact numbers of gun tags that could be issued. Well back in the early days you were ecstatic when you got a doe with a bow. As a result of technological change in bows with sights, triggers, overdraw and let-off on top of large scale baiting, bow hunters not only expect to harvest but expect to harvest as if they were subsisting on deer. A large number of bow hunters now harvest several deer per season. Baiting impacts harvest rates. We have become an instant gratification society with our moral and ethical decay. Shooting Bambi over a feed pile removes the "sport" from hunting and is akin to shooting your dog when he comes to his dinner dish. "I don't have time.", implies a right to harvest rather than a right to hunt. There is a big difference. It is also a personal choice to invest the time to increase your odds of harvest. I give up other family time in order to pursue my passion for hunting. We all make choices with what little leisure time we can afford.

Further on the question: "Is harvest a right or an opportunity?" I contend hunting only provides the opportunity to harvest and is no sense a "right". Otherwise we would not have limited numbers of licenses and other administrative controls. Even Teddy Roosevelt would agree with my take on this issue. He in fact would be quite blunt about the character of those who would support baiting (I can provide citations). Then again, he respected effort as much if not more than the outcome. We should all aspire to have a little Teddy in us.

Thank you for allowing me to provide these comments,

Duane B. Pool, Ph.D.
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economicstats@netscape.net



security state bank

marlys

FAX COVER SHEET

FROM: ~~SECURITY STATE BANK~~ Dennis Berg
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 101 1ST STREET SE
 ROLLA, ND 58367
 Phone: 701-477-8890
 Fax: 701-477-8908

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House of Representatives

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The House Natural Resources Committee (HNRC) meets Thursdays and Fridays in the Pioneer Room. Members: Todd Porter, Chairman; Chuck Damschen, Vice Chairman; Dawn Marie Charging, Donald L. Clark, Duane DeKrey, Dave Drovdal, Lyle Hanson, Curt Hofstad, Robert Hunskor, George J. Keiser, Scot Kelsh, Shirley Meyer, Darrell D. Nottestad, Dorvan Solberg.

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onic Wasting
ease Q&A

The above committee is having a hearing this week that
I CANNOT attend. Would like to make a statement by letter
but concern it would not reach in time. called and told
to fax and you would deliver to members of committee.
If not please call me at 477-8890

Dennis Berg

THANK YOU,
 NUMBER OF PAGES INCLUDING COVER



To all members of the House Natural Resources committee:

I noticed that your committee has a hearing on baiting on the 1st of February. As I am unable to attend, I am writing this letter and do hope it arrives on time.

I have wrote before and as I stated in that letter I am 60 years of age, began hunting with my parents before I can remember and for the last 4 years have hunted only with a bow.

I have read the report put out by game and fish concerning baiting and their main concerns of baiting as follows:

- Spread of disease
- Limits of game and fish ability to obtain adequate harvest
- Introduction of noxious weeds
- Conflicts between hunters
- Negative economic impact on landowners and public agencies
- Ethics

And as I stated before I do not have the knowledge that game and fish has but I do have a lifetime of hunting along with providing habitat and feed for wildlife.

The above are real concerns but I feel both sides need to be told on these issues. For instance. The spread of noxious weeds. The feed I feed is from the area and the crops I grow are grown in the area. I would not dispute that deer can spread seeds. But I feel the spread of seeds from deer is minimum compare to other ways weeds are spread. Landowners who do not control weeds on their land, ranchers who also purchase feed to feed their animals and then spread the manure on their land. I have been around both all my life. If my true concern is spread of noxious weeds I would attack where the main source of this spread is and not just use it as a means to stop baiting of deer as most have.

Limits on control of harvest. I assume when I feed, all the deer in the area will be on my posted land. I have been around feeding deer since the earlier 70's. This statement is not true. Last night while at my stand the bulk of the deer came from 1/4 to 1 mile away on land that I have no control over. My program has added to the deer population and provided my follow hunters with more deer to harvest. Benefiting all. Game and fish has had a problem with getting people to apply for the entire doe licenses made available. To me that's a bigger concern as to adequate harvest along with availability of land open to hunting.

Conflicts. In my discussion with other landowners/sportsmen I feel there will be an increase in conflicts if this rule is put in place. I have already been told by land owners how they intend to get back at their neighbor with the help of this rule or how they will fix their follow hunter. (one by putting bait on his land by his neighbors stand on opening day)

I am not sure about the negative economic impact. I do know with the increase in deer there has been an increase in licenses and with this all the benefits that it brings.

Ethics you can not regulate. We do not know what causes CWD but it is not baiting of deer. It is thought that limits on baiting may control the spread if the disease is present but it is not known for sure.

I feel one reason for the uproar of baiting is the jealousy between people. Some hunters expect to get up Friday morning, site their rifle in and go anywhere they please. And when they come to a site that a person has spent countless time and monies on and has placed no hunting signs up they become upset. They will then use what ever means to lash back instead of putting effort into their own spot. We all have personal agendas. I have let several hunters bow hunt on my site and it is less than 2 acres. They have all been successful. But I have also had hunters who have driven their vehicles under my stand. And they are the first ones to complain about my site. Besides feeding, I have planted at least 300 trees on this site and have been able to expand the food plot unto the adjoining waste land of my neighbor. In return my neighbor does hunt in my stand.

You have request game and fish to make the decision. Curt Wells (an outdoor writer) is against baiting. He has taken a report that states probably and states this proves. He has told game and fish either you stop baiting or "I will start working the media pretty hard and will come at this problem from many angles". He slants a report to suit his needs and then threatens game and fish to do what he feels is the right thing for all of us. There's pressure. As can be seen this is an emotion subject. I believe game and fish needs help on this from our legislative session. This letter is already to long but listen to all sides. People have personal agendas and they will use whoever to achieve those agendas. For most baiting is only a small part of what they do. There has been a lot of habitat created by people who bait. Understand that I can obtain a clean harvest at 300 yards with my rifle but I do need that animal within 20 yards to obtain a clean harvest with my bow.

I believe you need to trust the public and not make rules for everything. I had an individual who did put bait out. And then, sat in a vehicle, shot the deer and picked up the remaining grain on the ground. I do not think he will do this again as his buddies told him what they thought of him. People need to step to the plate and help. The easy way is to let the government take care of the problem and then complain. But as a whole, people are good and they do know what is right and wrong. Trust them to make some of these decisions on their own and police themselves.

I do feel the way to approach this problem is by educating the people as to the proper way to create one's own site. To show that baiting is only a small part of your goal and that there are other things you need to do if you want success. To respect other's work. Habitat is the first part of the equation to success. I originally thought that the more female deer I had the greater the success of harvesting a buck. I have found by personal experience that this is not true. Allow other hunters on your land, under your control, to increase your success of that buck. To educate hunters to ask and help with whatever program that landowner has in place or show him how he will benefit from your program. It will benefit all including non-hunters and you will have your spot. Habitat for Pheasants. Do not expect the landowner to do this alone and then share. People will listen and I believe the issues can and will correct themselves without all the conflicts. If we are shown the benefits of working together for all we will all benefit and decrease conflicts. It just seems to me that just condemning this issue as being all evil and forcing our ideals on others will produce conflicts. Instead we need to be positive about issues and educate. It is then that people will talk without a defensive attitude. Baiting does not work by itself. But it has its place.

I do thank you for your time.

In the game and fish report is a paragraph on back yard feeders for song birds and the problems that come with these feeders. I am not sure just what game and fish intent on this subject is but I am concern that they feel this needs to be also prohibited. I just do not understand how we can regulate all of these issues and not cause conflict. Again maybe education on this subject is what is needed, not rules. Again thanks.

Dennis Berry

Box 95

Rolla MO

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