

1999 HOUSE NATURAL RESOURCES
HB 1249

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1249

House Natural Resources Committee

Conference Committee

Hearing Date 1/22/99

Tape Number	Side A	Side B	Meter #
1		x	32.3-50.0
2	x		0.0-19.5
Committee Clerk Signature <i>Kevin Gard</i>			

Minutes:

SUMMARY OF THE BILL: A BILL for an Act to amend and reenact subsection 3 of section 10-06.1-10 of the North Dakota Century Code, relating to approval of farmland or ranch land acquisitions by nonprofit organizations.

Rep. DeKrey testified in support of HB1249, as a sponsor. He commented that he would like to see things being handled "on the local level."

(34.0) Terry Traynor the Assistant Director of the Association of Counties testified in support of HB 1249.

(39.3) Brian Kramer of the ND Farm Bureau appeared in favor of HB 1249.

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House Natural Resources Committee

Bill/Resolution Number hb 1249.lwp

Hearing Date 1/22/99

(42.2) Dennis Johnson of the North Dakota Farmer's Union appeared in support of HB 1249..

(45.1) Wes Dawson, a farmer appeared in support of HB 1249.

(side b 0.9) Bill Pfeiffer of North Dakota Chapter of the Wildlife Society appeared in opposition to HB 1249.

(12.8) Mike Donahue appeared in HB 1249.

(16.3) Paul Krerry of the Cass County Wildlife Club appeared in opposition to HB 1249.

The hearing on HB 1249 was closed with no action being taken.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1249-A

House Natural Resources Committee

Conference Committee

Hearing Date 1-29-99

Tape Number	Side A	Side B	Meter #
1	X		
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

A BILL FOR AN ACT TO AMEND AND REENACT SUBSECTION 3 OF SECTION 10-06.1-10 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO APPROVAL OF FARMLAND OR RANGLAND ACQUISITIONS BY NONPROFIT ORGANIZATIONS.

REPRESENTATIVE HENEGAR: Makes a motion for a Do Not Pass.

REPRESENTATIVE PORTER: Seconds the motion.

Roll call: 9 (yes) 4 (no); do not pass.

REPRESENTATIVE KELSH: Carry the bill.

Date: 1/29/99
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on HB 1249
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Henegar Seconded By Porter

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	X				
Vice-Chairman Dale Henegar	X				
Representative David Drovdal		X			
Representative Pat Galvin	X				
Representative Duane DeKrey	X	X			
Rep. Darrell D. Nottestad	X				
Representative Jon O. Nelson		X			
Representative Byron Clark					
Representative Todd Porter	X				
Representative Jon Martinson	X				
Representative Lyle Hanson	X				
Representative Scot Kelsh	X				
Representative Deb Lundgren	X				
Representative Sally M. Sandvig		X			
Representative Dorvan Solberg					

Total (Yes) 9 No 1

Absent 2

Floor Assignment Kelsh

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

1999 TESTIMONY

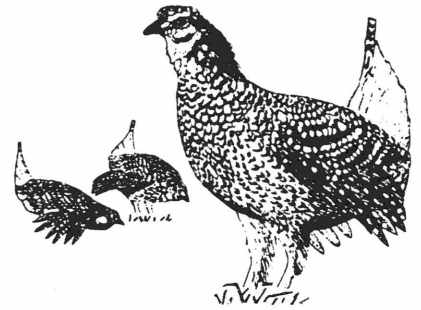
HB 1249



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



**TESTIMONY OF BILL PFEIFER
NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY
PRESENTED TO THE HOUSE NATURAL RESOURCES COMMITTEE
ON HB 1249, JANUARY 22, 1999**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I'm Bill Pfeifer representing the North Dakota Chapter of The Wildlife Society. The Wildlife Society opposes HB 1249.

The present system of a review by the board of county commissioners and an advisory board seems to work quite well. The make up of advisory board members permits input from a variety of resource interests. These varied interests include agriculture, water and natural resources. Under the current system, the county commission board and advisory board members make recommendations to the Governor regarding the land purchase.

A conservation land purchase is a statewide issue, and should not be exclusively affected by local pressure. The Governor is in a position to more easily relate to the existing statewide need. For example, the Turtle Mountains or Badlands of North Dakota are unique to the state's natural heritage; however, they may not have that great of significance within their respective counties.

The question of nonprofit conservation organizations and taxes always surfaces. Fact: nonprofit conservation organizations pay taxes at the billed rate, the same as other private landowners within the county.

The Wildlife Society opposes HB 1249 and requests a **DO NOT PASS** vote.

Written Testimony

Joseph A. Satrom, Vice President/State Director
North Dakota Chapter of The Nature Conservancy
January 22, 1999

Mr. Chairman, Members of the House Natural Resources Committee, my name is Joe Satrom. I am the Vice President and State Director of the Dakotas program of The Nature Conservancy.

Our organization is opposed to HB ¹²⁴⁹~~1247~~ which would empower the various Boards of County Commissioners to approve farmland and ranchland acquisitions by non-profit conservation organizations. The proposed legislation would further hinder the ability of private organizations such as ours to effectively protect and conserve natural areas and our State's unique and critically important biodiversity.

It is ironic that there are efforts in the most agricultural state in the nation, North Dakota, to restrict and in some cases eliminate efforts to preserve biodiversity when agriculture is one of the industries with the most at stake as this diversity is being lost. Please note the attached clipping from the Minneapolis Star Tribune.

Nearly every state in the nation has adopted major public policy initiatives to encourage and support the work of non-profit conservation groups in the protection of our natural heritage. In their annual New Year's Eve editorial, the Bismarck Tribune recently suggested that the State needs to encourage efforts such as those of The Nature Conservancy's to protect critical habitat, not limit them. Please note the attached copy of this editorial.

During his presidency, George Bush suggested that the private non-profit, charitable organizations of this country need to do more to enhance the quality of life for all of us and diminish our expectations and demands on our governmental structures. President Bush promoted this thinking through his "One Thousand Points of Light" initiative. HB 1249 will make the work of The Nature Conservancy more difficult.

On behalf of the 1750 North Dakota members of The Nature Conservancy we respectfully ask you to oppose HB ¹²⁴⁹~~1247~~ and, as an alternative, to look for measures that will encourage rather than impede the work of private non-profit conservation groups. Thank you for your consideration of this matter.

Enclosures:

Star Tribune Clipping
Bismarck Tribune Clipping
Question and Answers handout

About 34,000 species out of the 270,000 known worldwide face extinction. Even familiar groups, including roses, are threatened.



Star Tribune photo by Darlene Pfister

World's plants in trouble, study finds

Washington Post

WASHINGTON, D.C. — The first international survey of plant diversity has found that at least one out of every eight known plant species on Earth now is threatened with extinction or is nearly extinct.

The results of a 20-year joint effort among 16 organizations including the Smithsonian Institution show that habitat destruction and introduction of non-native species have caused approximately 34,000 species to become so rare that they could easily disappear. That amounts to 12.5 percent of the 270,000 fern, conifer and flowering species known worldwide. Of the imperiled species, 91 percent exist in no more than one country.

On the island of Mauritius, for example, the last stand of *Elaeocarpus bojeri* holds out, its fruit eaten by monkeys, its territory overrun by the strawberry guava introduced from Brazil.

The statistics, the report said, "are just the tip of the iceberg" because so little is known about many areas, and "as more information becomes available, the situation will be shown to be even worse."

In the United States, which probably has the world's best-studied flora, about 29 percent of 16,000 species are at risk, according to the report. Similar percentages were recorded for Australia and South Africa. In general, the more detailed a country's species inventory, the higher its proportion of threatened plants.

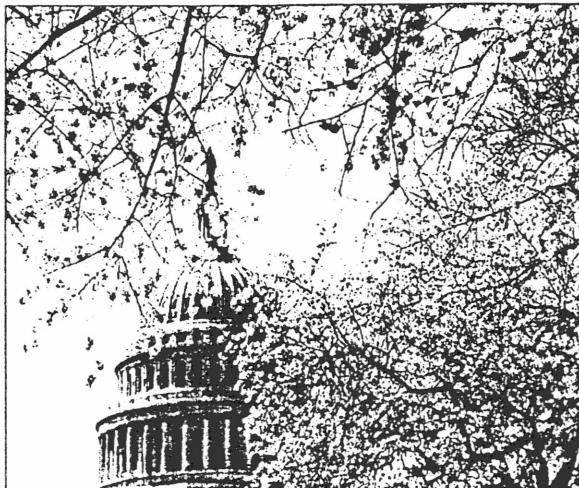
"This is the first comprehensive assessment of threatened species we've ever had," said W. John Kress, chairman of the department of botany at the Smithsonian's National Museum of Natural History. "It's a wake-up call to a major extinction event."

"Here in Washington we are in the middle of our annual Cherry Blossom Festival. Yet few of us realize that 14 percent of the species in the cherry family are threatened with extinction," he said.

In some cases, entire plant families are in trouble. For example, 75 percent of the yew family — which produces the anti-cancer drug taxol — is threatened with extinction globally. Even familiar groups are in trouble, including approximately 14 percent of roses, 32 percent of lilies and irises, and 29 percent of palms.

Many Implications

Widespread extinctions might affect medical science, according to the report. More than half of all prescription drugs are modeled on



Associated Press

While Washington, D.C., enjoyed the blooming of its cherry blossom trees, a new international report on plant diversity revealed that 14 percent of the species in the cherry family are threatened with extinction.

natural compounds, and one-fourth are taken directly from plants or are chemically modified versions of plant substances.

"Plants have historically provided some of the most important drugs that we have," said chemist David Kingston of Virginia Tech. That list includes such staples as morphine, aspirin and quinine.

"We've screened about 50,000 plant species so far, and gotten about 50 drugs, so that's about one per thousand," he said. The loss of 34,000 species, therefore, might doom development of 34 pharmaceuticals if the same ratio applies.

Agriculture could be affected by loss of potential new food strains and ecosystem vigor.

Said ecologist Christopher Field of the Carnegie Institution in Washington, D.C.: "There is an accumulating body of evidence indicating that as biological diversity is lost, there are changes in the way both natural and managed ecosystems function and they can often have negative impacts on goods and services. When there are more plant species present, the recovery from disturbance is faster and total production is greater."

Diversity provides a biological buffer "against things like climate change or migrations," said U.S. Fish and Wildlife Service biologist John Fay. "Every time we lose a species of plant we're losing a unique gene pool that has undetermined but possibly very significant benefits to mankind."

The 862-page report, titled "1997 IUCN Red List of Threatened Plants," was produced by the World Conservation Union

search and conservation groups in a half-dozen countries. Experts compared the latest censuses against decades of field records and combined collections totaling 20 million specimens.

To be classified as threatened, a species must have reached the point at which there are fewer than 10,000 individuals worldwide, or fewer than 100 locations in which it is found. The study examined only vascular plants — those with tissues that conduct water and nutrients — and thus did not treat algae, lichens, fungi and mosses.

The IUCN, which is scheduled to release the study simultaneously today in Washington, London, Capetown and Canberra, said data from some parts of the world "are patchy or lacking," particularly in sections of Africa, Asia, the Caribbean and South America. Thus Brazil, with 56,215 reported plant species, is listed as having only 2.4 percent of its flora threatened.

On A16:

— U.S. agriculture spends billions each year trying to control plant invaders, which also wreak havoc on public lands.

The Bismarck Tribune 12/31

The party far from over in North Dakota

Like partygoers leaking away from an indifferent New Year's Eve gathering, thousands of North Dakotans left the state last year.

Granted, some of the exodus had to do with, let us hope, one-time events: the big flood in Grand Forks and the transfer of Minuteman missiles to Montana.

Still, just as a thinning crowd signals a dull party, a loss of population is a sign that things are not well.

Most disappointing, the loss comes toward the end of a decade in which North Dakota has made remarkable progress toward diversifying its economy. We're much less dependent today on commodities and much more prosperous in services and manufacturing.

So, as we North Dakotans wake to the year 1999, the last year of the century and the millennium, how should we respond?

First, we have to continue the tactics of the 1990s.

We have developed the state's economy on a variety of public fronts: the state's Vision 2000 initiatives, the farmer-owned processing cooperatives and, most successful of all, the cities' use of sales tax revenue to subsidize new businesses. The very variety of approaches is the model of a sound investment strategy, protection against failure on any one front.

Second, we North Dakotans ought to resolve this New Year's Day to recognize and defend two strategic assets: higher education and our quality of life.

As to higher education, the common wisdom is that North Dakota faces a political logjam: too many schools, too few dollars to sustain excellence, too much parochialism, too much turf protection.

We need to stand the conventional wisdom on its head. North Dakotans voted for an accessible system of higher education. Fine. North Dakota can provide a diversified, streamlined system of higher education that's linked through high technology, a system that makes sense throughout the state.

We cannot do so, though, if the executive and legislative branches both continue to assume that this work will be done by higher education itself, on the campuses or within the Board of Higher Education. It will not be done there.

As to the quality of life, there are two considerations.

First, North Dakota's young people face new and disturbing circumstances. Technology and commerce have obliterated the remoteness that once sheltered many young people. The culture they confront is coarser by far than most adult North Dakotans have known.

At the same time, the young of North Dakota are becoming much more urban. The greatest decline in rural North Dakota is not in farmers but in farm children. So, the social and cultural protectors of young people that many North Dakotans grew up with are gone, and aren't coming back.

To face these unprecedented circumstances, North Dakotans have to think much differently. For example, we'll need to find new ways for urban schools to meet the challenges of latch-key kids. For example, we'll need to find ways to hold accountable our juvenile-justice system, which gets way too little public attention. The examples are legion.

Second, North Dakota needs to understand that clean air and water and access to public land are highly valuable amenities to the urban populations that are this state's future.

For example, we need to encourage efforts such as those of the Nature Conservancy's to protect critical habitat, not limit them. For example, we need not to be stampeded into decisions that seem to pit jobs vs. the environment. For example, we need to find ways to control development along the Missouri River, so that Meriwether Lewis and William Clark would not feel as foreigners along the banks they explored.

North Dakotans will persevere. Those of us who didn't leave, and won't, accept the disadvantages of our hard climate and geography. And we should be optimistic. We have good reason to be, so long as we understand that we have what we need within our grasp, and we don't let it go.

□ □ □

(Tribune editorials are proposed, discussed and generally written by members of the Tribune Editorial Board. In addition to the publisher, the board is composed of Tim Fought, editor; Frederic Smith, opinion editor; and Ken Rogers, innovations editor.)

QUESTIONS AND ANSWERS CONCERNING THE NATURE CONSERVANCY North Dakota Chapter

What is The Nature Conservancy?

The Nature Conservancy is a non-profit corporation with the mission to identify and protect plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.

How does The Nature Conservancy work?

This question can be answered from a number of perspectives. The Nature Conservancy is a science-driven, business-like, non-adversarial, non-confrontational, non-partisan, non-litigious conservation organization. The organization is governed by a National Board of Governors and operates Chapters in all 50 states and in locations in Central and South America. Boards of Trustees are advisors to each state chapter and state program. Effective conservation involves building partnerships with other private landowners, organizations, and private and public agencies, buying and managing biologically significant areas, holding and managing conservation easements and, increasingly, working at the local and community levels.

What is the history of the North Dakota Chapter of The Nature Conservancy?

In the early 1980s, The Nature Conservancy was asked by state leaders to come to North Dakota to assist with protection of the mixed grass prairie and riverine forest of the historic Cross Ranch near Hensler. Working with 6000 North Dakota donors, The Nature Conservancy raised \$1.6 million dollars to protect a major portion of the ranch including 1,800 acres of cottonwood and green ash forest. In an effort to meet recreational needs in the area, The Nature Conservancy gave the State of North Dakota 261 acres of forest lands along the Missouri River for the establishment of the Cross Ranch State Park.

In 1990, the North Dakota Chapter joined with the South Dakota Chapter in establishing staff in the two states to build a joint Dakotas program. Three additional preserves; the John E. Williams Preserve near Turtle Lake, the Davis Ranch Preserve near Denhoff and the Pigeon Point Preserve near Sheldon have been established since the mid 1980s. Each preserve represents specific conservation objectives such as nesting habitat for the piping plover, the protection of native prairie or pristine wetlands and the preservation of unique fens and the related plant and animal communities.

Where does The Nature Conservancy get money to support its work?

The Nature Conservancy depends on memberships and contributions from individuals, businesses, corporations and foundations for our revenue. Contributions to the organization are tax-deductible. The organization has more than 850,000 members and more than 1,000 businesses, corporations and foundations support our work. Donations from individuals provide more than 70% of the revenue required for our work.

Q & A - Page 2

Doesn't the sale of land to federal government provide a great deal of income to The Nature Conservancy?

No! Sales of land to the federal and state and local governments often results in a loss to The Nature Conservancy when one considers the carrying costs of financing, owning and managing these properties. For example, in fiscal year 1997, The Nature Conservancy experienced an \$4,264,000 loss on sales of land to government entities. The organization continues to support government conservation efforts because these entities play a critical role in overall conservation programs across the nation.

What areas of North Dakota are naturalists and scientists saying deserve the greatest attention from The Nature Conservancy?

Scientific survey and field identification information of species and natural communities provides the basis for the work of The Nature Conservancy. Information concerning sensitive, rare and endangered plants, animals and natural communities is particularly significant. Current biological information has lead our organization to prioritize work in the Sheyenne Delta and Sheyenne River Valley in southeastern North Dakota and the Missouri Coteau in central and northwestern North Dakota. Additional information and conservation opportunities may lead us to future activities in other areas such as the Devils Lake Basin, Pembina Gorge, Killdeer Mountains, Badlands, etc.

What can private landowners do to protect natural areas on their property?

The Nature Conservancy considers itself a private landowner and like other private landowners we have a responsibility to be good stewards of the land. Good stewardship requires informed decision-making and serious attention to using the best practices available. Private landowners can voluntarily protect significant natural areas on their property through participation in the North Dakota Natural Areas Registry program. Farmers and ranchers need to maintain an openness to implementing land management practices that enhance biodiversity within natural systems, protect water quality and soils from erosion and minimize or eliminate the implications of negative factors such as herbicide and pesticides, invasive weeds, etc.

It seems wrong to just have land lie idle, shouldn't all land be used for something?

Land in The Nature Conservancy's preserve portfolio is not lying idle. These lands are being actively and intentionally managed to protect and enhance the natural diversity. Prescribed burning, noxious weed control, carefully managed cattle or bison grazing, watershed protection and other land management efforts are all part of a good stewardship program. Protecting and enhancing biodiversity is important to the quality of life of all of us. Humans are part of a complex mosaic of all living things on the planet Earth. Plants and animals provide critically important opportunities for the discovery of new medicines, genetic stock for plant and animal breeding, natural beauty for recreation and leisure and much more that is important to human life.

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How much land does The Nature Conservancy own in North Dakota?

The Nature Conservancy owns 18,262 acres of land in North Dakota. Of these acres, approximately 3,000 acres have been significantly disturbed by cultivation and do not fit into our conservation plans. These 3,000 acres will be sold or traded to farmers and ranchers in area around the respective preserves. Virtually all of the prairie grasslands owned by The Nature Conservancy are under lease for cattle grazing by area ranchers or are grazed by bison.

Isn't The Nature Conservancy competing with farmers and ranchers when it purchases these native grasslands?

We don't think so! In many cases the owners of these native grasslands want to protect their native prairie and approach The Nature Conservancy about protecting their lands. Large tracts of native tallgrass and mixed grass prairie are increasingly rare and The Nature Conservancy has a significant track record across the Great Plains and West in conserving these valuable natural assets and still making the lands available for cattle grazing through leases. Leasing grass from The Nature Conservancy can be a profitable business opportunity for farmers and ranchers that contributes significantly to the rural economy.

North Dakota is among the top five states in terms of the percentage of land that is in private ownership and is dedicated to agriculture (more than 88.5% of the state's 45,225,600 acres is in private ownership and most of those acres are in agriculture). The Nature Conservancy's ownership of 18,262 acres represents .0004037 % of the state's total acreage. The Nature Conservancy believes that protecting our biodiversity for future generations will provide tremendous future value to agriculture, business, science and our overall quality of life.

Does The Nature Conservancy pay property taxes on its lands in the state?

Yes! The Nature Conservancy is exempt, along with other non-profits, from paying property taxes under the North Dakota Constitution, however, the Board of Trustees of the North Dakota program has voluntarily paid property taxes on its preserves since it came to the state and purchased the Cross Ranch in the early 1980s. During 1998, we paid more than \$33,000 in property taxes in four North Dakota counties. A summary of the property taxes paid by the North Dakota Chapter since 1989 is on the back of this page. The Nature Conservancy has asked the State Legislature to approve legislation that would require that non-profit conservation groups pay property taxes on agricultural and natural areas lands that we own.

How can I get more information on the work of the North Dakota Chapter of The Nature Conservancy?

Please contact Joe Satrom, Vice President/State Director North Dakota Field Office, The Nature Conservancy, P.O. Box 1156, Bismarck, ND 58502-1156. Telephone number: (701) 222-8464 or e-mail jsatrom@aol.com 1/8/99

North Dakota Preserves

	Acres	Acquisition Price	Year Acquired	TAXES PAID									
				1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Cross Ranch Preserve (Oliver County)	5,873	\$2,253,438	1982	\$5,457	\$6,045	\$6,511	\$6,835	\$7,753	\$6,996	\$7,640	\$8,179	\$8,241	\$8,731
Williams Preserve (McLean County)	1,459	\$260,394	1986	\$817	\$887	\$1,033	\$1,054	\$1,175	\$1,355	\$1,334	\$1,448	\$1,442	\$1,426
Sheridan Preserve (Sheridan County)	1,440	\$184,000	1984	\$1,537	\$1,711	\$1,870	\$1,887	\$1,900	\$1,909	\$2,040	\$2,142	\$2,345	\$2,394
Davis Ranch Preserve (Sheridan County) *	8,629	\$1,795,683	1997	-	-	-	-	-	-	-	-	-	\$17,800
Chase Lake Property **	2,720	\$317,000	1992	-	-	-	-	-	-	-	-	-	-
Pigeon Point Preserve (Ransom County)	861	\$250,000	1994	-	-	-	-	-	\$2,166	\$2,286	\$2,449	\$2,884	\$2,925
TOTAL	20,982	\$5,060,515		\$7,811	\$8,643	\$9,414	\$9,776	\$10,828	\$12,426	\$13,300	\$14,218	\$14,911	\$33,276

* TNC purchased the Davis Ranch in calendar year 1997. The 1997 property taxes totaling \$15,816 were paid by the Davis Family and TNC per the sales agreement.

** TNC was a cooperating agency only in this tract which was transferred to the Wetlands Trust in 1994.