

1999 HOUSE NATURAL RESOURCES

HB 1327

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1327

House Natural Resources Committee

Conference Committee

Hearing Date 2/04/99

Tape Number	Side A	Side B	Meter #
1	x		0.0-15.8
3	x		1.4-2.9
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. HANSON introduces the bill and talks about the legal aspects of the fish houses.

DEAN HILDEBRAND, the DIRECTOR OF THE ND GAME & FISH DEPT. SEE HANDOUT.

HILDEBRAND talks about identification on the fish houses out on the ice. He also speaks about the fiscal note attached to this bill. HILDEBRAND supports this bill.

REP. DROVDAL asks about the fiscal note and the past bills that HILDEBRAND has opposed.

DROVDAL was wondering if HILDEBRAND would be matching the funds.

ERIC PEARSON would like to be marked neutral for the record regarding this bill. PEARSON has a potential amendment, in which to amend spear fishing from dark houses. The equity of using pike in dark house spear fishing. PEARSON stated that it has been proven that no danger has come to the Northern Pike during the taking of them through dark house spear fishing.

REP. HANSON asks about under present law what PEARSON is asking for is there, and its up to the department to do it by proclamation. The present law says that you can have dark houses and spear. HANSON states that PEARSON should talk to the department to convince them about his concerns. PEARSON replies that he had gotten little or no response. It is not very favorable. NANCY DIETZ with the CASS COUNTY WILDLIFE CLUB is supporting this bill for the record.

DEAN HILDEBRAND comes to the podium to address some of the concerns about the dark house spear fishing.

REP. KELSH asks what happens to fish houses that have been abandoned out on the ice , without any identification on them? HILDEBRAND replies that they are burned.

REP. NOTTESTAD states that he is in support of leaving this bill intact the way it is now.

NOTTESTAD would like to see HILDEBRAND and his people to sit down with PEARSON and discuss the concerns about dark house spear fishing. Being there was no further testimony in favor or opposing the hearing was closed until later in the day when action was taken on it with REP. HANSON moving for a DO PASS and REP. DROVDAL seconded it. The roll call was taken with 15 YES, 0 NO, 0 ABSENT. The CARRIER to the floor is REP. HANSON.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1327 Amendment to: _____

Requested by Legislative Council Date of Request: 1-13-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

It is proposed that the current fish house licensing system be eliminated. Fish houses would not have to be registered with the ND Game and Fish Department. Central licensing at Bismarck is not needed. Fish house owners would continue to put their name on the outside of the fish house. They would also provide their phone number or address. This change will eliminate the need for the public to purchase a license and reduce the licensing work load at Game and Fish.

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	(\$60,000)	0	(\$60,000)
Expenditures:	0	0	0	(\$30,000)	0	(\$30,000)

- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-99 biennium: None
- For the 1999-2001 biennium: None
- For the 2001-03 biennium: None

- County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Paul Schadewald

Department Game and Fish

Phone Number 328-6305

Date Prepared: 1/14/99

HB 1327

Date: 2.4.99
Roll Call Vote #: 1

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

House House Natural Resources Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Hanson Seconded By Drovdahl

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

Total (Yes) 15 No 0

Absent _____

Floor Assignment Hanson

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

REPORT OF STANDING COMMITTEE (410)
February 4, 1999 4:29 p.m.

Module No: HR-23-1964
Carrier: Hanson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1327: Natural Resources Committee (Rep. Grosz, Chairman) recommends DO PASS
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the
Eleventh order on the calendar.

1999 SENATE NATURAL RESOURCES

HB 1327

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1327

Senate Natural Resources Committee

Conference Committee

Hearing Date March 4, 1999

Tape Number	Side A	Side B	Meter #
1	x		4950-5910
Committee Clerk Signature <i>Lyla A. Hagen</i>			

Minutes:

SENATOR TRAYNOR opened the hearing on HB1327: A BILL FOR AN ACT TO AMEND AND REENACT SECTIONS 20.1-06-07 AND 20.1-06-08 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO FISHHOUSES.

REP. HANSON explained fishhouse licensing loses money so ND Game and Fish wants this license removed through this bill. Any fishhouse now that is permanent must have a name and address on the outside, but this is not necessary for a portable fishhouse.

SENATOR FREBORG is it the cost of paperwork that causes this loss.

REP. HANSON replied yes.

SENATOR TRAYNOR closed the hearing on HB1327. SENATOR FREBORG moved for a DO PASS, seconded by SENATOR FISCHER. Roll call vote indicated 6 YEAS, 0 NAYS, 0 Absent and not voting. SENATOR FISCHER volunteered to carry the bill.

Roll Call Vote #: /

Date: 3-4-99

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1327

Senate Natural Resources Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Freborg Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann	✓				
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Fischer

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

REPORT OF STANDING COMMITTEE (410)
March 4, 1999 4:08 p.m.

Module No: SR-39-4068
Carrier: Fischer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1327: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1327

WETLAND CONSERVATION IN NORTH DAKOTA

A PRIVATE LANDOWNERS GUIDE TO OPPORTUNITIES



Introduction to Wetlands

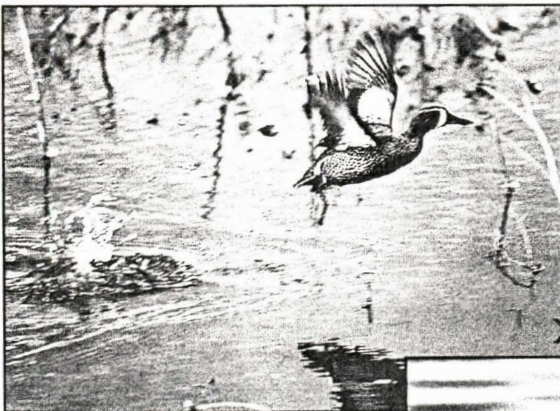
Wetlands in North Dakota take on many different forms. A common example of a wetland is one with cattails, bulrushes, a heron standing in the shallows and shorebirds feeding along the water's edge. While this is only one type of wetland, many others can be found throughout the state.....shallow wetlands in cropped fields, temporary wetlands, deep marshes, spring seeps, stock ponds, forested wetlands, and saline (alkali) ponds.

Vegetation, soils and water are what creates a wetland. The primary component of water comes mainly from the runoff after rains and from snow melt. The volume of water can change dramatically from season to season and will directly affect wetlands causing them to go dry or rise above normal levels.

Wetlands have many values that can be appreciated by everyone. It's easy to understand why wetlands are crucial to ducks and geese, muskrats and beavers, and frogs and small fish. We know that wetlands can act as storage basins capable of holding back high runoffs that might otherwise flood surrounding farm fields. These same wetlands can act as filters holding back nutrient rich runoff that is potentially harmful to larger lakes or river systems. Seasonal wetlands can help recharge aquifers beneficial to livestock, crop production and human water supplies. Wetlands are also important nurseries for pheasants, deer, and many other animals that we appreciate seeing on the land.

Wetlands and modern agriculture can and do coexist in today's farming operations. The key to this partnership is incorporating wetlands into an overall farm plan and utilizing them as a valued component of the landscape. Many farmers and ranchers are increasingly interested in restoring or enhancing wetlands on their property but are often overwhelmed by doing the project on their own. Because of this, a comprehensive summary of wetland creation, enhancement, and restoration programs available in North Dakota is outlined in this brochure.

Just as every farm has a unique and individual farm plan, each wetland demands an individual prescription to maintain or return it to a healthy state. It is critical that farmers and natural resource managers work together to examine all the programs available and then develop customized plans for the creation, enhancement, and restoration of wetlands. Customized plans will allow the best use of singular programs or a combination of programs to optimize wetland values and minimize financial burden on landowners.



Photos by Harold Umber

Ray Heupel – Medina, North Dakota



“Our farm has been in the family for 90 years....We’re pretty proud we’re still on the farm. My mother once said that there were times when if it weren’t for the wildlife, they would have starved to death. So we thought we could do something to help wildlife now....”

Ray has helped wildlife in a big way on his farm, located in the heart of the Chase Lake Prairie Project Area, a flagship project of the North American Waterfowl Management Plan. Together with the U.S. Fish and Wildlife Service, the North Dakota Game and Fish Department, and Ducks Unlimited, Inc., Ray and his family have created, enhanced and restored

over 400 acres of wildlife habitat on their farm, and have installed several waterfowl nesting structures.

The best example of Ray Heupel’s interest in wildlife, and how a successful partnership of the farmer and various wildlife organizations exists, is within view of his modest farmhouse. Broods of young ducks, hatched from nesting structures, swim contentedly in a 27-acre wetland restored by Ray and the three wildlife organizations back in 1991. Once a productive field for raising wheat and sunflowers, the semipermanent wetland now holds water for ducks and other wetland wildlife nearly every year.

Ray was approached by a Fish and Wildlife Service biologist representing the Chase Lake Prairie Project. After some conversation and a cup of coffee at the kitchen table, Ray was hooked on the idea of restoring the wetland. *“I’ve got a grandson, and I think it’s important that we leave him with a wildlife legacy,”* mused Ray on one recent tour of the project. With 15-year agreement in hand, the Fish and Wildlife Service approached Ducks Unlimited, Inc. at their Great Plains Office in Bismarck. DU was more than happy to design and construct the dam and water control structure needed to properly manage a wetland of this size, and provided \$7,387 to complete the project.

To protect the wetland, the North Dakota Game and Fish Department, through their Private Lands Initiative, put up the \$3,103 needed to reseed 15-acres of cropland surrounding the wetland back to grass. The grassed buffer not only protects the wetland from sedimentation, it provides important nesting and escape cover for a variety of wildlife. The Fish and Wildlife Service also provided Ray with an up-front payment to help defray his loss of income on the tract, which in most years produced over 30 bushels of wheat per acre. The Service payment pencils out to less than \$16 per acre per year for the 15-year agreement, far less than the potential income that Ray could get from cropping the area.

Ray’s 27-acre restored wetland, surrounded by 15-acres of grass, now stands as a testament to how wildlife organizations can work together to maintain wildlife habitat and productive agriculture.



Wetland Creation

ACTIVITY

PROGRAM



Grass Plantings

Adopt-a-pothole

ND Waterbank Program

Wetlands Reserve Program

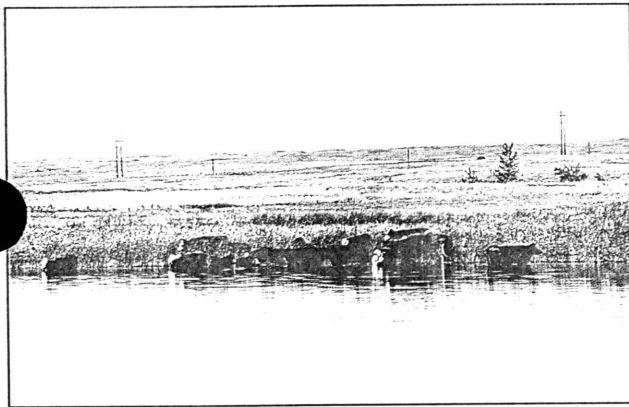
Grasslands for Tomorrow

Wetland Restoration

Grasslands for Tomorrow
Conservation Reserve Program
(CP-23)

Wetland Reserve Program

CRP Incentive Payments



Wetland Creation

ND Wildlife Extension Program

Grasslands for Tomorrow

Temporary Creation

ND Wildlife Extension Program

Create-a-Wetland

Wetland Enhancement

Wetland Renovation-Silt Removal

Wetland Preservation

Wetland Easement

ND Waterbank Program

Adopt-a-Pothole



Other Wetland Options

Environmental Quality
Incentives Program
Nesting Structures

Emergency Watershed Program
(EWP) Flood Plain Easements

Conservation Easements

Enhancement, and Protection Programs

PAYMENT AND TERMS

Annual payments of \$30 per acre for planted cover next to wetland complexes; 3:1 ratio planted cover to wetland ratio. Contracts currently limited to the Devils Lake Basin. Ten year agreement.

The North Dakota Waterbank Program provides a maximum of \$30/acre for cropland seeded back to grass. The site must have a maximum of 4:1 ratio of upland acres to wetland acres. Seeding costs are also covered. Five-year agreement with the option to renew.

75% cost share for the seeding of cropland acres back to native grass. Program focuses on restoration of wetlands. 30 year easement required on offered acreage.

Cost sharing is available for seeding cropland to grass. 80 acres minimum. 10 year agreement. May be part of a grazing system. Pothole country.

Technical and financial assistance available to restore drained wetlands.

Cost share is available to restore drained wetlands at a rate of 50%. Incentive payments may also be available for this practice. Rental rates on land are based on soil productivity and average cash rent in each county.

Cost share rate of 75% is available for the restoration of wetlands. Land payment is based on 75% of appraised value of the land. 30 year easement on enrolled acreage.

Depending on waterfowl density maps payments from \$10 to \$30 per restored wetland acre or \$50 to \$150 per restored basin.

Up to 100% financial assistance provided to create wetlands. Earth work payments also available. A negotiable 10 to 20 year agreement.

Technical and financial assistance available to construct impoundments. May be part of grazing systems.

Up to 100% financial assistance provided to maintain water in spring in previously drained wetlands. A negotiable agreement of 10 years. Water control structure provided.

Payment is \$10/acre for up to three years. Water is held temporarily on land each year.

Silt is removed over the entire basin on wetlands 1 acre in size or smaller; dirt work costs can be paid.

A perpetual easement to protect the wetland from burning, draining, or filling. A realty expert will provide an estimate of payment base on total wetland acres to be protected and wetland complex on the property. You can still graze, hay or farm these wetlands when dry naturally.

Annual payments to landowners with wetlands and adjacent upland cover. Five or ten year agreement.

Annual payments of \$30 per acre for planted cover next to wetland complexes, 3:1 ratio. Contracts currently limited to the Devils Lake basin. Ten-year agreement with option to renew.

Up to 75% cost share is available for the restoration and creation of wetlands. 5 to 10 year contracts on enrolled acreage.

Waterfowl nesting structures including culverts, fiberglass baskets and wood duck boxes are available to cooperators who maintain them.

Three categories of perpetual floodplain easements for restoration purposes are available to landowners with eligible frequently flooded agricultural land in the floodplain.

Potential wetland and upland easements will be considered on a donation basis.

CONTACT

Delta Waterfowl Foundation

North Dakota Agriculture Department

Natural Resources Conservation Service

Ducks Unlimited

Ducks Unlimited

Farm Services Agency
Natural Resources Conservation Service

Natural Resources Conservation Service

North Dakota Wetland Trust

U.S. Fish and Wildlife Service

Ducks Unlimited

U.S. Fish and Wildlife Service

North Dakota Wetlands Trust

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service

North Dakota Department of Agriculture

Delta Waterfowl Foundation

Natural Resources Conservation Service

North Dakota Game and Fish Department

Natural Resources Conservation Service

Ducks Unlimited

Warren Adams – Wilton, North Dakota

“My dad drained that slough back in the late 1930’s. This was all pasture back then. But after it was drained, the cattle wouldn’t use it much, and when they did, they’d be getting stuck in the muck half the time. We tried farming it several times, but then the summer rains would come and destroy the crop most of the time. Now that it’s restored, I see lots of wildlife on my daily walks down to it. I guess it was always meant to be a wetland.....”



Back in 1989, Warren was one of the first farmers to establish a partnership with the fledgling Partners for Wildlife Program of the Fish and Wildlife Service. A Fish and Wildlife Service biologist approached Warren about restoring the drained slough, which is easily seen from the 4-lane state highway connecting Bismarck with Minot. Warren had just entered the drained slough and just under 200-acres of cropland surrounding it into a 10-year Conservation Reserve Program contract. The big selling point for Warren to restore the slough was the fact that water would count as cover, and he wouldn’t have to seed the slough to grass under the CRP contract.

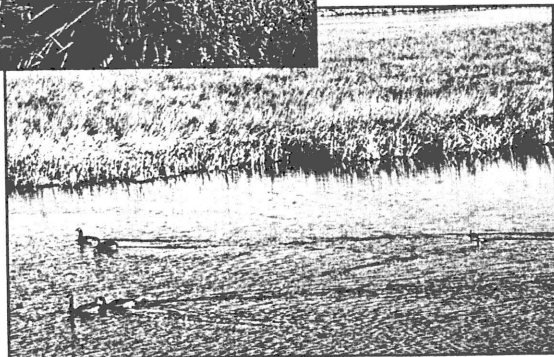
Warren did the dirtwork himself to restore the 44.3-acre wetland, filling 200 feet of open ditch with his own equipment. Ducks Unlimited, Inc. paid Warren \$200 for his work, and the Fish and Wildlife Service provided Warren with an additional, up-front payment of \$443, which amortized out to \$1 per acre per year of the 10-year wildlife extension agreement.

Working together, Ducks Unlimited, the Fish and Wildlife Service, and Warren Adams restored a 44.3-acre semipermanent prairie wetland for less than \$15 per acre. However, due to one of the most extreme droughts recorded in the prairies, the wetland didn’t fill with water until the dry spell was broken 5 years later in 1993. In it’s first year with water, the wetland was covered with smartweed, bulrush, and ducks... plenty of ducks. It’s been a favorite nesting area for migrating ducks, geese, and swans ever since.

What makes Warren Adam’s wetland restoration a phenomenal success story is the fact that this slough will never again be drained. That’s because in 1997, Warren sold a perpetual wetland easement to the Fish and Wildlife Service for this and other, smaller wetlands on his property.

Although the primary goal at the time was to restore the wetland for waterfowl habitat, it provides other equally important benefits to the watershed. By storing over 88 acre-feet of water, it sufficiently slows runoff and alleviates flooding pressure on the Soo Line Railroad and to residences along Burnt Creek near Bismarck. Acting as a filter, the wetland has also played an important role by increasing the water quality in the creek.

As Warren said, “....it was always meant to be a wetland.” And with the programs and partnerships developed by the Fish and Wildlife Service and Ducks Unlimited, Inc., Warren was given the opportunity to make it so.



State Offices and Phone Numbers

Farm Services Agency (701) 239-5224
P.O. Box 3046
Fargo, North Dakota 58108

Natural Resources Conservation Service (701) 250-4441
P.O. Box 1458
Bismarck, North Dakota 58501

North Dakota Game and Fish Department (701) 328-6300
100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095

North Dakota Department Of Agriculture (701) 328-2231
State Capitol
Bismarck, North Dakota 58505

North Dakota Wetlands Trust (701) 223-8501
P.O. Box 3175
Bismarck, North Dakota 58502

U.S. Fish and Wildlife Service (701) 250-4403
Wetland Habitat Office
1500 Capitol Avenue
Bismarck, North Dakota 58501

Delta Waterfowl Foundation (701) 222-8857
1501 North 12th Street
Bismarck, North Dakota 58501

Ducks Unlimited (701) 258-5599
3502 Franklin Avenue
Bismarck, North Dakota 58501

