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2001 HOUSE NATURAL RESOURCES

HB 1269

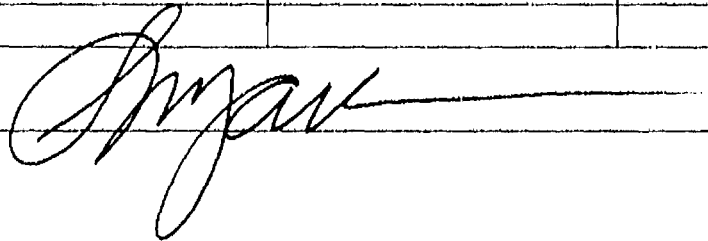
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1269

House Natural Resources Committee

Conference Committee

Hearing Date February 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		2422 to end
1		x	1 to end
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Droydal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weller, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I'll call the committee back to order. I will open the hearing on HB 1269.

Rep. Hanson: Before you is HB 1269 which I introduced for the members of Sportsmen Alliance, a group of sportsmen statewide, having more than 2000 members. (see written testimony).

Rep. Droydal: You say that this won't be a reduction in license sales, but this fiscal note shows a loss of \$4000.00. Can you explain that.

Rep. Hanson: Never believe those fiscal notes. The department can put anything down they want.

Rep. Droydal: This area that is split up, is that just for water fowl, or all hunting? Other than big game.

Rep. Hanson: Just for water fowl.

Rep. Keiser: In the bill you have set the ceiling for the total number per zone. Did you consider allowing the Game and Fish Department to determine the number per zone in those years when conditions change dramatically, and there may not be as much potential in some of those zones as in other years?

Rep. Hanson: As the bill reads it is up to that number. I can be less.

Rep. Keiser: Did you consider that maybe the Department could set up that limit, rather than putting it into statute?

Rep. Hanson: We can do that in committee work.

Rep. Droydal: As I read the overstrike. Wasn't the Governor able to previously do this exact thing?

Rep. Hanson: Yes, under present law the Governor or the Department can set the number of zones and number of licenses sold.

Chairman Rennerfeldt: You would be limiting the number of licenses that can be sold in some of the prime area and shifting it to other areas where people would not care to hunt? Is there a threat of that?

Rep. Hanson: There are certain areas a lot of people like to hunt, as I said before other species of wildlife has been divided up into units to relieve the pressure in certain areas. Like I said, those numbers can be changed and hopefully we can spread that pressure around. If you look at your map, Zone 4, the Department says there are approximately 4,900 non residents in there. I know there are 2500 hunters out of Jamestown. There are 5,000 out of Fargo, 3,000 out of Bismarck

and probably another 2000 local people in that area. So you are pushing close to 20,000 hunters in that small area. The reason the non residents are coming in here is they have nothing to hunt in Ohio and Wisconsin, they shot off their breeding stock. Once a duck is hatched out and goes south they reproduce where they are hatched. If we shoot our breeding stock off, we will be in the same shape as Minnesota and Wisconsin. They have very little hunting left. I am just trying to save our resources.

Rep. DeKrey: Is this second map is that the way you see it?

Rep. Hanson: It shows you the past units and the present ones.

Sen. Dave Nething - District 48: I would like to give you a bit of history of this legislation. The first time I introduced this bill we thought we were in tough shape with 9,000 non residents that were hunting. We thought that was too many and we need to control it better. We were trying to spread that hunting pressure out. Right now we're at 22,000. We have more than doubled since then. The law has been changed. The first time I tried this, the Governor saw fit to veto it. In the 1975 session we were able to come up with a bill, our current law, with several changes to it. In 1975 we were trying to get a hold on non resident water fowl hunting. At that time we had no restrictions on number of licenses issued. We did however get zones established so we could spread the pressure out. If the harvest is too heavy in one area, you end up losing some of your breeding stock. We indicated at that time we were interested in four zones, we didn't limit the licenses issued, but we limited the time and area. If you wanted to hunt in a given zone that is what you did. The House had a lot of questions and I explained it to them. Now that the law has been changed to a 14 day hunting period, we were pretty much concerned about hunting geese at the time. Now this would cover all water fowl. The problem has been around a long time. Let's go back to where we started and we have a problem that needs to be dealt with. The numbers in

the bill are starting points. Before we left the numbers open, we did the zoning, but left the numbers open and now we have many, many more non residents hunters. I think there is some feeling by residents hunters that this is not good for North Dakota. Perhaps there could be some accommodation in this bill for relatives of landowners.

Rep. Keiser: Where have we failed? The current law says the Governor has the authority to determine how many licenses can be issued per zone. Has the Game and Fish Department failed to monitor this appropriately?

Nothing: When you have an open ended piece of legislation subject to anothers interpretation you are always going to have differences of opinion. I would like you to look at the growth that has occurred in the license at a time when the population has not grown. We are about where we were in 1975 yet we now have from 9000 to the point we are at now 20,000. I think it is important to revisit it. Maybe the legislature should address this. Maybe this hasn't worked?

Vice Chair Nelson: How many classifications of non residents would you propose setting up?

Nothing: I would say not very many. I'd try to accommodate something that you would view as a serious need. I don't think I need to bring anyone in and tell them they are a special breed of hunters. When you bring in family members, I don't think I would go very broad with it.

Rep. Droydal: I'm not a water fowl hunter, but a few years ago we were debating this and I remember the news that we had all these birds flying in and we had to open up a special season because they are destroying the Tundra. What has changed our mind, the wrong type of species?

Nothing: Maybe there will be some hunters who can testify to that better. From what I gather is that many of them feel that they are losing interest in wanting to compete with the non resident and so we are looking to the magic of this committee to come up with the right balance.

Rep. Droydal: What's bring this on is not lack of birds, but the lack of the land opportunity to hunt.

Nothing: I think that is it. The local hunters in my area feel nudged out.

Chairman Rennerfeldt: Anyone else in favor of this bill?

Rep. Kelsh: Nothing generates correspondent from constituents more than hunting bills. When they find they can't hunt on land they have hunted for years because it has been leased up by out of state interests, that's my reason for signing on to this bill. One person informed me that land he has hunted for years has been leased up by out of state interests and found it wasn't available anymore. I hope that this bill will at least cause this committee to take a hard look at this issue for the concern of our own residents. People who live here all year round and add money to our economy all year round.

Chairman Rennerfeldt: Anyone else?

Larry Knoblich - NDSA: (See written testimony).

Chairman Rennerfeldt: You are opposed to easements?

Knoblich: I did sit in on some of your easement hearings. I am not going to take a stand on easements. I don't necessarily understand them all. I just want a place to hunt.

Rep. Porter: The way the bill is set up and the numbers we are shown, about 4000 decrease in licenses sold, was there any consideration from your group in doing something similar to South Dakota and bringing in a number of licenses that can be sold only to certified guides?

Knoblich: I have been in conference with Rep. Hanson and his concern was, let's face the issue today, and what can be done. Any changes could be hammered out in subcommittee.

Chairman Rennerfeldt: Any further questions of the committee?

Ron Reynolds: I have a handout that shows the success of waterfowl hunters in North Dakota over a period of years. We have seen increased bag limits. As bag limits increase you expect the kill per day to increase, when you adjust that to the changes that have occurred in the bag limit you will actually see that the success of hunting relative to the bag limit has declined in the state. My concern about non resident hunting in this state is the commercialization, commercialization will result in blocking out resident hunters. The water fowl resource that is overpopulated is the white geese, it doesn't refer to the duck population. Populations are in good shape. I thought it was important to point out that I don't want to see North Dakota go the way of other states that have basically commercialized. I believe non residents represent strong commercialization because they are more willing to pay for guide services.

Chairman Rennerfeldt: Any questions of the committee?

Bill Wood - Woodhouse Restaurant: I am here to support HB 1269. (see written testimony).

Chairman Rennerfeldt: Any questions of the committee?

Vice Chair Nelson: If I come into your restaurant and all the tables are filled, should I have the right to displace a non resident eating there? Because I am a resident?

Wood: I wish we were talking about apples for apples? I am not against the non resident hunter, I am against 40-50,000 though.

Todd Anderson: I think it is important for members of this committee to understand that the problem that this bill is attempting to address, which is the over saturation of hunters, is real. I can give you many horror stories about the sheer numbers of non residents hunters out there that are denying access on virtually every water fowl production area that I hunt, land that I have had access to hunt on for years, is suddenly surrounded by out of state vehicles. I would like to address one point, as I understand, this bill is seeking to lessen the hunting pressure from a

geographical standpoint, meaning spreading out the non residents hunters. I think there is also a problem with when the non resident hunters are here, non resident hunting for water fowl in this state seems to be primarily focused during the first two-four weeks of the season. Perhaps if there was a way to spread out the hunting pressure from a time standpoint, that would also address some of the concerns that resident hunters have about the over saturation of hunting.

Chairman Rennerfeldt: Any questions committee? Anyone here opposed to HB 1269?

Jim Nagel - Lobbyist for ND Guide and Outfitters Assn.: We are here to oppose HB 1269 as written. We do agree that there is a saturation as far as the land we hunted on, an access issue. Yes, there is some leasing from guides and outfitters, but there is just as much going on by non residents who have nothing to do with guides and outfitters. They are leasing up this land for their own private purpose. A misconception is that the guides are bring in most of the non residents. That is not true. 10% or less of non residents are coming in with guides and outfitters, the other 90% are do it yourselfers. I also want to clarify myself as a guide I also have residents hunters, they are not all non residents. We are opposed to this bill as written but we agree with some of the principles in trying to solve this issue. This access issue. Some of the points we would concede to is capping existing numbers. We would even agree to a number below the existing numbers, if there is a built in guarantee that guides could still get their license for their clients. What would be the matter with a reduction of the number of days, or moving some of those days out of the peak period? There are other ways other than the multi zone bill and restrictive numbers. If you decided to proceed with the bill as is be aware the biggest problem is in Zone 4, but their survey of licenses sold last year and the number shown on the map is only about 40% of the actual hunters in that zone last year.

Chairman Rennerfeldt: Any questions of the committee

Rep. Nottestad: You talked about the number of acres leased by guides and outfitters, the number of acres leased by non residents, what about the number of acres leased by residents? Do you have any specifics on that?

Nagel: I do not have the data. I wish we did.

Rep. Nottestad: If the other is a problem, it's a problem.

Nagel: Yes, it is a problem. There is an access problem out there. I understand the people supporting this bill. We cannot support the bill as written, there are other ways to solve the problem. Restricting number of days, moving some of those days out of the peak period, putting a cap on licenses.

Rep. Droydal: How many members do you have in your organization?

Nagel: We are working on that, of all the licensed guides in the state, someone threw out the number 270. We are probably a third or less that are members of our association. We have not been real aggressive in promoting.

Rep. Hanson: Zone 4 is where most of this is coming from. The Sportsmen Alliance is statewide with 2000 members, it is not only zone 4.

Nagel: My perception looking at the bill and the number of licenses proposed from that zone on the bill compared to survey work we did, that there isn't a real problem with any of the zones on the bill as far as the number of licenses proposed, other than zone 4. Zone 4 is really being penalized.

Rep. Hanson: In my opening statement I said that number could be adjusted. And it will be.

Nagel: With these zones there needs to be some kind of provision for whether or not it is a guide and outfitter or whether it is a do it yourselfer, there has to be some provision for multiple

