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2001 HOUSE NATURAL RESOURCES

HB 1425


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1425

House Natural Resources Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 4250
3	x		2330 to 3930
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. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: We will open the hearing on HB 1425. Anyone here to introduce this bill?

Rep. DeKrey: This bill is presented to you a little different than it has been in the past, right now we have a couple of non profits that can purchase land in ND. One is limited to 12, 000 acres, this bill would raise that limit to 50,000 acres. It would also put a sunset clause for 10 years from now on that limit. In 10 years we will take another look at the amount of land taken out of production. If we feel it is too much or too little we will adjust it then. The only other thing in the

bill changes the board that makes recommendations to the Governor and I believe Rep.

Boucher's amendments would make this bill in line with his similar bill.

Rep. Hanson: Under Rep. Boucher's bill, they took out the Garrison Diversion person and put on a representative of the county commissioner.

Rep. DeKrey: Yes, we will fix this one up to match.

Chairman Rennerfeldt: Any other questions? Anyone else to speak in favor of this bill?

Wade Williams - ND Association of Counties: I support a Do Pass on HB 1425. (see written testimony).

Chairman Rennerfeldt: Any questions from the committee?

Rep. Winrich: Concerning the issue of out migration... Do you have any numbers to show that out migration is increased when non profits purchase land?

Williams: I couldn't say. If you look at specific sites, there was displacement to some extent.

There are a couple farm families that are no longer there.

Rep. Nottestad: Also in comparison, they do still pay taxes in lieu of whatever the case may be? You spoke of the out migration. Doesn't the presence of these organizations increase the economic development in that community, with visitation to those sites, etc.? We also have land being idled by CPR and outside ownership and all you get is taxes. This is a case when the land is purchased, used for scenic purposes and used for tourism. Isn't that a factor in your towns?

Williams: That can be taken into consideration although the makeup of the County leadership is looking at keeping that land in private not public hands.

Vice Chair Nelson: We would be making quite a concession from the landowners standpoint raising the acreage from 12 to 50 thousand acres. Doesn't that concern you? That some of the concerns in your testimony would be realized in individual counties?

Williams: It isn't going to have that much effect right now. With the present leadership we have in these organizations that have agreed to pay the taxes. If that changes, and they have a different philosophy as far as taxes are concerned, it causes us great concern. If for some reasons they found a tract of land all in one County and they used up their 50 thousand acre limit. It would have substantial impact on the County. There is one other bill and a constitutional amendment that would take care of that issue.

Chairman Rennerfeldt: Any questions of the committee? Anyone else in favor of this bill?

Eric Aasmundstad - ND Farm Bureau: We support HB 1425. (see written testimony).

Chairman Rennerfeldt: Does the committee have any questions?

Rep. Droydal: If this bill is amended so the only change is the changing of the 12 to 50 thousand acres, would you still support the bill?

Aasmundstad: Yes, we would.

Rep. Winick: These non profits operate nationwide. Are there similar limits in other states. How does ND compare to the amount of land in these trusts as compared to other states?

Aasmundstad: I can't answer that on a state/acre basis. What I can say is that when you look at ND holdings of public lands, we are of a considerable less percentage than other states. We still feel that ND is tied up sufficiently by non profits and government holdings. It is about 11% of ND.

Chairman Rennerfeldt: Any further questions? If not, anyone else in favor of HB 1425?

Julie Ellingson - ND Stockmen's Association: I here to stand in support of HB 1425. The association does not believe that land purchases by non profits is in the best interest of the state. We welcome a cap of 50,000 acres. We realize this cap would be on total non profit purchases

not on an individual basis. We also support the change of the members on the board that advises the Governor.

Chairman Rennerfeldt: Any questions of the committee? Anyone else here to speak in favor of HB 1425. Is there any opposition?

Gerald Reichert - Nature Conservancy: We oppose HB 1425. (see written testimony).

Rep. DeKrey: Do you consider yourselves good stewards of the land? Of course the answer would be yes and my next question is "What are you doing about your Leafy Spurge problem on the land that you own"? I as a private landowner have to have that in place, what is your leafy spurge program, if you have one?

Reichert: I currently serve on a committee called the Grassland Stewardship Initiative. Formed to try and solve the issues in western ND amongst the grasslands. I am also part of the subcommittee on noxious weeds and we have offered the services of the Nature Conservancy to implement and fund a center to address the issues of leafy spurge. The property you may be referring to in the Sheyenne delta, the spurge was there before we purchased it and we have actively been involved in trying to eradicate that with chemicals. I feel strongly that we are trying to address it. That is our mission, land stewards of the natural community.

Rep. Winrich: You had some figures that the 50,000 acres was less than 1/10 of 1% of ND land, I guess I would raise the question, do you have any information on how that compares to other states?

Reichert: I can't give you an actual percentage, what I can tell you is that nationwide, we have more options and more tools on how to do conservation work. Land trusts and easements are all tools not allowed to us in ND. In ND, we would rather go about our work by utilizing those tools

and having the active involvement of the Farm Bureau, the Stockmen's Association, and the Farmer's Union, if we could get to that point. In other states, that is what is actually happening

Vice Chair Nelson: If the state of ND would allow more flexibility with land trusts and easements, would you still have opposition to acquisition limits? It seems from your comments that you are not interested in acquiring land, but going the other route, is that true?

Reichert: Since the bill in the law is as it is, I have to address my comments to what I am dealing with now. Since we can't use those tools. Certainly if those tools were made available to us, the limit would not be so critical. Actually, at the breakneck speed we are acquiring land, even if we went the next 20 years as a conservation group, we wouldn't be at the cap in 2020. The issue is principle, how do you deal with conservation issues and the economic viability of agriculture in your counties? I don't think there is any figure that would address that?

Vice Chair Nelson: How much land do you currently hold in ND?

Reichert: We currently hold under 19,000 acres. The Nature Conservancy. The 22,000 acres I mentioned earlier is the Nature Conservancy and the other 5 groups allowed to hold land. That 19,000 acres figure will be reduced by 3051 acres because of the sale of the north unit of the Davis ranch which is all crop land.

Vice Chair Nelson: From my perspective, what you have done with your holdings is commendable. Much of the concerns that Landowners groups have is with the perception of lumping conservation groups together with those that aren't quite as good stewards as yours. If the conservation easement situation fits the needs of your types of organizations, but also protects private land from some of the implications of perpetual easements, that is the dilemma. HB 1276 was heard last week and I don't believe you testified on that, what are your particular comments on that bill?

Reichert: There are others in the conservation community that that affected directly. We decided as a group that they would speak to that issue, since we do not do and do not plan to do easements in ND. The 10 year limitation on that bill will discourage conservation groups. The money we provide for conservation easements goes hand in hand with the economic viability of that producer on that land. We can't do our conservation without that family on that farm. Thus not having the money to provide them with the conservation easements seems to be defeating a great option that we could have.

Rep. Kelsch: What type of organizations are authorized to operate under the law?

Reichert: To acquire land? I believe 5 that can hold land, The ND Wetlands Trust, Ducks Unlimited, the Nature Conservancy, The American Federation for Wildlife, and the Audubon Society. As the law is stated, it excludes the Audubon Society.

Chairman Rennerfeldt: Any further questions from the committee? Anyone else?

Joe Satrom - Director of Land Protection Programs for Ducks Unlimited: As Gerry said, we currently don't own land in ND, but our organization does anticipate buying land on the Coteau landscape over the next 20 years. We buy land with the intent of not owning more than 60 months. We will buy land that has been cultivated with the intent of restoring prairie and wetlands. We then would place permanent easements on that property and hold them ourselves or sell them to private operators who would operate it in a conservation friendly manner. We oppose the section of this bill that limits acres. A few points, I am not opposed to adding the County Commissioner to the board of advisors. This entire section of law is so different from other areas of the country. Three or four points, first of all conservation is not about limits, but values and ethics. Many people believe that conservation as an ethic came out of Theodore Roosevelt's experience in western ND. We live in a world where natural resources and

biodiversity are threatened constantly. The idea of controlling an ethic is a bad precedence to set. Number 2, no industry has a greater stake in biodiversity than agriculture. Agriculture will depend on biotechnology. The key to biotechnology is biodiversity. Scientists all over the world say we should aggressively protect biodiversity for the benefit of society and modern agriculture. I am aware of your concern of the loss of agricultural land, but far more land is lost to urban sprawl. It seems we are more interested in capping the ability of conservation organizations to buy land and not interested in protecting the land. Another dimension is the fact that we are not allowed to hold permanent easements in the state definitely forces organizations to look at fee acquisition. There is only two types of permanent protection left to the private sector, fee acquisition by non profits and perpetual easement acquisition. When we can't have one the emphasis has to be on the other. It is important to understand that these groups buy land indiscriminately, each land is unique. Two more points, I hope you are attentive to the rights of land owners. Hundreds of landowners want to see their land protected. They recognize uniqueness in the wetlands or the Sheyenne river valley they own. Many seek a means outside of the government to protect those lands, we have fewer tools to allow the landowner to do that then in any other state. Fewer organizations, public agencies and virtually no fund appropriated for land acquisition. We are not attentive to those things. This section of law is unique and puts us in a very bad light, that this is a state that doesn't not allow private landowners to sell land to whom they please.

Chairman Rennerfeldt: Any questions of the committee?

Rep. DeKrey: Do you agree that ND has beautiful property?

Satrom: Yes.

Rep. DeKrey: They got that way in private ownership.

Satrom: I do not agree with that. My family has farmed since the 1880's in eastern ND, there was not one acres of biodiversity left on our farm. We made those decisions for economic reasons. Agriculture is driven by harsh economics. Those economics don't afford in some cases the opportunities to do what is right by the land. Studies reveal that a great deal of land is overgrazed, eroded by the wind and we have lost a great deal to cultivation that should never have been broken. We can't generalize.

Chairman Rennerfeldt: Any other questions?

Bill Pfeifer - ND Chapter of the Wildlife Society: The Wildlife Society opposes HB 1425. (See written testimony).

Chairman Rennerfeldt: Any questions of the committee?

Mike Donahue - USND & NDWE: The United Sportsmen are neutral on HB 1425. The ND Wildlife Federation opposes this bill and ask for a Do Not Pass.

Chairman Rennerfeldt: Any questions? Anyone else opposed to this bill?

Paul Cray - Cass County Wildlife Club: We would just like to go on record as being opposed to this bill and as that you Do Not Pass this bill.

Chairman Rennerfeldt: Any questions? Anyone else opposed to HB 1425, in not, I will close the hearing.

COMMITTEE WORK

Chairman Rennerfeldt: Let's do HB 1425. Does it need an amendment?

Rep. DeKrey: I move to accept Rep. Boucher amendments be added to this bill.

Rep. Porter: I second. (some discussion)

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Vice Chair Nelson: As I understand it on page 2, line 4 President of the Farm Bureau. And strike and the manager of the Garrison Conservancy District. And all of lines 5 and 6 up to the period. Correct. (more discussion).

Rep. Nottestad: I have one question as to how this amendment works. The wording pertaining to the County Commissioner is different on this bill than the last one. Here it speaks to the largest county, the other one just speaks to the County Commissioner. The language in that bill says that the committee will include the chairman of the County Board of any counties affected by the purchase. So it's conceivable that you could have two county board chairmen, if the purchase covered two counties. (more discussion).

Chairman Rennerfeldt: All those in favor of the amendment signify by saying Aye. Opposed?
Amendments adopted.

Rep. DeKrey: One last shot, if you take a look at the total of lands that other outfits own in this state it is getting to be quite a bit. It might be true that the Nature Conservancy only owns .001% of the state, but they are only a small part of a very large problem that we have in this state. This actually raises the amount of land that the Wetlands Trust can own. We have limited them to 12 or 13,000 acres at this point and now they are eligible to go to 50,000 acres. So it is raising the limit, establishing a limit and putting a sunset clause on there that we can back in ten years and look at this issue again. We can see if it is a problem or not. I see it as good defensive legislation. Why do we want to continue to let nonprofit and government organizations to continue to buy up ND. I have seen the way the Nature Conservancy takes care of it's land. When they tell you, they talk the talk, but they don't walk the walk. Come and see how some of their spurge patches are growing.

Vice Chair Nelson: I move a Do Pass.

