

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1118

2005 HOUSE NATURAL RESOURCES

HB 1118

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1118

House Natural Resources Committee

Conference Committee

Hearing Date : January 13, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|----------|
| 1 | x | | 1300-End |
| 1 | | x | 0-1400 |

Committee Clerk Signature *Karen Bonnet*

Minutes: Chr. Nelson opened the hearing on HB 1118. Roll was called, all present. Bill was read aloud.

Rep. Drovdal: I am the primary sponsor of HB 1118. I would like to share some of the history on this bill with you and the effect that the proposal will have. I apologize, it seems this has started out with a lot of negative e-mail to you. That is not the intent at all. I am not trying to steal licenses away from anybody and I want to put that right up front. If there is a decrease in mule deer licenses which is the really the big issue, that decreases the same percentage of hunters in my district as they are in every other district. As a representative, I do need to take that into consideration. I am not after anybody, and I want to make that apparent right up front. Natural resources are a tool, an asset for the state of ND and we have the responsibility to create policy to preserve that for residents and also make accessible and to share with our guests who come. The increase works out in current law: The non-resident bow license is based on 15% of the current number of licenses being sent out. Those numbers have been growing and that's been great in

my rural district because we are struggling and we grab everything we can and try to grow a little bit. This is a little part of that mixture. So is resident hunting; we welcome them. It has been growing, in 1995, it was at 400, in 2000 it was 453, lately it has been about 784 in 2004 and this year it increased up to 956. This is all based on information I received from the Game & Fish.

(See Copy of written data on Summary of non-resident any deer bow license tables, ND**

Game & Fish, with Paul Schadewald as testimony name at top.) If the proposal was passed

this last year, it would be at 1,275 IF they sold all those licenses. It would be available to

non-resident bow licenses. As far as I know, it has no effect on resident bow hunters. The other

thing I would like to share with you is the question of mule deer bucks. That seems to be the

thing that gets personal. Of the non-resident bow licenses put out, 51% in the highest year were

successful. The average was 35% up to that time. Of that, 72% of those 51% harvested mule

deer which would have been in a high year, 37% of the total license sold. On the average year, it

would be 25% of the mule deer license sold. Of that, 52% of the mule deer taken were bucks.

On a high year, that's 19% of the total license sold for mule deer bucks. On an average year it is

13%. For your information, 25% of the total taken were white tail bucks. We get down to how

many more mule deer bucks because it is somewhat of a trade off. There is policy decision

making which needs to be made by the management plan for wildlife and needs to be made by

Game & Fish. Personally, I wish this whole bill would not have to be in here. I think this is kind

of a management decision of the Game & Fish and they should be left to make that decision.

Unfortunately, in past history we've had to make it and we'll continue to struggle with this issue.

If a 5% increase went in this last year, it would have been a total of 319 additional licenses. Of

that, 84 would have probably been mule deer bucks taken and that would have lowered the

possibility of mule deer buck licenses. I'm not positive if that's on the average number of bucks taken or if it's on the high number. In addition, tourism is important to our area. It is the second largest industry in ND. Hunters, whether they are resident or non-resident are counted in those numbers. I do have the number one tourist attraction in the state of ND so tourism is important to us. This adds to our economy. That needs to be pointed out. Most of the non-resident hunters are former North Dakotans or relatives of residents who live here. We want to make them welcome back here. We'd like to see them bring their businesses back here. Bow hunters are true sportsman, they spend a lot more time in the field than the average hunter, and their chances are a lot less. *I wasn't asked by any group to bring this bill forward.* It does benefit many businesses in my district. Thank you for your time and consideration.

Chr. Nelson: Thank you. Questions?

Rep. Solberg: Line 8 states *any* deer, that includes white tail, too, is that correct?

Drovdal: Non resident bow license can take any deer they can find. I gave you the averages of what they end up taking.

Rep. Hunsakor: I've had several communications from people at home on this. What they're telling me may differ from what you're saying. If more licenses are made available for non residents, that would make less available for residents. That's their concern, but I thought I heard you say that wouldn't affect it.

Drovdal: I wish it didn't affect it. It does, I think the total is 84 licenses. If we give out 319 licenses, the 84 licenses may be on an average year, the 106 may be on a high year. It would have some affect and that bothers me. I wish we could put in the bill that it doesn't, but it does.

Rep. Hunsakor: Their concern was that they may have to wait five years as a resident for the opportunity to hunt. This could mean six or seven years if there are less licenses available.

Drovdal: That is also the concern of my hunters at home. I'm also a hunter and have to wait those four years or the average time. I believe it will increase very little, may 4.1 years. The 84 fewer licenses out of mule deer buck licenses would have some effect. It is a balancing factor for us to make that policy decision.

Chr. Nelson: Mr. Schadewald is here from the Game & Fish. I think he can verify the numbers that have been given. I'm assured that his handout will address that issue. Are there further questions of Rep. Drovdal? Is there further testimony in favor of HB 1118?

Kyle Blanchfield, ND Professional Guides & Outfitters: Urges support of HB 1118.

WRITTEN TESTIMONY ATTACHED. We talk about the opportunity for a resident to acquire a mule license which we realize is out every four-five years if you're lucky. Last year, we issued 6,375 resident mule deer tags. Visiting with Roger Johnson, who is the chief big game biologist, estimates that there is a 78-82 % success rate. Obviously, if we take those numbers, this year ND residents harvested 5,100 mule deer. The additional 5% increase would include a total harvest of 111-143 additional deer. I have a hard time believing that that is statistically going to be significant enough to throw off that skew. This type of activity is really, really important to western ND. It's a tough place to make a living and this is one more tool to help them. I would like to add that economic development is important in western North Dakota. A lot of non-residents that take any deer bow tag harvest white tail, 50-75% according to the outfitter camps out west. We don't have good statistical data on that on the questionnaires that Game & Fish send out. We don't have a full true number of mule deer that are being killed by

bow and arrow. We don't get good biological impact data of mule deer by non residents, so we're guessing.

Chr. Nelson: Is there data regarding non resident bow hunters and their length of stay in the state compared to non resident big game gun hunters. I would guess that they stay a little longer than the average gun hunter.

Blanchfield: On the second page of testimony, bottom, the average of all archers was eight days. I don't have data for gun hunters but that is pretty big participation for days spent in the field for any hunting.

Chr. Nelson: The increase in non resident licenses would create a decrease for residents, however significant you would make that? From your perspective, Kyle, and from guides, outfitters and landowners, is there a trade off? Do you see access for resident hunters increased by allowing modifications in there ability to do business in situations like this?

Blanchfield: I would sure think that folks out there would be willing to look at ideas that would tag on additional hunting (availability) for customers. We've talked about that in the past. Two years ago we visited about trying to innovate ideas where we could get more hunters in. The primary mule deer range is right in the heart of the Little Missouri grasslands, a million plus acres or open hunting access. You get more tags, we encourage more commercialization of the resource and reuse access.

Rep. Norland: I have two questions. One, are you legally able to guide hunters on federal lands?

Blanchfield: No. In order to guide on federal land, you are required to get a federal special-use permit. There is one permit that is operating in ND, Hanson at the Logging Camp Ranch. He is

operating primarily on land that he operates his cattle on. There is no chance for additional special-use permits because folks have certainly tried.

Rep. Norland: The second question is being president of the Guides and Outfitters Association in ND, do you have numbers on 784 bow hunters that hunted. How many were connected with a guide?

Blanchfield: I do not. I don't believe the Game & Fish has that as any part of their survey data, either. There's one way to find that out. We are required as guides and outfitters to keep our data of who are customers are and what species they're hunting. That data gets turned into the commercial warden and it's available.

Rep. Norland: That \$224.16 on the back comes from somebody that you know?

Blanchfield: The economic impact data?

Rep. Norland: No, it's under Food & Beverage, the next one is Guide, meaning guide service.

Blanchfield: This data was created by Larry Landsford, NDSU from a study that was out a couple years ago. They took that right out of his book and how they came up with that statistical data I don't know.

Rep. Norland: I don't think I've ever talked to anybody that guides a bow hunter for less than \$500.

Blanchfield: Right. You have to remember that this takes into consideration white tail and mule deer non resident bow hunters and I would think that we have a lot more freelance bow hunters because it is a larger number. I would guess there is 50% freelance and 50% guided.

Rep. Hunsakor: Let me give you a scenario on economic impact. Let's say we have ten of these licenses available. We have ten folks who come and hunt in this area, non residents vs. ten

residents. These ten residents are on the eastern third of ND. So they have to stay in the motels and spend their money. Is there any figures on what a resident or non resident would spend?

Blanchfield: I don't have the book but the numbers are in there. Resident traffic in western ND is very, very important to those folks. They provide, in some cases, more than our residents do. We have an artificial cap on the number of people who can participate in that particular activity. So we've leveled that off. Non residents can have an unlimited white tail bow license. Residents have no limits on bow hunters for mule deer in western ND. We have a pretty sought after gun tag for non residents. We don not allow any non residents to hunt mule deer with a gun. That is strictly residents only.

Rep. Hunskor: Point of concern, if a resident hunting for five days probably spend about as much money as a non resident. Is that a true statement?

Blanchfield: I would say absolutely as far their actual expenditures are, food, lodging, gas has to be the same. But for the guiding end which I represent, most of our customers, I would say 99% are going to be non residents.

Chr. Nelson: Are there further questions for Kyle? Seeing none, thank you. Is there any further support of HB 1118?

Billy Freitag, Dickinson, ND: I'm an outfitter and am here to ask your support on HB 1118. Just listening to (previous testimony) I will just ask for questions.

Rep. Drovdal: Since you provide services for both bow and gun hunters, could give us some idea the length of time that a gun hunter stays in the area compared to a bow hunter?

Freitag: The bow hunters that we have stay a five day period. I don't know of any rifle hunters who would stay longer than that.

Chr. Nelson: Further questions for Mr. Freitag?

Porter: What's the cost to a bow hunter for a guided hunt?

Freitag: Are you asking me the average or what I charge?

Porter: What you charge is fine.

Freitag: What we charge is fully guided hunt, \$2,000 for top camps and go down to unguided for half that. When we started this we didn't know where it was going. I grew up farming and ranching, tried everything, sunflowers, winter wheat, spring wheat. I've seen as much risk in this as in farming, so we put our land in CRP and we went into this as a business. In the summertime we bring in tourists, doing mountain biking, hiking, wildlife photography. It's grown. It's been 18 years. We've helped the community, grown our family, and have kids and grand kids and have been able to stay in ND.

Rep. Porter: Are you guiding and outfitting on just your land or do have additional land that you guide on?

Freitag: We do have lease land.

Rep. Porter: How many total years do you operate on?

Freitag: We have one plot of 5,000 A., one of 3,000 A., and one is about 10,000 A.

Chr. Nelson: Total of about 18,000 A?

Freitag: Yes.

Rep. Porter: What is your bow hunting operation success rate per hunter?

Freitag: Of the mule deer hunters, about 2/3s will go after white tail because after two days of trying to hunt them they can't get close enough for a shot. Mulies are not patternable and leave. The success goes up on a white tail because that white tail is much more patternable. Also, in

our areas, we don't kill any does, mule deer or white tail. The other thing is we produce probably ten times more mule deer bucks than we will ever harvest. Those bucks do not stay within our boundaries. Every year I see them moving out. We're killing maybe one in ten that we produce. Over that many years (18) that is interesting. We're producing way more than we could ever harvest.

Chr. Nelson: It continues to amaze me at the diversity in this state. When you say that you don't kill any does. In my part of the world that's too bad.

Freitag: We can do that because of that million acres out there, a lot doesn't have that concentration of deer. So there are open areas for these does to move. Every spring we see the migration of these does off our property. In the fall we see a certain amount of them come back in. We never get to a point where we have to take our mule deer does.

Rep. Porter: In your operation you do both deer-gun and deer-bow?

Freitag: It's both.

Rep. Porter: Under the current structure of licensing has there been situations where you've had hunters calling you and couldn't or didn't get a license?

Freitag: Several years ago it did happen.

Rep. Porter: In recent years, no?

Freitag: No.

Rep. Porter: Are you baiting the deer in your deer stands?

Freitag: We do at times.

Chr. Nelson: Further questions? Seeing none, thank you for your testimony. Is there further testimony in favor of HB 1118?

Terri Thiel, Dickinson Convention & Visitor's Bureau: We're in support of HB 1118. We support hunting and fishing legislation that promote free enterprise and furthers additional public land masses and furthering the economic impact on North Dakota. I'm not a bow hunter for deer although I do hunt. We do appreciate all the residents and non residents who come in. We're studying resident and non resident economic value. Both have value although we view the non resident as new money coming into the state. If you pass the bill it will encourage more people to come in and use the resources managed well by the Game & Fish. We encourage your support.

Chr. Nelson: Any questions of Teri? Further testimony in favor of HB 1118? I would remind people to sign before they testify. I will take testimony in opposition to HB 1118.

Harold Neameyer, Cass County Wildlife Club: The club opposes HB 1118. **WRITTEN TESTIMONY ATTACHED.**

Chr. Nelson: Any questions of Mr. Neameyer.

Rep. Drovdal: I do understand your concern in the loss of licenses. As it was pointed out by one gentlemen, licenses are available right now but when numbers start going down it is important to businesses that are developing. It's not just guides and outfitters. We need to protect those numbers for all businesses that rely on it. Resident bow hunters do have the advantage because they can get all the licenses they want. I hope you will convey that to your group that we have legitimate reasons that we are trying to do this for.

Vice Chr. Porter: Are there further questions or statements for Mr. Neameyer? Further testimony in opposition to HB 1118?

Bob Schaible, ND Outdoor Heritage Coalition: The Coalition opposes this bill. I've studied mule deer populations in western ND since 1975. I discontinued that in 2000. I went to the Game & Fish Dept. to get updated records. The mule deer population in ND is holding steady. The terrible year of 1996-97 reduced the population. Even before that, in 1992, the most mule deer licenses issued was that premium year. I have a breakdown by the map showing each of the different number of licenses issued and I don't have at hand the number taken. For the same reason, the coalition opposes this bill because we feel that ND hunters should have first opportunity to have mule deer bucks. I've been told by people that they've waited 12 years to get a mule deer buck license. That's a premier event in ND hunting history; they want a mule deer buck. Traditionally the biggest mule deer bucks are taken out of the Badlands. Rep. Hanson wrote a book published by the ND Game & Fish Dept., that talks about trophies. Usually they're taken in the Badlands area. Let's save the licenses for ND residents. Every citizen wants to hunt mule deer in the Badlands. The fiscal note says the number of additional licenses are 784. This year it would increase to 1,042. That's over about 300 licenses; that's licenses that ND hunters could potentially have. The fee is \$55,000 as far as per year basis. It would be offset because ND hunters pay for bow licenses. The coalition opposes this bill; we urge Do Not Pass.

Chr. Nelson: Questions for Mr. Schaible?

Drovdal: I understand your testimony but I would like to have it based on facts and there are 319 more licenses issued in 2005 under this formula. As pointed out in my testimony from the Game & Fish, it does not mean there are 319 less licenses available for the residents of ND. It meant that there's about 106 at the max. The other thing we're really talking about is the number of mule deer doe. That's a very good point that you brought up. We need to address so it will

probably solve a lot of our problems. How would your organization feel if we would go out and suggest as part of our hunter's philosophy that it's all right to come back without a buck? If you get a mule deer license and you want that big buck and you don't get it it's all right to come back and say we had a beautiful experience in the Badlands. We didn't get any deer but that's all right. We had a great time. But what's happening is that a lot of people after they don't get a big buck the first day and one half that they hunt, they shoot the first thing with horns. Where are the big bucks going to come from? We'd ask them not to take the little bucks.

Schaible: I think the premier license in ND is mule deer buck. You can hunt white tail buck all over the state, but you can only hunt mule deer buck in western ND. Every hunter wants to have that mule deer buck opportunity. When you have people waiting, not necessarily five years, but for *12 years* before they get a buck license that doesn't speak well for the hunters because all of sudden they get a letter from the Game & Fish Dept. Saying, "Sorry, we can't give you a buck license today because buck licenses are all taken." Every year more and more frustration from ND hunters because they didn't get the chance to hunt mule deer bucks in the Badlands.

Vice Chr. Porter: Mr. Schaible, did you have written testimony?

Schaible: No, I did not. I'm taking notes here today for the people I report to. I will get my facts from an individual in Dickinson and then I can put that into the testimony. If you would wait, Mr. Chairman, I can perhaps get that by tomorrow.

Rep. Keiser: How often can a ND resident apply for a mule deer buck license?

Schaible: A person can apply for a mule deer buck in western ND every year.

Rep. Keiser: If they get one, when can they reapply?

Schaible: Five years, I think it is.

Unknown speaker: Six years.

Schaible: Six years? Oh, next year. But the chances of getting a license the second year is in a row is slim.

Rep. Nottestad: On that 12 years you were talking about, when you submit the written testimony to us, would you site the unit and whether or not the individual followed the point procedure of applying every year? I look at that 12 years with suspect.

Rep. Hanson: Mr. Chairman, I'll answer that question. That was me. He stated it wrong. I had one license in 12 years. It was in the middle and was 4C.

Unknown speaker: (It wasn't twelve years)

Rep. Hanson: It was one out of twelve.

Rep. DeKrey: That last statement about five and five has the Fish and Game back here shaking their heads. I'd like to know what the right answer is.

Shaible: O.K., I'll answer. (Interruption) Again, I'd like to reemphasize the fact that as far as a ND hunter is concerned the premier deer hunting license that people apply for is the mule deer buck in the Badlands area.

Vice Chr. Porter: Any further questions for Mr. Schaible? Further testimony in opposition to HB 1118?

Bill Helphrey, North Dakota Bowhunters Association: Organization urges defeat of this measure. **WRITTEN TESTIMONY ATTACHED.**

Vice Chr. Porter: Mr. Helphrey, be sure you turn your testimony in to the clerk and we'll make copies and get it distributed to the committee. Any questions for Mr. Helphrey?

Rep. Drovdal: Whether we like commercial guides and outfitters or not, they're legal in this state. Why are we so negative about it. We understand the competition. Businesses can also have competition. We're not so negative on main street businesses. What right do we have to be so negative on business that we've determined is a legal business by the laws of our state?

Helphrey: I don't think I agree that it's negative about the business or the people in the business. What we're finding is more and more places where you knock on the door and the person says, "I'm sorry, it's leased to an outfitter. You can't hunt here." We feel with more licenses there is going to be more land closed, more leases drawn up by outfitters and guides and less and less space for the person that lives here to hunt.

Rep. Keiser: I agree with that statement. How do you feel in your group how to strike a balance with the landowner? As we've had testify today, as more are providing guiding or a business on their land turn around and eventually post it against our residents. What happens when we get to the point where landowners post it not because of the numbers or anything else but simply in retaliation to the unwillingness of local hunters to allow them to be successful at operating a business on *their* land.

Helphrey: I don't think anybody is arguing with anybody making a business on their land. The landowners have a hard time making a living. But we think as residents we should be able to hunt also. The cost for guides with the wages we make in ND, people can't afford those costs. The non resident may save for ten years for one hunt and he's gone again, but there is a different non resident from somewhere else filling his slot the next year. The resident that lives here isn't going to save ten years to hunt in western ND. He'll save and go out of state. The Game & Fish, the hunters, the landowners, the guides have been struggling with that for years. I wish there was

an easy solution. I think if we do communicate, don't get hot under the collar with each other we can work things out.

Vice Chr. Porter: Further questions? Is there further testimony in opposition to HB 1118?

Jason DuBord, ND Wildlife Federation: Speaking in place of Mike Donahue. Urges Do Not Pass. **WRITTEN TESTIMONY ATTACHED.**

Drovdal: I would like to point out a correction. The request made by commercial interests in Watford City, I make the requests because I represent the commercial interests in Watford City, Dist. 39.

DuBord: O.K.

Vice Chr. Porter: Any further questions?

Rep. Nottestad: I realize this is in the minutes by Mike Donahue, but you stated it. We understand that baiting deer is done to increase success. Is that illegal?

DuBord: Currently, it is illegal in ND.

Rep. Nottestad: Then why doesn't the Wildlife Federation sponsor and ensure that arrests are made and these individuals are prosecuted. That way you're doing something.

Rep. Hanson: Rep. Nottestad, it is legal.

Rep. Nottestad: He said it was illegal. If that is the case, then what is wrong with what they are doing?

DuBord: The Wildlife Federations stand on baiting is another issue, but we don't agree with baiting in order to harvest an animal. That is where our views come in on this bill where a number of these outfitters will use this tactic to harvest animals and there will be an increase in that if there is an increase in license numbers.

Rep. Nottestad: Are you saying that this isn't done by individual hunters that are members of your organization?

DuBord: Most likely not, I can't make a call for every member that we have. Most likely this does happen throughout the state with residents, not outfitters. We do know that this is something that is used with the outfitters. That will increase as licenses increase.

Rep. Nottestad: The interpretation of baiting, if a farmer leaves three strips of corn out when he harvests in order to bring the deer in, is that considered baiting?

DuBord: I don't know where the ND Wildlife Federation stands on that question. For me personally, I don't see that as a problem because it provides good habitat for these animals.

Vice Chr. Porter: Further questions? Further testimony in opposition of HB 1118?

Rep. Keiser: I would appreciate the opportunity to ask Bob Schaible one more question, or more. I hear your organization's major concern about access to this opportunity to hunt the mule deer buck and we still have time to turn a bill in. Should we introduce a bill that says in-state residents, if they apply for a mule deer, if they get a buck this year, they are then excluded for three years for application? That would increase the probability of success and (reduce) the 12 year problem and would solve your concern.

Mr. Schaible: I defer my answer to the Game & Fish Dept. because they are the experts. Right now, a hunter applies for a mule deer permit, then are denied, they are on a weighted scale. They get points for the next year and apply again the next year, and get denied, then get points for the next year. So eventually...

Rep. Keiser: We wouldn't change that.

Schaible: I know.

Rep. Keiser: What I'm trying to do is address your concerns which is let's reduce the time and opportunity. Let's eliminate the problem of a 12-year issue. Let's provide the opportunity to a hunter, if they are successful this year, they get some negative points and can't apply for a year or two or three giving all the other people an opportunity to have that experience which is what your point was, I think.

Schaible: It is. As far as introducing or adding on to a bill to delay the renewed hunt for mule deer buck the next year. They know they have a buck. I think the Game & Fish knows that data as well. So they have to go on the system and say this person cannot apply for a mule deer buck for the next two or three years as the case might be. All the people want to go to the Badlands to get their mule deer buck. I also hunted in the Badlands only I didn't get a buck license so they offered me a doe license. I still went hunting out in the Badlands.

Rep. Keiser: You haven't answered the question. That's the issue you brought to us, here is the solution and we do it with moose. If they get their moose permit, I think it's a once in a lifetime event. They can't do it again.

Schaible: Again, I defer...

Rep. Keiser: No, I'm asking you and your organization if you have a position that would increase the opportunity for people to get a mule deer buck.

Chr. Nelson: We will adjourn until 15 minutes after the afternoon session.

Meeting reopened in the afternoon, same day:

Chr. Nelson: Next Thursday, January 20, ONLY, Natural Resources will meet in the Ft. Union Room, NOT here in the Pioneer Room. I will now take further testimony in opposition of HB 1118. Seeing none, I will ask for testimony from Mr. Schadewald regarding this bill.

Paul Schadewald, ND Game & Fish: (2-PAGE, WRITTEN TESTIMONY ATTACHED, GRAPH and list of licenses by year)

Chr. Nelson: Any questions of Mr. Schadewald?

Rep. Norland: Did you say out-of-state hunters harvest about 250 mule deer bucks?

Schadewald: Yes, that was based on 2003 numbers. That's a higher level than we had ever run into. Before that they were about 17% of the harvest. The success rate has increased as the population has increased in the last few years.

DeKrey: Theoretically, could you get a mule deer license five years in a row? That doesn't sit well, could you explain.

Schadewald: Possible, but we've never seen it happen. Occasionally two in a row. There've been changes in the lottery, ten years ago there was a different bonus system. Now, we run a system where after four years we cube that number and they end up with 64 extra application chances. Once they have four years unsuccessful, they have four bonus points, a total of 65 chances for one individual to be drawn. That person who just had a license has one application in the drawing. The odds are pretty good for that person with four to be drawn rather than the person with one. The challenge there is there are a lot of people with four and five. Very few people in the six to seven category. The only seven in recent history is our game warden in Belfield and we heard from him-he wasn't happy with the system but he was the one person in the state that year who had seven bonus points. The system has steadily been improved and been worked on. How we apply those bonus points is on our web site.

Rep. Drovdal: I get a different percentage than what you did and I want to see how you worked it out.

Schadewald: The 72% of the harvest is the total mule deer harvest. The hunting success was 50%, so half the hunters got a deer of some kind. In another percentage they had in here was 52% of the harvest, so of those 50% who got a deer, 52% got a buck.

Rep. Drovdal: Oh, I apologize for the question. I misunderstood the information.

Chr. Nelson: Any further questions of Mr. Schadewald? Any further testimony on HB 1118?

Seeing none, close the hearing on HB 1118.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1118

House Natural Resources Committee

Conference Committee

Hearing Date: January 20, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|-------------------------|
| 2 | | x | 4,721- tape blanked out |

(Note: Tape 2 was taped over. There are no taped minutes of this hearing.)

Committee Clerk Signature *Karen Bonnet*

Chr. Nelson: Reopened the hearing on HB 1118

Rep. Drovdal: I move Do Not Pass. Some things have come up and I don't feel this is the time to pursue this bill. When the time is right, we can take it up again.

Rep. DeKrey: Second

Rep. Drovdal: I have a couple of unanswered questions. I had said that resident hunters didn't spend as much as the nonresident hunters. I want to clarify additional information that I've learned. Both resident & nonresident hunters spend about \$100/day. Per the Game & Fish, the average resident stay in the field is 3.1 days, so one hunter produces a \$330 economic boost to a community. The average nonresident bow hunter spends over 7.4 days in the field, the average state bow hunter is more at 11.6 days-(**Attached comparison sheet**). For every resident license lost, there will be three nonresident bow hunters gained, creating about six times better return on licenses. So there is definitely an economic impact. Down the road, when we need more out of state licenses, I'll be back with this bill.

Another comment was to allow the Game & Fish to issue nonresident doe licenses. But there are bucks out there and hunters who want to hunt the Badlands. I'd like to make you aware of an Arizona case to show that we need to tread carefully. Dist. 9, U.S. District Court overruled the state of Arizona for treating nonresident hunters unfairly by restricting their licenses. Mule deer live in the Badlands, so the mule deer licenses are mainly in the Badlands. The Badlands are in ND, but they are owned by the government. If they get fed up and take a stand, we could lose. We need to be careful with how negative we get.

Chr. Nelson: Is there further discussion on HB?

Rep. Charging: His research is accurate. The Arizona case was won. Most courts would back it up.

Hanson: Question.

Chr. Nelson: Question has been called. I would ask the clerk to call a Roll Call Vote for **DO**

NOT PASS on HB 1118. VOTE: 13-Yeas; 0-Nays; 1-Absent; Carrier: Drovdal

FISCAL NOTE

Requested by Legislative Council
12/22/2004

Bill/Resolution No.: HB 1118

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$110,000 | | \$110,000 |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Currently the number of nonresident mule deer archery hunting licenses each year is set at 15% of the number of mule deer gun licenses from the preceding year. This bill would increase the number by about 33% each year. There were 784 of these license in 2004. Under this legislation there would have been 1,042.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on 2004 numbers, about 520 additional mule deer archery hunting licenses would be made available to nonresidents. The additional revenue would be about \$55,000 per year.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

| | | | |
|----------------------|-----------------|-----------------------|-----------------------------|
| Name: | Paul Schadewald | Agency: | ND Game and Fish Department |
| Phone Number: | 328-6328 | Date Prepared: | 12/22/2004 |

Date: 1/20/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1118

House

NATURAL RESOURCES

Committee

Check here for Conference Committee

Legislative Council Amendment Number :

Action Taken : Do Not Pass

Motion Made By : Drovdel

Seconded By : DeKrey

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------------|--------|----|---------------------|-----|----|
| Chairman - Rep. Jon O. Nelson | ✓ | | Rep. Lyle Hanson | ✓ | |
| Vice Chairman - Todd Porter | Absent | | Rep. Bob Hunsakor | ✓ | |
| Rep. Dawn Marie Charging | ✓ | | Rep. Scot Kelsh | ✓ | |
| Rep. Donald L. Clark | ✓ | | Rep. Dorvan Solberg | ✓ | |
| Rep. Duane DeKrey | ✓ | | | | |
| Rep. David Drovdel | ✓ | | | | |
| Rep. Dennis Johnson | ✓ | | | | |
| Rep. George J. Keiser | ✓ | | | | |
| Rep. Mike Norland | ✓ | | | | |
| Rep. Darrell D. Nottestad | ✓ | | | | |

Total (Yes) 13 No 0

Absent 1 - Porter

Floor Assignment Drovdel

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

REPORT OF STANDING COMMITTEE (410)
January 21, 2005 3:20 p.m.

Module No: HR-14-0876
Carrier: Drovdal
Insert LC: . Title: .

KB

REPORT OF STANDING COMMITTEE

HB 1118: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1118 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

HB 1118

North Dakota Professional Guides and Outfitters Association

House of Representatives, Natural Resource Committee

As you listen to today's hearing on House Bill 1118 our association is asking you to consider the benefits of this legislation and urge a **DO PASS vote on HB 1118**.

We ask you to support this legislation because:

- Increasing the nonresident any deer bow licenses provides a needed bump in the licenses available to nonresidents looking to hunt western North Dakota. This region depends on this customer for economic trade.
- The formula for establishing the number of nonresident any deer bow tags is based on the previous year's issued Mule deer gun tags. In 2004 North Dakota Game and Fish dept. issued 6375 Mule deer gun tags to residents. The original percentage of 15 % would allow 956 any deer bow tags for 2005, if the percentage was increased to 20% the number allowed would climb to 1275, or an increase of 319. Based on an average of 35 to 45% success rate for bow hunting, we would possibly see an increase in harvest of 111, or 143 mule deer animals. This does not take into account nonresident hunters harvesting Whitetail deer as an option.
- Mule deer gun tags are only issued to resident hunters. In 2004 NDGF issued 6375 Mule deer gun tags. Assuming the average success rate in North Dakota for gun hunters is 80%, North Dakota hunters harvested 5100 Mule deer.
- If residents are harvesting 5100 Mule deer will another 111 to 143 diminish the chance for a resident to draw a mule deer tag? It is safe to say an additional 111 to 143 is totally insignificant in the management of North Dakota's mule deer population and the effects on residents' chances to draw Mule deer gun tags.
- Using the numbers above, an increase of 319 tags for 2005 would provide North Dakota with an additional direct expenditures of \$373,108.78* of which \$280,720.00* will be spent in rural areas. (*Resident and Nonresident and Angler Expenditures, Characteristics, and Economic Effects of North Dakota, 2001-2002).
- Western North Dakota needs your support. The addition in licenses will help improve Tourism with very little consequences in Mule deer numbers or opportunities for residents to acquire Mule deer hunting tags.

Please consider all of the issues and vote **DO PASS on HB 1118**.

Table D18. Nonresident Archery Deer Hunter Expenditures, 2001-2002

| Expenditure Category | Average per Hunter |
|--|-----------------------|
| Variable Expenses | --- \$ --- |
| Access Fees | 172.46 |
| Film | 13.14 |
| Food and Beverage | 149.36 |
| Guide | 224.16 |
| Lodging | 121.69 |
| Meat Processing | 13.89 |
| Taxidermy | 17.38 |
| Transportation | 187.49 |
| Other | 88.07 |
| Total Season Variable | 987.64 |
| Daily Season Variable | 167.06 |
| Fixed Expenses | |
| Binoculars/Optics | 34.99 |
| Camping Equipment | 14.21 |
| Clothing | 66.43 |
| Vehicle | 4.89 |
| Weapons | 26.92 |
| Other | 34.54 |
| Total Season Fixed | 181.98 |
| Daily Season Fixed | 23.79 |
| Total Season Expenses | 1,169.62 |
| Daily Season Total | 190.85 |
| Share of expenses spent in rural areas | 75.2% |
| Average expenses in rural areas | 880.00 |
| Average days participated | 8.01 |

1/13/05

By: Bill Helphrey
HB 1118, pg 1 of 2

Good Morning Mr. Chairman

Members of the committee

MY name is Bill Helphrey, the last name is spelled HELPHREY.

I am representing the North Dakota Bowhunters Association.

Our organization is asking you to defeat this measure.

We feel any increase in the number of non-resident archery mule deer licenses is another step contributing to the commercialization of hunting. If this commercialization of hunting continues in North Dakota, it will be all but impossible for the generations following us to be able to hunt without having to pay for the right. We feel that increased license numbers will just lead to more areas being converted to fee hunting.

We realize that fee hunting contributes to economic development, but at what recreational and economic cost to the taxpaying resident?

The average wage in North Dakota is \$27,629. With that average wage, the local people can't afford to pay thousands of dollars to hunt.

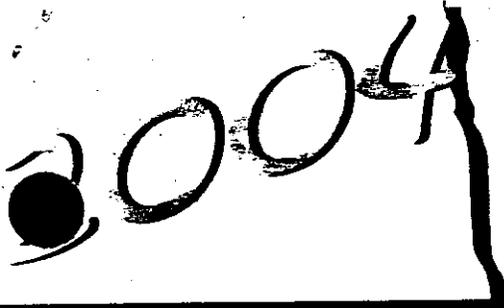
Please defeat this measure and help save what we still have.

Does anyone have any questions of me?

Thank You

North Dakota Area Profiles

ND Statewide



Statewide Stats

| | |
|-----------------------------|---------|
| Population | 642,200 |
| Median Age | 36.2 |
| Housing Units | 289,677 |
| Occupied Housing Units | 88.8% |
| Education: (Age 25+) | |
| No High School Diploma | 16.1% |
| High School Diploma | 52.4% |
| Associate's Degree | 9.4% |
| Bachelor's Degree | 16.5% |
| Graduate/Professional | 5.5% |

Income:

| | |
|-------------------------|----------|
| Median Household Income | \$34,604 |
| Per Capita Income | \$17,769 |
| Poverty Rate | 11.9% |

Labor Force:

| | |
|----------------|-------|
| Employed | 63.0% |
| Unemployed | 3.0% |
| Armed Forces | 1.4% |
| Work At Home | 6.0% |
| Commuting Time | 15.8 |

Occupation:

| | |
|---|-------|
| Management, Professional, & Related Service | 33.3% |
| Sales & Office | 26.1% |
| Production, Transportation, & Material Moving | 12.4% |
| Construction, Extraction, & Maintenance | 9.8% |
| Farming, Fishing, & Forestry | 1.7% |
| Armed Forces | 1.4% |
| Unemployed | 3.0% |

2000, U.S. Census Bureau.

| | |
|------------------|-----------------|
| Taxable Sales | \$5,693,140,153 |
| Change from 2002 | 2.5% |

2003, N.D. Tax Department.

Average Wages

| | | |
|----|-------------------|-----------------|
| 1 | Beulah-Hazen | \$39,813 |
| 2 | Fargo-West Fargo | \$31,002 |
| 3 | Bismarck-Mandan | \$29,556 |
| 4 | Wahpeton | \$28,315 |
| | Statewide | \$27,629 |
| 5 | Grand Forks-GFAFB | \$27,361 |
| 6 | Williston | \$26,696 |
| 7 | Jamestown | \$25,363 |
| 8 | Minot-MAFB | \$25,134 |
| 9 | Dickinson | \$24,575 |
| 10 | Devils Lake | \$22,308 |
| 11 | Valley City | \$22,133 |
| 12 | Grafton | \$21,001 |
| 13 | Rolla | \$19,762 |

Largest Private Employers

| | | |
|----|---|------------------------------------|
| 1 | Altru Health Systems | Health Care |
| 2 | Meritcare Hospital | Hospital |
| 3 | Trinity Health | Health Care |
| 4 | Nondisclosable | |
| 5 | Medcenter One | Health Care |
| 6 | Nondisclosable | |
| 7 | St. Alexius Hospital | Hospital |
| 8 | Meritcare Medical Group | Physician Offices |
| 9 | Noridian Mutual Insurance Co. | Health & Medical Insurance Carrier |
| 10 | Meritcare Health Systems | Managing Offices |
| 11 | Microsoft Business Solutions | Software Publisher |
| 12 | SuperValu Inc. | Grocery Store |
| 13 | Nondisclosable | |
| 14 | Sisters of Mary of the Presentation Health System | Nursing Care |
| 15 | Nondisclosable | |
| 16 | Dakota Clinic Ltd. | Physician Offices |
| 17 | Nondisclosable | |
| 18 | Basin Electric Power Co-op. | Electric Power Generation |
| 19 | Nondisclosable | |
| 20 | Nondisclosable | |
| 21 | Nondisclosable | |
| 22 | Forum Communications Co. | Newspaper Publishing |
| 23 | Benedictine Living Communities Inc. | Nursing Care |
| 24 | Montana-Dakota Utilities Co. | Natural Gas Distribution |
| 25 | Nondisclosable | |



Cass County
WILDLIFE CLUB

Box 336
Casselton, ND 58012



TESTIMONY OF HAROLD NEAMEYER
CASS COUNTY WILDLIFE CLUB
PRESENTED TO THE HOUSE NATURAL RESOURCE COMMITTEE

ON

HB 1118

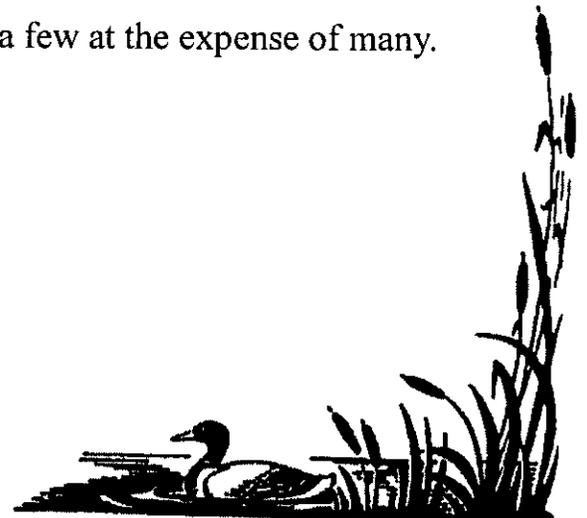
JANUARY 13, 2005

Mr. Chairman and Members of the Committee:

I am Harold Neameyer speaking on behalf of the Cass County Wildlife Club. The Cass County Wildlife Club opposes HB 1118. The Club feels that the increase in the number of licenses due to an increase in deer population is enough. Any mule deer buck taken by this increase is not in the best interest of the North Dakota sportsmen and women.

There seems to be an increased interest in bow hunting by North Dakota residents and therefore they should be the ones to benefit from any population increases.

The Club also objects to this bill because it lends itself to more commercialization of hunting by the use of outfitters. This is a benefit to a few at the expense of many.



By: Jason Dubord
#B1118

North Dakota Wildlife Federation

Abundant wildlife and wildlife habitat, and access to wildlife recreational opportunities



1/13/2005

HB1118

For: House Natural Resources Committee

The North Dakota Wildlife Federation and United Sportsmen of North Dakota oppose this bill and ask for a **do not pass**.

We heard that this 5 percent increase is a request made by commercial interests in the Watford City area. Further, we understand that baiting the deer is done to increase success rate. We oppose such methods.

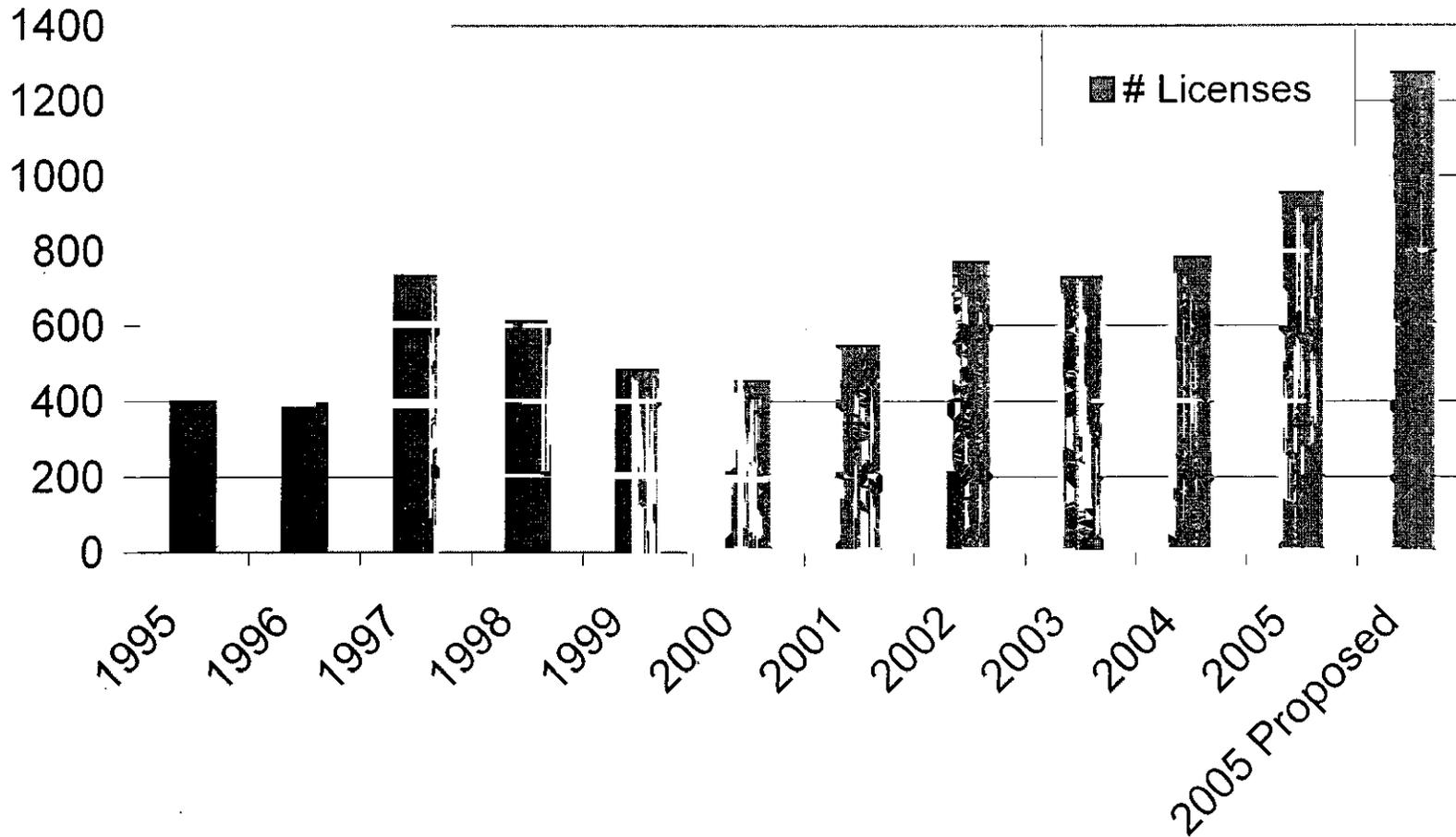
We do not support raising this percentage just so a commercial interest can increase its disposable income.

Thank you,
Mike Donahue
Lobbyist #275



PO Box 1091 • Bismarck, North Dakota 58502 • E-mail: ndwf@ndwf.org • Fax: 701-223-4645
Office Manager: 701-222-2557 • 1-888-827-2557 • Web: www.ndwf.org

**The Number of Non-Resident Any Deer Bow Licenses,
1995-2005
With Proposed Change to 20% Level in 2005**



By: Paul Schadezahl
 ND Game & Fish
 1/13/05
 HB1118, pg 1 of 2

By: Paul Schadewald
1/13/05
HB 1118, pg 2 of 2

| Year | #Licenses |
|---------------|-----------|
| 1995 | 400 |
| 1996 | 400 |
| 1997 | 735 |
| 1998 | 612 |
| 1999 | 483 |
| 2000 | 453 |
| 2001 | 547 |
| 2002 | 772 |
| 2003 | 731 |
| 2004 | 784 |
| 2005 | 956 |
| 2005 Proposed | 1275 |

By: Paul Schadewahl
ND Game + Fish
1/13/05
AB 1118

Summary of non-resident any deer bow license tables.

- Relatively high success (51% in 2003, average of 35%, 2001-2003).
- Selection for mule deer (On average, 72% of total harvest was mule deer, 2001-2003).
- Selection for mule deer bucks (On average, 52% of total harvest was a md buck, 2001-2003).
- On average, 25% of total harvest was a white-tailed buck, 2001-2003.
- Projected harvest from non-resident any deer bow license holders was 133 md bucks in 2002 and 183 md bucks in 2003.
- Mule deer are a very limited resource in North Dakota and gun licenses are highly coveted by resident sportsmen. On average it takes a resident 4-8 years to draw a md buck license.

What would proposed change mean to ND gun hunters?

- 33% more non-resident any deer bow licenses than current system each year with more deer harvested by non-resident bow hunters, thus reducing the number of deer, specifically, md bucks available to ND gun hunters.

Comparison of projected non-resident any deer licenses and harvest with current system vs. projected licenses and harvest with proposed change.

| Year | Licenses w/current system | MD buck harvest | Licenses w/proposed change | MD buck harvest | Change in licenses | Change in md buck harvest |
|------|---------------------------|-----------------|----------------------------|-----------------|--------------------|---------------------------|
| 2001 | 547 | 56 | 729 | 82 | +182 | +26 (+46%) |
| 2002 | 775 | 133 | 1033 | 186 | +258 | +53(+40%) |
| 2003 | 731 | 183 | 975 | 258 | +244 | +75(+41%) |
| 2004 | 783 | 207 | 1045 | 277 | +262 | +70(+34%) |
| 2005 | 956 | 254 | 1275 | 338 | +319 | +84(+33%) |

** 2004 survey data not yet available, projections based on 2003 data. *51% success*

By: David Droudal
Re: HB 1118
Minutes/Action on 1/20/05

Deer Hunter Days in 2003

| | Average Days | Hunter Success |
|-----------------|--------------|----------------|
| Gun Hunters* | 3.1 | 79.6 |
| Bow Hunters | 11.6 | 43.6 |
| NR Bow hunters | 7.4 | 42.2 |
| RES Bow hunters | 11.9 | 55.6 |

*We do not make separate estimates for Resident and Non-resident deer gun hunters due to the small number of NR hunters.

However, 152 NR in our sample of deer gun hunters in 2003, hunted an average of 4.6 days (This includes, Regular NR, NR landowners, and NR licenses sold to outfitters).