

2011 HOUSE ENERGY AND NATURAL RESOURCES

HB 1407

2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

HB 1407
02/04/2011
14065

Conference Committee

Committee Clerk Signature

Emineth

Minutes:

Rep. Porter: We will open the hearing HB 1407.

Rep. Johnson: What I am trying to accomplish here is coming from the part of the state I do come from. We have seen thousands of acres undated with loss to the water as far as agriculture production land. Now with all this water these last 15 years we have a large amount of geese that coming in and not going north. They are staying there and nesting in that area. Last spring we ended up losing about 30 acres. We are farmers and do not have time to go and shot one or two geese at a time. This bill is working in Richland and Sargent Counties I put an expiration date on it. I would like to pass this and if it doesn't work we could let it go.

Rep. Hanson: The Federal Government would allow you to shot geese in the spring. They also have something on destroying nests.

Rep. Johnson: You can. That is what I am talking about. I believe Rep. Hofstad has some information on this. I am trying to get the numbers under control again.

Rep. Nelson: We have seen several kinds with the depuration. Do they flock up? Are they there all year long in the Devils Lake area?

Rep. Johnson: Certainly.

Rep. Hunskor: The concern is the number of geese and the depuration they are doing and yet many emails but the land is posted. How can we go in and help that situation?

Rep. Johnson: I have noticed that. I know there is posting going on. The reason for the posting in our area is that they are tired of the hunters that park

in the middle of the road and abandon their vehicles. We come down the road and can't get around the vehicle. The hunters need to ask and let us know who they are and we will tell you where you can hunt.

Rep. Hofstad: I am here today in of support HB1407, and not here on behalf of any sportsman's group or any hunting entity. This is about agriculture and it is a problem. The problem of Canadian Geese is growing. I passed around to you a sheet of paper that says The Process for application for Canadian Goode Depredation Permits: It is an interesting piece of paper (see attachment 1). I suggest to you that most of those farmers, weighing the options of calling the Fish and Wildlife Service or get the 243 from the back of the pickup will probably pick up the 243. That is not a good option. A good option would be extending the hunting period.

I passed out another sheet of paper by Michael Johnson and James Job (see attachment 2) it talks about the depredation permits and what it does.

Rep. Porter: Are there any questions for Rep. Hofstad? Is there any opposition for HB 1407?

Mike Donahue: With the North Dakota Wildlife Federation. Back in time we had supported the effort to allow nonresident hunters help shot the geese, but the concern was we don't want to start getting some creep on this. This last weekend I heard a lot of quite a bit from the people from Stutsman County and Barnes County. They said we have all kinds of hunters and don't need nonresidents coming in to help cut down on our ability on this early hunting.

I speak in opposition because we see it as a creeping process. The resident's were saying "don't do this".

Rep. Keiser: Did you read the bill and see that there is a Sunset Clause on it? What is the problem? They see the depredation. They see that this is an attempt to address that reasonably.

Mike Donahue: Yes. The problem is that they see the creep on it. In Richland County there was a Sunset Clause there and that one expired and was taken off. In this case they said "we are going to allow nonresidents into this area" and then somebody will want it in their area and soon they would want it state wide. That is the objection.

Rep. Keiser: Was there any discussion about the nonresident hunters having an additional fee on their license to help offset the depredation?

Mike Donahue: No nothing of that nature came up.

Rep. Porter: Is there further opposition For HB 1407?

Randy Kreil: Yes Canada Geese are in the Wildlife Division.

Rep. Hanson: How many nonresidents come into the early season in Richland and Sargent Counties?

Randy Kreil: I do have some information for the committee as well, related to the depredation permits during the early goose season. (see attachment 3) What we can't tell you is how many people hunted in Richland and Sargent Counties of those 23,000 nonresidents.

Rep. Hanson: The Federal Government allows a producer to shot 30 geese. Can husband and wife each get a license?

Randy Kreil: The permit allows them to shot 30 geese and a certain number of eggs and if they use that permit up they are able to get another permit and keep going. Last year we issued 127 of these permits state wide to farmers that had goose depredation problems.

Rep. Hanson: You still haven't answered my question. Can a husband and wife take 60?

Randy Kreil: I don't think we have ever had that request. It's usually the farm that requests the permit. If the husband and wife own the property Yes we can make allowances for that.

Rep. Hanson: Does that include smashing 15 nests?

Randy Kreil: Yes and you can take even more with an additional permit. Groups of 200-300 birds that were grouped together in June or July are not non breeders and do cause problems. The permit process that is given a producer to try to deal with depredation really doesn't get at those birds as much as it does the birds that are nesting (see attachment 3)

Rep. Porter: The permits are issued. Are they issued to an individual or to an entity?

Randy Kreil: They could be issued to an individual if they entity was an agricultural LCC. The U.S. Fish and Wildlife Service is not involved in this process except to give us the permit to allow us to do this.

Rep. Porter: How would we set up the ability to track those numbers of nonresidents so that we know specifically what those numbers are so that we have a benchmark of success or failures in the depredation areas?

Randy Kreil: Are specifically referring to the hunting opportunity and not the depredation permit? It is the hunting season you are talking about and not the depredation? We have discussed that and in the previous years when the Richland and Sargent Counties were put into the Sunset Clause and was renewed for two years and then the Sunset Clause in the last legislative session was completely removed. The number of people that participated in that, we really didn't know.

Rep. Hofstad: Is the limit set federally or is that set by the state?

Randy Kreil: That is set by the U.S. Fish and Wildlife Service. Last year for the first time several states in the central flyway and states east of us asked us that the limit be increased to 8 birds a day. We did not implement the 8 bird opportunity.

Rep. Hofstad: Where do you want this population to be?

Randy Kreil: We are well above our management objective.

Rep. Nelson: On the second page of the hand out it shows Towner County with a total of nine days hunted and a total of 22 birds taken. How good are these numbers? I work out in that area all day long and it is rare to see anyone hunting during the early season?

Randy Kreil: If you look at the right hand column where the counties are listed we will see a separate list. If you go down there and drop down to the middle of the column you will find Towner County. Our total harvest in Towner County was 322 birds. Towner County only had 2 depredation requests last year which was surprising.

Rep. Anderson: If you are looking for some data if this bill passes and the season progresses, you can check with local crop insurance agencies. They will probably have an idea if the crop loss due to wildlife is down or up.

Randy Kreil: I am sure they would. One of things we do when we issue these deprecation is we ask the agriculture producer that gets them to provide the estimate of what they have lost in terms of acres and in terms of value and we are assuming that they are working with their crop insurance to provide that information to us.

Rep. Anderson: The crop insurance will probably have a record of phone calls and other records that would help you guys to determine if it is working.

Randy Kreil: We can use all the information we can get.

Rep. Porter: Is there any further opposition? We will close the hearing on HB 1407

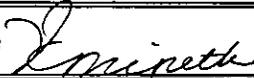
2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee
Pioneer Room, State Capitol

HB 1407
02/10/2011
14375

Conference Committee

Committee Clerk Signature



Minutes:

Rep. Porter: We will open HB 1407.

Rep. DeKrey: Residents are not happy with the goose season. We try to strike a balance in this committee, and we have a lot of farmers that aren't happy with what the geese are doing to their crops. During the hearing there weren't a lot of facts on whether this is working or not. This amendment would sunset both the goose season in the Southeastern part of the state and sunset the season that we will have up in the North central part of the state, so that we can get some facts and figures from the Game and Fish Department when we come back in 2 years and see if this is working or not.

Rep. Porter: The 2 counties in Richland and Sargent Counties along with Benson, Ramsey and Towner Counties all expire in 2 years, and it doesn't count against the nonresident days and Section 2 would tell the Game and Fish Department that they shall conduct a study in the state, keep track of the residents and the nonresidents and the number of geese taken by the county and report the findings so that we know at the next session whether or not this kind of a special depredation type season is working.

Rep. Hanson: The amendment makes the bill better. We have a spring problem that we are trying to solve with the fall hunting season. What the department has set up to allow the farmers or the landowner to go out and shoot 30 or more geese or find 5 other people that can go out and shoot them. Those little goslings that can't fly they can pluck them where the nonresident can only get 5 a day for 2 days.

Rep. Hunskor: The counties around Devils Lake would in it for the next 2 years.

Rep. DeKrey: Correct.

Rep. Porter: Is there further discussion?

Rep. Hofstad: I move the amendment

Rep. Porter I have a motion to move the 01001 DeKrey Amendment

Rep. Nelson: Second

Rep. Keiser: I would like a little more discussion on this problem. Is this solving the problem? Why not let the state residents hunt more in that area or expend the licenses. Give our state people that depredation.

Rep. Porter: These dates are available for resident hunters now. The limits are set by the Feds. We don't know if it is working or not down there. If we do nothing then they still have the ability to do down in Richland and Sargent Counties and have no data to follow it up with.

Rep. Hofstad: What we do know is that the depredation permits do not work. Let's get some data to find out if it does work.

Rep. Porter: Is there any other discussion? Voice vote taken motion carried. We have an amended bill in front of us.

Rep. Hofstad: I move a do pass as amended.

Rep. DeKrey: Second

Rep. Porter: We will call the roll on a Do Pass as amended. Motion carried

YES 12 No 2 Absent 1 Carrier: Rep. DeKrey

FISCAL NOTE
 Requested by Legislative Council
 02/15/2011

Amendment to: HB 1407

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues		\$0		\$0		\$0
Expenditures		\$0		\$0		\$0
Appropriations		\$0		\$0		\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amended version of the bill adds an effective date thru 7/31/13 which applies to Richland, Sargent, Benson, Ramsey and Towner counties. Also section 2 was added to require the department to conduct a study of goose hunting in the state.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill adds 3 counties to which the hunting period restrictions don't apply and adds an effective date thru 7/31/13. This will not have a fiscal impact on license sales.

The bill also requires the department to conduct a study.

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.*

none

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.*

In order to conduct the study, only minor modifications need to be made to the hunter surveys amounting to no additional costs to the department.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

none

Name:	Kim Molesworth	Agency:	ND Game & Fish Dept.
Phone Number:	328-6605	Date Prepared:	02/16/2011

FISCAL NOTE

Requested by Legislative Council
01/19/2011

Bill/Resolution No.: HB 1407

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues		\$0		\$0		\$0
Expenditures		\$0		\$0		\$0
Appropriations		\$0		\$0		\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Nonresident waterfowl hunting period restrictions are a 14-day period or two 7-day periods. These hunting period restrictions don't apply to nonresidents hunting in Richland and Sargent counties during the early September Canada goose season. This bill adds Benson, Ramsey, and Towner counties.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill adds 3 counties to which the hunting period restrictions don't apply. This will not have a fiscal impact on license sales.

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.*

none

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.*

none

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

none

Name:	Kim Molesworth	Agency:	ND Game and Fish Dept.
Phone Number:	328-6605	Date Prepared:	01/19/2011

VK
2/11/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1407

Page 1, line 2, after the semicolon insert "to provide for a study; to provide an effective date;"

Page 1, line 6, after the boldfaced period insert "**(Effective through July 31, 2013)**"

Page 2, replace lines 1 and 2 with:

"(Effective after July 31, 2013) Nonresident waterfowl hunting license required.

Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

SECTION 2. GAME AND FISH STUDY. The game and fish department shall conduct a study of goose hunting in this state. The department must track the number of resident and nonresident goose hunters and the number of geese taken by county. The department shall report its findings to the legislative management by September 1, 2012."

Renumber accordingly

Date: 2-10-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1407

House House Energy and Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep Hofstad Seconded By Rep Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Hanson		
Vice Chairman Damschen			Rep. Hunskor		
Rep. Brabandt			Rep. Kelsh		
Rep. Clark			Rep. Nelson		
Rep. DeKrey					
Rep. Hofstad					
Rep. Kasper					
Rep. Keiser					
Rep. Kreun					
Rep. Nathe					
Rep. Anderson					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*to move the 01001 DeKrey Amendment
voice vote taken motion carried*

Date: 2-10-11
 Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1407

House House Energy and Natural Resources Committee

Legislative Council Amendment Number 11.0642.01001 2000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Hofstad Seconded By Rep. DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Hanson		✓
Vice Chairman Damschen	✓		Rep. Hunskor	✓	
Rep. Brabandt	✓		Rep. Kelsh		✓
Rep. Clark	✓		Rep. Nelson	✓	
Rep. DeKrey	✓				
Rep. Hofstad	✓				
Rep. Kasper	no				
Rep. Keiser	✓				
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 12 No 2

Absent 1

Floor Assignment Rep. DeKrey

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

REPORT OF STANDING COMMITTEE

HB 1407: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a study; to provide an effective date;"

Page 1, line 6, after the boldfaced period insert "**(Effective through July 31, 2013)**"

Page 2, replace lines 1 and 2 with:

"(Effective after July 31, 2013) Nonresident waterfowl hunting license required.

Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

SECTION 2. GAME AND FISH STUDY. The game and fish department shall conduct a study of goose hunting in this state. The department must track the number of resident and nonresident goose hunters and the number of geese taken by county. The department shall report its findings to the legislative management by September 1, 2012."

Renumber accordingly

2011 SENATE NATURAL RESOURCES

HB 1407

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

HB 1407
March 17, 2011
Job #15621

Conference Committee

Committee Clerk Signature	<i>Veronica Spaulding</i>
---------------------------	---------------------------

Explanation or reason for introduction of bill/resolution:

Relating to hunting of Canada geese by nonresidents; to provide for a study; to provide an effective date; and to provide an expiration date

Minutes:

Testimony Attached

Chairman Lyson opened the hearing on HB 1407.

Representative Dennis Johnson, District 15, introduced the bill. He spoke about seeing geese in his fields, hundreds of them nesting and destroying his crops. The farmers are trying to get the geese to move on. Legislation like this has been used in Richland and Sergeant County. It has been hard to get the numbers to see if it has been effective. They are adding Benson, Towner and Ramsey Counties into the project. It is a pilot project to see if it works. They will try it for 2 years. There is a reporting mechanism in the bill. By letting the non-residents hunt while the residents are still harvesting maybe it can affect the goose population which would solve the problem of crop depredation.

Chairman Lyson: Is the bill asking for a study, or is the intention to allow them to hunt for two years and then study the results?

Representative Dennis Johnson: The House added the wording about a study in, to tally whether it was effective in reducing the population of the geese.

Senator Burckhard: Does the Game and Fish already issue free spring kill permits for geese to any landowner who believes they have a problem?

Representative Dennis Johnson: Yes, they do. The number of geese is now overwhelming. The issuing of free permits to keep the population down may have worked if it had been done 15 years ago.

Senator Burckhard: All the email I have gotten on this bill urges a Do Not Pass. Do we need this legislation?

Representative Dennis Johnson: I got the same type of emails. I had to reread the bill to see what they were responding to. We are not trying to encourage non-resident hunting. We are not trying to take anything away from the resident hunters.

Representative Curt Hofstad, District 15, the heart of the Devils Lake basin, reiterated the fact that this bill is a game depredation bill not a hunting bill. It is a bill to help those farmers that are getting eaten away by the over expanding population of geese. He reviewed the process of getting a permit to shoot Canada geese. See **Attachment #1 and #2**. The best way to deal with the issue is to expand the hunting season and see if it has the desired effect. The Game and Fish report estimates that there is a depredation loss of \$6,000.00 per producer. The study will help us see whether it is effective or not.

Chairman Lyson: Are locals able to hunt at that time or is it just non-residents?

Representative Dennis Johnson: Residents can already hunt at this time so this bill just expands the number of people who can hunt during that time period.

Opposition

Mike Donahue, ND Wildlife Federation, spoke in opposition to HB 1407. Their main concern is increasing the non-resident access in that early season. At the Federation's convention in January, the Barnes County members especially were opposed to the non-resident opening because of the access problems the resident hunters are already having. Property is posted up, they can't get in. There is a big concern that if this opens up for more non-residents that outfitters are going to tie up properties with leasing and there again the resident does not have the access that we would like them to have. We would concur with the study being done. We would like to take out the three counties that were added in, and just continue with Richland and Sergeant Counties for the study.

Chairman Lyson: So the farmers will just have to deal with the depredation?

Mike Donahue: We do feel for the farmer and his product, but we think there are adequate ways to do that with the residents and through the depredation services the Dept can provide. The locals don't want the competition with the non residents. We are considering an advertising campaign to attract more resident hunters.

Chairman Lyson: How big is the size of the ND Wildlife Federation group you belong to?

Mike Donahue: The ND Wildlife Federation has 10 affiliate clubs and about 1200 members.

Chairman Lyson: Do you take a poll of all those members or is it just the say of the committee?

Mike Donahue: At the convention it was the delegates from the affiliated clubs.

Foster Ray Hager, representing Cass County Wildlife, was opposed to adding the 3 counties. It is an area that is being leased up by outfitters and residents can't get in to hunt.

In the spring the goslings are eating everything. In the fall we are shooting the mature birds. They would like to go with 2 counties and let the Game and Fish do a study and see if it is feasible.

Chairman Lyson: Would it be better if it were just spring hunting?

Foster Ray Hager: I don't think so because of the nesting and the small geese. I think it wouldn't be proper.

Senator Uglem: I would like to point out that this is only for the early September goose season. The top line on page 2 points that out.

Senator Triplett: Could we ask Roger Rostvet to the podium to take questions?

Roger Rostvet, Deputy Director of the ND Game and Fish Dept, passed out informational graphs. See **Attachment #3**. Page one shows that the expansion of the early September season to include August 15-September 15th hunting has increased the harvest. August is when you can effectively harvest those local birds. At that time there are not many migrant birds. As you get further into September, you get more migrant birds coming through. The addition of the August time period has increased the harvest and has decreased the local bird population. Page two tells where the most birds are harvested and where the most hunting activity takes place. Last year the Dept issued 127 depredation permits. There were 1,693 birds taken and 483 eggs destroyed under those permits. Right now the law allows non-residents to hunt in those two counties down in the southeast without those days counting against their season license. The season license has 2 seven-day periods. This bill is to expand that to 3 more counties. It would allow a non-resident to hunt during that August-September time frame and those days would not count against his license. That has been going on in the two counties for years. How many people hunt in those two counties right now? I am unable to answer that. Even with the study in here, we will only have information for one year, and a small group of people in a very large hunting pool, just in a specific time frame and just for a specific few counties. The data will be spotty at best with all those limitations.

Chairman Lyson: Is there a lot of depredation? Is there a lot of leasing going on?

Roger Rostvet: There are no vegetation buffers. The geese are getting right into the crops. There is a fair number of leasing (guides and outfitters).

Senator Triplett: Could you explain the second page (of attachment #3)? What are the "percent total" and "cumulative percent" referring to?

Roger Rostvet: Percent total tells you of all the counties in ND, 9.76% of all the hunters in ND hunted in Barnes County. In the second column, in Stutsman County 8.4% of all the birds harvested in ND were harvested in Stutsman County.

Senator Triplett: Are you comfortable with the language in this bill concerning the study?

Roger Rostvet: Yes.

Senator Triplett: Is the wording ok to capture the early September goose season? Would there be a better way to say it?

Roger Rostvet: The people who hunt do understand it.

Senator Triplett: Would shooting without the permit be a violation of federal law?

Roger Rostvet: If they are actually killing them it would be a violation of federal law. A lot of them are just shooting to scare the geese.

Senator Uglem: Do you have data on the landowners who have problems with depredation and who also don't allow hunters on their land to hunt?

Roger Rostvet: No, we don't. It varies year to year.

Chairman Lyson closed the hearing on HB 1407.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

HB 1407
March 24, 2011
Job #15930

Conference Committee

Committee Clerk Signature

Monica Spalding

Explanation or reason for introduction of bill/resolution:

Relating to hunting of Canada geese by nonresidents; to provide for a study; to provide an effective date; and to provide an expiration date

Minutes:

No Attachments

Chairman Lyson opened the discussion on HB 1407. This is that 3-county goose hunting bill. There is crop depredation yet hunting groups are opposed to out of state hunters.

Senator Triplett: One idea is to leave out the 3 counties and just leave a study.

Chairman Lyson: They want a study because of the depredation.

Senator Uglem: The first part of the bill opens up three more counties to non-residents to hunt for the next 2 years. The study is the second portion of the bill.

Senator Triplett: I question whether a one-year study would even be useful. I would rather kill this bill or pass it. I would move a Do Not Pass.

Senator Schneider: Second

Senator Uglem: I would oppose that motion. We have had requests from an area that is having serious problems with crop depredation from the geese. I don't see any reason why we shouldn't allow them more flexibility to get help with getting those geese harvested. I agree the study may not be worthwhile. We could take the study out of the bill.

Senator Schneider: Will this just start something? Will other counties approach us in two years and ask for the same thing? Where are the statistics on the amount of depredation?

Chairman Lyson: What has happened in Richland County? Did it work?

Randy Kreil, Chief of the Wildlife Division for the Game and Fish Department, spoke in a neutral position on the bill. The bill that was passed 5 or 6 sessions ago gave an exemption

to nonresidents that if they hunted in the early Canada goose season in Richland and Sergeant Counties they would not use up their two 7 day periods their license allowed. This bill would add three more counties to that exemption.

Chairman Lyson: Has it helped with the depredation?

Randy Kreil: There has been a lot of positive comments from landowners in the area. At the same time you also hear from resident hunters being concerned with not getting access to the properties. In each county we know how many days people hunted, and how many geese were taken in those counties. Richland County and Sergeant County are in the top 4 for the total number of days hunted. Richland County and Sergeant County are also in the top 5 for birds harvested. Of the three counties included in this bill, Benson, Ramsey, and Towner, in terms of number of days hunted they rank number 8 and 9 out of 53 and in terms of birds harvested they rank 7 and 8. There are already significant opportunities and significant harvests there. The question is will the addition of the non-resident hunters add to that harvest or not.

Senator Hogue: Would the hunters being out there and firing shots and scaring the flocks off also help with depredation, not just the taking of the birds?

Randy Kreil: There is no doubt that having hunting pressure in an area will move birds. The season used to be Sept. 1st through Sept. 15th. In trying to help landowners deal with the large number of birds, we moved the season up to start on August 15th two years ago and increased the daily bag limit to 5 as opposed to 3 during the regular season. This year they will increase that daily limit to 8 in the early season. The crop damage occurs in June, July, and early August before this season even starts. We are trying to reduce the overall number of geese and the resident geese. That is why it is an early season from August to September 15th so you are not getting at the migrants because that is not the ones causing the problems. So in a way yes, added pressure does help. We can't have a hunting season during the nesting season. The federal government won't allow us to do that.

Senator Burckhard: Is it true that the ND Game and Fish already issues free spring kill permits for geese to any landowner who believes they have a problem? Up to 30 geese can be killed on a permit and there is no limit on the number of permits for an individual. A permit holder can designate up to 5 people to do the shooting. Is that true?

Randy: Yes, that is true. We have had these depredation permits in place for 6-8 years. We issue about 127 of them statewide annually.

Senator Uglem: I understand that most of the depredation problems are in the early spring when the crop is just coming out of the ground. Is that true?

Randy: Many of the complaints we get from landowners about crop losses is early in the season. There is some late season damage also.

Senator Uglem: The main purpose of this bill is to decrease the population. Is that correct?

Randy: Yes. One of the things you will hear from people is that they will have trouble finding a place to hunt whether they are a resident or a non-resident. One of the things we have done with other species is setting up an electronic hotline for landowners who have too many geese. They can be put in touch with hunters who would be willing to help them. We could do that for geese as we have for deer and turkeys. That is one of the things we are considering along with the increase in bag limit.

Senator Uglem: Has that been successful?

Randy: For deer it has been very successful; for turkeys it has been moderately successful.

Senator Hogue: I think we should support this bill. If the concern is the non-resident hunters and outfitters tying up the hunting opportunities, maybe by adding three counties we could ease the competition for that hunting. At the same time it will be good for the economy to bring in out-of-state hunters. There is no shortage of geese. This is opening up the access. I think it is a good thing.

Senator Triplett: I don't like the micromanaging of Game and Fish. They have other things they can do such as increasing the bag limit for instance. Things change year to year. We should leave it fluid. We micromanage hunting and fishing too much.

Senator Freborg: If we are concerned with out of state hunters, and landowners are leasing it to outfitters, and if they are posting it, why are we legislating it?

Roll Call Vote: 4-3-0

Carrier: Senator Triplett

Date: 3-24-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1407

Senate Natural Resources Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Triplet Seconded By Schneider

Senators	Yes	No	Senators	Yes	No
Chairman Lyson		✓	Senator Schneider	✓	
Vice-Chair Hogue		✓	Senator Triplet	✓	
Senator Burckhard	✓				
Senator Freborg	✓				
Senator Ugiem		✓			

Total (Yes) 4 No 3

Absent 0

Floor Assignment Triplet

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

REPORT OF STANDING COMMITTEE

HB 1407, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1407 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1407

Process for application for Canadian goose depredation permits:

- The agricultural producer would contact the USDA Wildlife Services or the North Dakota Game and Fish Department
 - When the NDGF receives a phone call, that information is immediately forwarded to the USDA Wildlife Service
 - The USDA Wildlife Services phone number is 701/250-4405 or toll free 1-866/487-3297
- The USDA Wildlife Services checks the area and offers options to manage the problem
 - Management options include propane cannons, flagging, fencing, and other non-lethal options
 - The NDGF could offer to help with enrolling the problem acres in continuous sign-up CRP or consider options for a PLOTS contract
- NDGF operates under a federal permit which requires that these non-lethal avenues be explored prior to the taking of waterfowl under a kill permit
- USDA Wildlife Services can recommend a Canada Goose kill permit be issued to if other control options are not working or those control efforts would not be successful
- The NDGF Director issues the control permit to the agricultural producer
- The NDGF control permit allows producer to remove a specific number of problem Canada geese on the producer's land
 - Control work which includes taking adults and goslings with a shotgun or destroying nests or eggs
 - Records need to be kept on control efforts or waterfowl killed; a report is to be submitted to Game and Fish at the end of the year
 - A second permit can be issued if the first is filled
- An agent (farm hand, farmer's children, or other identified individuals on the permit) can do the control work
- Following first permitting year, the producer is automatically sent a packet for obtaining a permit in the following year
 - Getting a permit in the following year requires that records on control need to have been returned to the NDGF

Special Canada Goose Permits in North Dakota, 2010

Michael A. Johnson and James A. Job
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, North Dakota 58501

18 January 2011

Resident Canada goose numbers in North Dakota have increased steadily since 1993. At the same time, the number and severity of complaints from agricultural producers concerning Canada goose damage to commodity crops has also been on the rise. Additionally, the department has received increasing numbers of complaints about nuisance Canada geese in urban areas, especially on golf courses.

To address Canada goose agricultural depredation challenges, USDA Wildlife Services (Wildlife Services), with funding provided by the North Dakota Game and Fish Department (Department), has worked with producers to reduce losses. Techniques used include scaring and hazing devices (e.g., propane cannons, flagging, cracker shells, kites, etc.), fencing, and natural barriers. The Department also implemented an early Canada goose management season in Richland and Sargent counties in 1999 and statewide in 2000 through 2010 (Johnson and Skildum 2009). In addition to these activities, the Department decided in the spring of 2002 to issue special Canada goose permits (permits), as allowed by the US Fish and Wildlife Service (Service). These permits allow Canada goose control activities such as egg and nest destruction, and killing adults and goslings. These approaches have been used in other states for several years. This report summarizes permit activities in North Dakota in 2010.

Hunting seasons are used to manage populations on a statewide basis. The intent of the permit program is to focus on Canada goose depredations associated with agricultural commodity crops, not nuisance geese on golf courses, city parks, or housing developments. It is essential that producers faced with Canada goose problems use hunting seasons to their full potential to reduce increases in local birds. Permits are not a hunting season and they are not intended to be a means of population control. Rather, permits are a tool to help control goose depredation problems on a site-specific basis. Removing some geese through killing, in conjunction with other hazing and scaring tactics, is known to be an effective way to produce a

learned response in geese to avoid specific fields or areas where these activities are being conducted. Shotguns, rather than rifles, have the ability to provide this learned response. Rifles used at long distances may kill birds, but this tactic does not scare or teach other birds in the flock to avoid the area. Additionally, use of rifles would pose a number of safety and retrieval problems.

The Department submitted a permit application to the Service on 10 June 2002. The Service issued the permit allowing the Department, or its subpermittees, to take up to 2,000 Canada geese, 100 nests, and 600 goose eggs. This permit was amended on 26 March 2003 and reissued on 24 March 2009 to allow the taking of no more than 6,000 geese and 1,000 nests, including all the eggs (Appendix A).

In 2010, Wildlife Services, with funding provided by the Department, hired two seasonal field employees to assist landowners with goose depredation management. Wildlife Services helped landowners use several methods to scare and keep geese out of field crops. If problems still persisted, Wildlife Services referred the landowner to the Department and a permit application packet was mailed to the producer. A landowner must have documented depredation problems on their land before being granted a permit.

A permit application was then completed, signed and returned by the landowner to the Department (Appendix B). Upon approval, the producer was mailed the permit allowing the taking of up to 30 geese and/or the destruction of up to 15 nests from 1 April to 14 August. A report form (Appendix C) was also sent and was to be filled in and returned to the Department by 1 September 2010 documenting the total number of birds and/or nests destroyed each day along with the method used to dispose of carcasses. Each producer was allowed up to 5 additional people, termed control agents, to help with goose depredation problems. The landowner and the control agents were required to carry a copy of the permit with them while conducting control activities.

If a violation of these conditions or stipulations should occur, the act would be considered an illegal take of a migratory bird and the individual(s) involved could be charged as per Chapter 20.1-04 of the North Dakota Century Code or the Federal Migratory Bird Treaty Act and would be ineligible for a future permit. Permits were not granted to any producer, nor can a producer name a control agent that is involved in any state or federal wildlife investigation (associated with Canada goose depredation control). No permits could be granted retroactively. Any taking of Canada geese, nests or eggs prior to permit issuance would be considered a violation of

appropriate State and Federal regulations. Future permits may also be denied if the producer fails to return the report form in a timely manner.

The Service issued the resident Canada goose nest and egg depredation order on August 10, 2006 (50 CFR 21.50) following completion of the Final Environmental Impact Statement on Resident Canada Goose Management in November 2005. This rule allows the taking of eggs and nests to resolve or prevent injury to people, property, agricultural crops or other interests. These activities may take place without a federal permit, however states may be more restrictive and may require permits. Landowners must register with the Service on-line prior to egg or nest taking activities and must report the results of their activities annually, on-line, by October 31. Beginning in spring 2007 the Department began issuing permits for the taking of Canada goose nests and eggs for damage to non-agricultural properties or interests, such as golf courses.

Results

This is the ninth year approved North Dakota landowners were allowed to remove resident Canada geese. Landowners issued a permit in 2009 (107) were mailed a packet on 16 March 2010. Application forms were returned by 88 (82%) of the 107 receiving application packets. An additional 39 applications were referred to the department in 2010 (Table 1). One-hundred twenty-seven permits were issued, 20 more than in 2009 (Table 2).

Sixty permittees (47%) had returned their reports by the deadline of 1 September 2010. Reminder letters were sent in September, October and again in November to those failing to submit their report. By 29 December all but two permits were returned. One was not returned due to the producer passing away and the other producer failed to return the report and could not be contacted.

Information on the extent of depredation was obtained by fill-in-the-blank type questions on the report form. Estimates of the amount of crop loss may depend on the overall attitude of the permittee toward the permits, geese and/or the Department. In addition, many of the reported losses are "best guess" estimates because landowners would not know the full extent of loss until after harvest time. Over 37,514 resident geese were reported on permittees' lands in April (Table 3), including one permittee reporting what we believe to be an exaggerated number of 10,000 Canada geese. The average number of Canada geese each permittee had on their land was around 220, not including the permittee that had reported 10,000 geese. Two thousand six hundred and fifty-two acres of cropland were affected (21.2 acres per producer). Soybeans,

wheat, and corn were the major crops reported damaged by Canada geese. Fields of barley, canola, flax, peas, pinto beans, navy beans, and sunflowers were also reported to have damage. Reported statewide losses in dollars were \$767,606, averaging about \$6,141 per producer. Several landowners had either left the question blank or described their loss in non-quantifiable terms. Additionally, this number does not reflect the variability in crop prices.

Information was also obtained about the type of deterrent suggested and/or received through Wildlife Services. Four categories were listed on the report form: 1) fencing/vegetative barriers, 2) harassment/scare devices, 3) flagging/kites, and 4) food plots/grazing areas. Harassment/scare devices were the main option used by 96 landowners (55%). The next most common option was flagging/kites reported by 51 landowners (29%). Nineteen individuals (11%) used fencing/vegetative barriers and seven (4%) used food plots/grazing areas. Landowners are not limited to one goose management option; several options could be used at the same time. Fifty-two landowners reported using only one of the options for goose management, 36 used two options, 15 used three different options, and one landowner used all four options. Twenty-one permittees reported using none of the Canada goose management options made available through Wildlife Services even though landowners were required to have used at least one control option before being referred to the Department.

Canada goose permits were distributed in 31 of the 53 counties (Figure 1). The number of landowners removing geese and/or nests were most frequent in Sargent (29) followed by LaMoure (11), Grand Forks (6), Stutsman (6) (Table 3). No landowners holding permits took geese in Benson and Logan counties. Because some reports did not include information on the county removal, birds and nests taken were distributed to each county proportional to the amount of land ownership indicated on permits.

Thirty-two permit holders did not take any geese or destroy any nests. Seventy permittees killed geese but took no nests. The number of geese taken in 2010 increased by 44% compared to 2009 (Figure 3), and the number of nests and eggs destroyed showed a 10% decrease (Figure 4, and Figure 5). One thousand six hundred ninety-three Canada geese (947 adults and 746 goslings) were taken by permit holders (Table 7). Seventy-three nests were destroyed under the provisions provided by the permits (Table 8), averaging 0.58 nests per landowner. This represents 28% of the 6,000 Canada geese and 7% of the 1,000 nests that could be taken under the Fish & Wildlife Service permit. Nineteen permit holders took the maximum number of geese (30) or more, resulting in 40% of the total goose kill (Table 4). Two permit

holders destroyed the maximum number of nests (15), accounting for 41% of the total nests destroyed (Table 5). Methods of disposal consisted mainly of burying the geese (Table 6). Fifty-one (41%) landowners had buried the carcasses, 22 (18%) had burned their geese, 8 (6%) indicated they had left geese in the field or could not retrieve them, 1 (1%) person donated the geese, and 9 (7%) hadn't listed how their geese were disposed of (unknown), and 1 (1%) used some other technique of disposal. Several landowners had used more than one disposal option.

Discussion

Eight thousand five hundred thirty-three geese and 791 nests containing approximately 4,746 eggs have been taken since the program began in 2002. While on the surface this appears to be a large number of geese, it is a small percentage of the total state population. The 2010 spring index of Canada geese was 325,800 (Table 9) and the index continues to show an increasing trend (Figure 2). The spring index is not considered to be an estimate of breeding pairs. A conservative estimate is that over 200,000 goslings were produced statewide in 2010.

Comments on reports indicate most people were appreciative of the goose permits, while others feel that more still needs to be done to control geese. Several people commented that the use of shotguns, along with the scare devices from Wildlife Services, was adequate in keeping the geese out of the crops. Some producers used alternative measures to keep geese out of the fields instead of killing them in 2010. Two landowners used rifles and shotguns to shoot over the heads of the geese as a scare tactic. Scarecrows, ATV's, and old vehicles parked in fields were other methods used by producers. The effectiveness of these methods was not reported.

A few producers reported they found the permitted taking to be ineffective. A small number of landowners suggested they would be tempted to risk dealing with the Canada goose problems on their own (illegal shooting), instead of waiting for Wildlife Services to come out and assess the damage only to wait even longer for the Canada goose permit to be issued by the Department. Other landowners believed the shotgun was not effective, and that rifles should be allowed since they couldn't get close enough to the geese. The Department does not permit the use of rifles because the program is not designed simply to remove birds, but to allow the taking of birds as a deterrent along with other devices provided by Wildlife Services.

Landowners need to be cooperative with hunters during the early Canada goose season. Most (93%) stated they allow hunters to come onto their land to hunt. The Department will use these producers' names to inform [future] hunters who are looking for a place to hunt Canada

geese. Many landowners mentioned they would like to see a spring Canada goose season, or that the department should make a better effort to help rid the landowners of problem geese.

We would like to thank the following people for their help with this program: Randy Kreil, Greg Link, Dale Repnow, Phil Mastrangelo, John Paulson, Lloyd Jones, Jim Dubovsky, Larry Louis, Ron Gore, and many others.

References

Johnson, M. A. and K. T. Skildum. 2009. Results of the 2009 early Canada goose hunting season in North Dakota. North Dakota Game and Fish Department. January 2009. Bismarck. 10 pp.

Attachment 3

Figure 1. Early Canada Goose Estimated Harvest and Hunters, North Dakota (2000-2010).
August seasons were initiated in 2008.

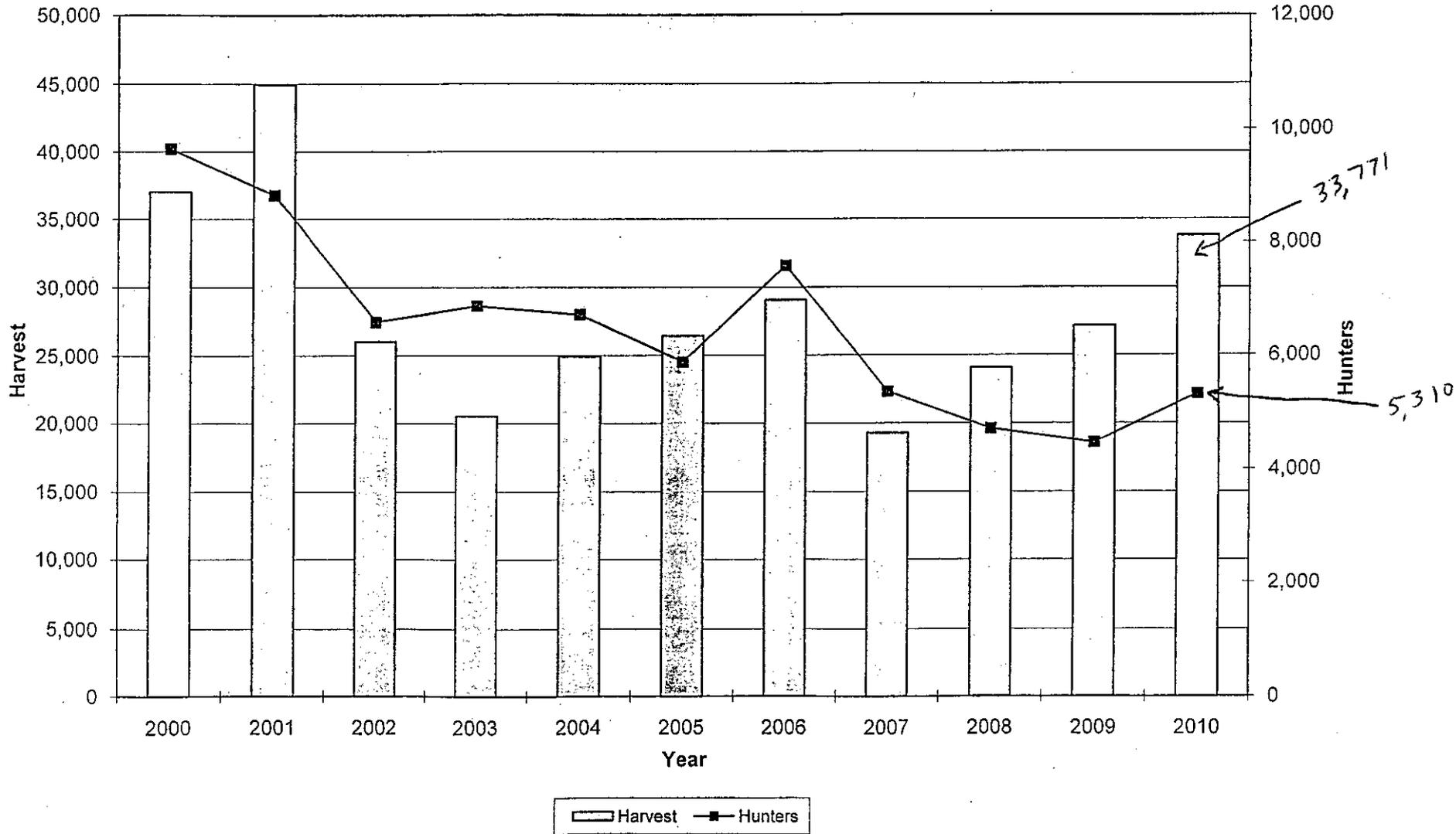


Table 5. Reported and expanded (estimated total) daily hunting activity by county during the early Canada goose season, North Dakota, August 15- September 15, 2010.

County	Days	Percent	Cumulative	Expanded	County	Birds	Percent	Cumulative	Expanded
	Hunted	Total	Percent	Days		Bagged	Total	Percent	Bag
Barnes	95	9.76	9.76	1,695	Stutsman	188	8.40	8.4	2,838
Stutsman	82	8.43	18.19	1,463	Sargent	177	7.91	16.3	2,672
Sargent	63	6.47	24.67	1,124	Barnes	172	7.69	24.0	2,597
Richland	57	5.86	30.52	1,017	Nelson	168	7.51	31.5	2,536
Nelson	49	5.04	35.56	874	Richland	142	6.35	37.9	2,144
Burliegh	40	4.11	39.67	714	McLean	93	4.16	42.0	1,404
McLean	38	3.91	43.58	678	Ramsey	92	4.11	46.1	1,389
Benson	35	3.60	47.17	625	Benson	85	3.80	49.9	1,283
Ramsey	33	3.39	50.57	589	Burliegh	76	3.40	53.3	1,147
Bottineau	31	3.19	53.75	553	McIntosh	76	3.40	56.7	1,147
Ward	29	2.98	56.73	518	Bottineau	67	3.00	59.7	1,011
McIntosh	28	2.88	59.61	500	Steele	63	2.82	62.5	951
Cass	24	2.47	62.08	428	Logan	62	2.77	65.3	936
Logan	24	2.47	64.54	428	Griggs	56	2.50	67.8	845
Griggs	21	2.16	66.70	375	LaMoure	49	2.19	70.0	740
McHenry	19	1.95	68.65	339	Cass	47	2.10	72.1	710
Ransom	19	1.95	70.61	339	Foster	43	1.92	74.0	649
Foster	18	1.85	72.46	321	Ransom	42	1.88	75.9	634
Grand Forks	18	1.85	74.31	321	Cavalier	39	1.74	77.6	589
Steele	18	1.85	76.16	321	Kidder	39	1.74	79.4	589
Kidder	17	1.75	77.90	303	Ward	37	1.65	81.0	559
Pembina	17	1.75	79.65	303	Sheridan	34	1.52	82.6	513
LaMoure	16	1.64	81.29	286	Eddy	29	1.30	83.9	438
Cavalier	15	1.54	82.84	268	Pembina	27	1.21	85.1	408
Eddy	15	1.54	84.38	268	McHenry	23	1.03	86.1	347
Divide	12	1.23	85.61	214	Divide	22	0.98	87.1	332
Walsh	12	1.23	86.84	214	Towner	22	0.98	88.1	332
Sheridan	11	1.13	87.98	196	Rolette	19	0.85	88.9	287
Pierce	10	1.03	89.00	178	Pierette	18	0.80	89.7	272
Renville	10	1.03	90.03	178	Renville	17	0.76	90.5	257
Emmons	9	0.92	90.96	161	Grand Forks	16	0.72	91.2	242
Mountrail	9	0.92	91.88	161	Mountrail	16	0.72	91.9	242
Towner	9	0.92	92.81	161	Burke	14	0.63	92.5	211
McKenzie	7	0.72	93.53	125	Slope	12	0.54	93.1	181
Rolette	6	0.62	94.14	107	Walsh	12	0.54	93.6	181
Slope	6	0.62	94.76	107	Emmons	10	0.45	94.1	151
Williams	6	0.62	95.38	107	McKenzie	10	0.45	94.5	151
Dickey	5	0.51	95.89	89	Wells	9	0.40	94.9	136
Wells	5	0.51	96.40	89	Williams	8	0.36	95.3	121
Morton	4	0.41	96.81	71	Bowman	6	0.27	95.5	91
Trail	4	0.41	97.23	71	Sioux	6	0.27	95.8	91
Adams	3	0.31	97.53	54	Morton	4	0.18	96.0	60
Burke	3	0.31	97.84	54	Trail	3	0.13	96.1	45
Sioux	3	0.31	98.15	54	Mercer	2	0.09	96.2	30
Bowman	2	0.21	98.36	36	Dickey	1	0.04	96.2	15
Billings	1	0.10	98.46	18	Adams	0	0.00	96.2	0
Mercer	1	0.10	98.56	18	Billings	0	0.00	96.2	0
Unknown	14	1.44	100.00	250	Unknown	84	3.76	100.0	1,268

Total Reported Hunter Days: 973
 Hunters Reporting Days: 336
 Average Days Hunted: 3.27
 Corrected Average Bag: 6.36
 Estimated Corrected Total Harvest: 33,771

Estimated Active Hunters: 5,310
 Total Hunter Days: 17,364

1

Process for application for Canadian goose depredation permits:

- The agricultural producer would contact the USDA Wildlife Services or the North Dakota Game and Fish Department
 - When the NDGF receives a phone call, that information is immediately forwarded to the USDA Wildlife Service
 - The USDA Wildlife Services phone number is 701/250-4405 or toll free 1-866/487-3297
- The USDA Wildlife Services checks the area and offers options to manage the problem
 - Management options include propane cannons, flagging, fencing, and other non-lethal options
 - The NDGF could offer to help with enrolling the problem acres in continuous sign-up CRP or consider options for a PLOTS contract
- NDGF operates under a federal permit which requires that these non-lethal avenues be explored prior to the taking of waterfowl under a kill permit
- USDA Wildlife Services can recommend a Canada Goose kill permit be issued to if other control options are not working or those control efforts would not be successful
- The NDGF Director issues the control permit to the agricultural producer
- The NDGF control permit allows producer to remove a specific number of problem Canada geese on the producer's land
 - Control work which includes taking adults and goslings with a shotgun or destroying nests or eggs
 - Records need to be kept on control efforts or waterfowl killed; a report is to be submitted to Game and Fish at the end of the year
 - A second permit can be issued if the first is filled
- An agent (farm hand, farmer's children, or other identified individuals on the permit) can do the control work

- Following first permitting year, the producer is automatically sent a packet for obtaining a permit in the following year
 - Getting a permit in the following year requires that records on control need to have been returned to the NDGF

Special Canada Goose Permits in North Dakota, 2010

Michael A. Johnson and James A. Job
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, North Dakota 58501

18 January 2011

Resident Canada goose numbers in North Dakota have increased steadily since 1993. At the same time, the number and severity of complaints from agricultural producers concerning Canada goose damage to commodity crops has also been on the rise. Additionally, the department has received increasing numbers of complaints about nuisance Canada geese in urban areas, especially on golf courses.

To address Canada goose agricultural depredation challenges, USDA Wildlife Services (Wildlife Services), with funding provided by the North Dakota Game and Fish Department (Department), has worked with producers to reduce losses. Techniques used include scaring and hazing devices (e.g., propane cannons, flagging, cracker shells, kites, etc.), fencing, and natural barriers. The Department also implemented an early Canada goose management season in Richland and Sargent counties in 1999 and statewide in 2000 through 2010 (Johnson and Skildum 2009). In addition to these activities, the Department decided in the spring of 2002 to issue special Canada goose permits (permits), as allowed by the US Fish and Wildlife Service (Service). These permits allow Canada goose control activities such as egg and nest destruction, and killing adults and goslings. These approaches have been used in other states for several years. This report summarizes permit activities in North Dakota in 2010.

Hunting seasons are used to manage populations on a statewide basis. The intent of the permit program is to focus on Canada goose depredations associated with agricultural commodity crops, not nuisance geese on golf courses, city parks, or housing developments. It is essential that producers faced with Canada goose problems use hunting seasons to their full potential to reduce increases in local birds. Permits are not a hunting season and they are not intended to be a means of population control. Rather, permits are a tool to help control goose depredation problems on a site-specific basis. Removing some geese through killing, in conjunction with other hazing and scaring tactics, is known to be an effective way to produce a

learned response in geese to avoid specific fields or areas where these activities are being conducted. Shotguns, rather than rifles, have the ability to provide this learned response. Rifles used at long distances may kill birds, but this tactic does not scare or teach other birds in the flock to avoid the area. Additionally, use of rifles would pose a number of safety and retrieval problems.

The Department submitted a permit application to the Service on 10 June 2002. The Service issued the permit allowing the Department, or its subpermittees, to take up to 2,000 Canada geese, 100 nests, and 600 goose eggs. This permit was amended on 26 March 2003 and reissued on 24 March 2009 to allow the taking of no more than 6,000 geese and 1,000 nests, including all the eggs (Appendix A).

In 2010, Wildlife Services, with funding provided by the Department, hired two seasonal field employees to assist landowners with goose depredation management. Wildlife Services helped landowners use several methods to scare and keep geese out of field crops. If problems still persisted, Wildlife Services referred the landowner to the Department and a permit application packet was mailed to the producer. A landowner must have documented depredation problems on their land before being granted a permit.

A permit application was then completed, signed and returned by the landowner to the Department (Appendix B). Upon approval, the producer was mailed the permit allowing the taking of up to 30 geese and/or the destruction of up to 15 nests from 1 April to 14 August. A report form (Appendix C) was also sent and was to be filled in and returned to the Department by 1 September 2010 documenting the total number of birds and/or nests destroyed each day along with the method used to dispose of carcasses. Each producer was allowed up to 5 additional people, termed control agents, to help with goose depredation problems. The landowner and the control agents were required to carry a copy of the permit with them while conducting control activities.

If a violation of these conditions or stipulations should occur, the act would be considered an illegal take of a migratory bird and the individual(s) involved could be charged as per Chapter 20.1-04 of the North Dakota Century Code or the Federal Migratory Bird Treaty Act and would be ineligible for a future permit. Permits were not granted to any producer, nor can a producer name a control agent that is involved in any state or federal wildlife investigation (associated with Canada goose depredation control). No permits could be granted retroactively. Any taking of Canada geese, nests or eggs prior to permit issuance would be considered a violation of

appropriate State and Federal regulations. Future permits may also be denied if the producer fails to return the report form in a timely manner.

The Service issued the resident Canada goose nest and egg depredation order on August 10, 2006 (50 CFR 21.50) following completion of the Final Environmental Impact Statement on Resident Canada Goose Management in November 2005. This rule allows the taking of eggs and nests to resolve or prevent injury to people, property, agricultural crops or other interests. These activities may take place without a federal permit, however states may be more restrictive and may require permits. Landowners must register with the Service on-line prior to egg or nest taking activities and must report the results of their activities annually, on-line, by October 31. Beginning in spring 2007 the Department began issuing permits for the taking of Canada goose nests and eggs for damage to non-agricultural properties or interests, such as golf courses.

Results

This is the ninth year approved North Dakota landowners were allowed to remove resident Canada geese. Landowners issued a permit in 2009 (107) were mailed a packet on 16 March 2010. Application forms were returned by 88 (82%) of the 107 receiving application packets. An additional 39 applications were referred to the department in 2010 (Table 1). One-hundred twenty-seven permits were issued, 20 more than in 2009 (Table 2).

Sixty permittees (47%) had returned their reports by the deadline of 1 September 2010. Reminder letters were sent in September, October and again in November to those failing to submit their report. By 29 December all but two permits were returned. One was not returned due to the producer passing away and the other producer failed to return the report and could not be contacted.

Information on the extent of depredation was obtained by fill-in-the-blank type questions on the report form. Estimates of the amount of crop loss may depend on the overall attitude of the permittee toward the permits, geese and/or the Department. In addition, many of the reported losses are "best guess" estimates because landowners would not know the full extent of loss until after harvest time. Over 37,514 resident geese were reported on permittees' lands in April (Table 3), including one permittee reporting what we believe to be an exaggerated number of 10,000 Canada geese. The average number of Canada geese each permittee had on their land was around 220, not including the permittee that had reported 10,000 geese. Two thousand six hundred and fifty-two acres of cropland were affected (21.2 acres per producer). Soybeans,

wheat, and corn were the major crops reported damaged by Canada geese. Fields of barley, canola, flax, peas, pinto beans, navy beans, and sunflowers were also reported to have damage. Reported statewide losses in dollars were \$767,606, averaging about \$6,141 per producer. Several landowners had either left the question blank or described their loss in non-quantifiable terms. Additionally, this number does not reflect the variability in crop prices.

Information was also obtained about the type of deterrent suggested and/or received through Wildlife Services. Four categories were listed on the report form: 1) fencing/vegetative barriers, 2) harassment/scare devices, 3) flagging/kites, and 4) food plots/grazing areas. Harassment/scare devices were the main option used by 96 landowners (55%). The next most common option was flagging/kites reported by 51 landowners (29%). Nineteen individuals (11%) used fencing/vegetative barriers and seven (4%) used food plots/grazing areas. Landowners are not limited to one goose management option; several options could be used at the same time. Fifty-two landowners reported using only one of the options for goose management, 36 used two options, 15 used three different options, and one landowner used all four options. Twenty-one permittees reported using none of the Canada goose management options made available through Wildlife Services even though landowners were required to have used at least one control option before being referred to the Department.

Canada goose permits were distributed in 31 of the 53 counties (Figure 1). The number of landowners removing geese and/or nests were most frequent in Sargent (29) followed by LaMoure (11), Grand Forks (6), Stutsman (6) (Table 3). No landowners holding permits took geese in Benson and Logan counties. Because some reports did not include information on the county removal, birds and nests taken were distributed to each county proportional to the amount of land ownership indicated on permits.

Thirty-two permit holders did not take any geese or destroy any nests. Seventy permittees killed geese but took no nests. The number of geese taken in 2010 increased by 44% compared to 2009 (Figure 3), and the number of nests and eggs destroyed showed a 10% decrease (Figure 4, and Figure 5). One thousand six hundred ninety-three Canada geese (947 adults and 746 goslings) were taken by permit holders (Table 7). Seventy-three nests were destroyed under the provisions provided by the permits (Table 8), averaging 0.58 nests per landowner. This represents 28% of the 6,000 Canada geese and 7% of the 1,000 nests that could be taken under the Fish & Wildlife Service permit. Nineteen permit holders took the maximum number of geese (30) or more, resulting in 40% of the total goose kill (Table 4). Two permit

holders destroyed the maximum number of nests (15), accounting for 41% of the total nests destroyed (Table 5). Methods of disposal consisted mainly of burying the geese (Table 6). Fifty-one (41%) landowners had buried the carcasses, 22 (18%) had burned their geese, 8 (6%) indicated they had left geese in the field or could not retrieve them, 1 (1%) person donated the geese, and 9 (7%) hadn't listed how their geese were disposed of (unknown), and 1 (1%) used some other technique of disposal. Several landowners had used more than one disposal option.

Discussion

Eight thousand five hundred thirty-three geese and 791 nests containing approximately 4,746 eggs have been taken since the program began in 2002. While on the surface this appears to be a large number of geese, it is a small percentage of the total state population. The 2010 spring index of Canada geese was 325,800 (Table 9) and the index continues to show an increasing trend (Figure 2). The spring index is not considered to be an estimate of breeding pairs. A conservative estimate is that over 200,000 goslings were produced statewide in 2010.

Comments on reports indicate most people were appreciative of the goose permits, while others feel that more still needs to be done to control geese. Several people commented that the use of shotguns, along with the scare devices from Wildlife Services, was adequate in keeping the geese out of the crops. Some producers used alternative measures to keep geese out of the fields instead of killing them in 2010. Two landowners used rifles and shotguns to shoot over the heads of the geese as a scare tactic. Scarecrows, ATV's, and old vehicles parked in fields were other methods used by producers. The effectiveness of these methods was not reported.

A few producers reported they found the permitted taking to be ineffective. A small number of landowners suggested they would be tempted to risk dealing with the Canada goose problems on their own (illegal shooting), instead of waiting for Wildlife Services to come out and assess the damage only to wait even longer for the Canada goose permit to be issued by the Department. Other landowners believed the shotgun was not effective, and that rifles should be allowed since they couldn't get close enough to the geese. The Department does not permit the use of rifles because the program is not designed simply to remove birds, but to allow the taking of birds as a deterrent along with other devices provided by Wildlife Services.

Landowners need to be cooperative with hunters during the early Canada goose season. Most (93%) stated they allow hunters to come onto their land to hunt. The Department will use these producers' names to inform [future] hunters who are looking for a place to hunt Canada

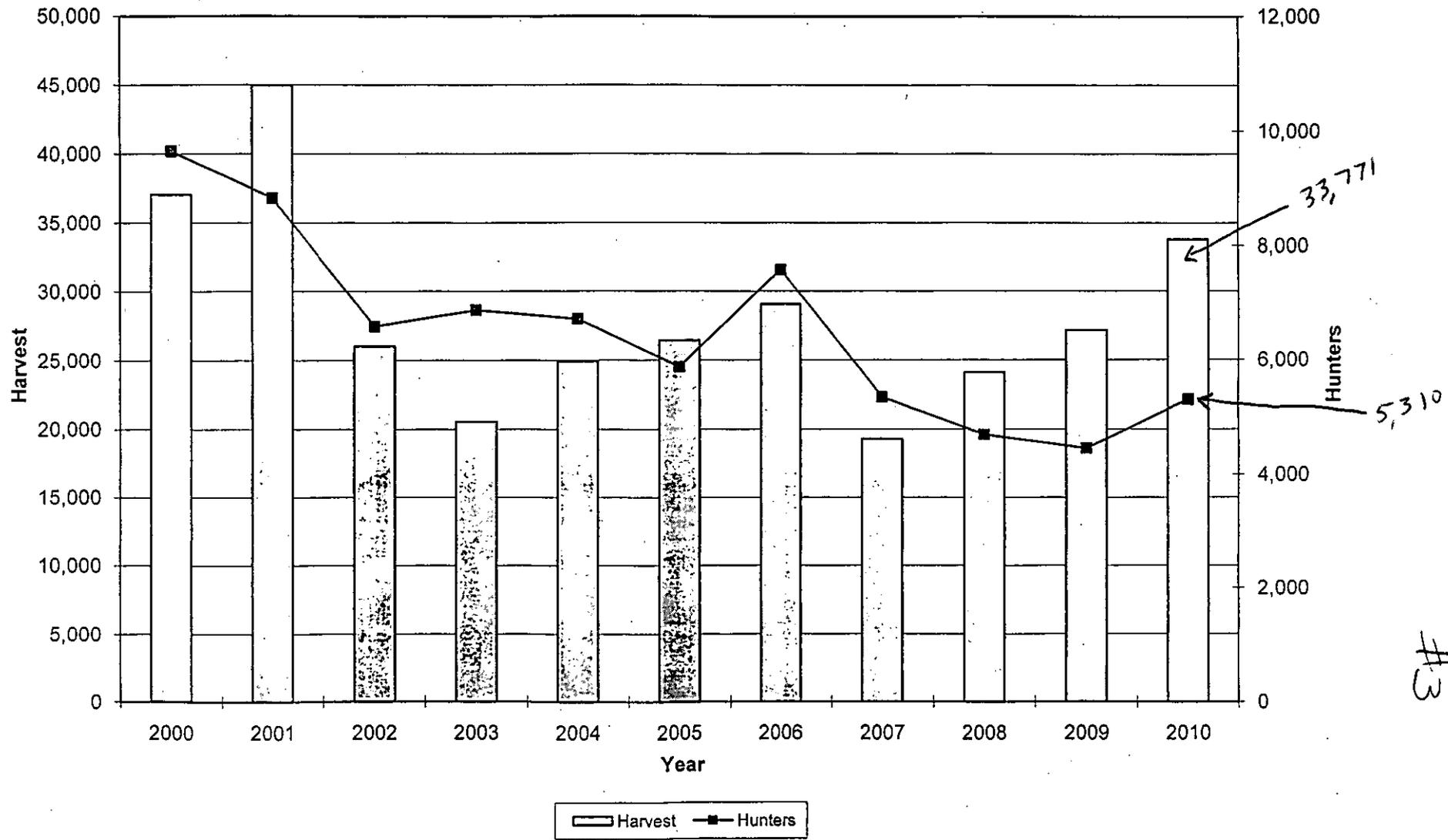
geese. Many landowners mentioned they would like to see a spring Canada goose season, or that the department should make a better effort to help rid the landowners of problem geese.

We would like to thank the following people for their help with this program: Randy Kreil, Greg Link, Dale Repnow, Phil Mastrangelo, John Paulson, Lloyd Jones, Jim Dubovsky, Larry Louis, Ron Gore, and many others.

References

Johnson, M. A. and K. T. Skildum. 2009. Results of the 2009 early Canada goose hunting season in North Dakota. North Dakota Game and Fish Department. January 2009. Bismarck. 10 pp.

Figure 1. Early Canada Goose Estimated Harvest and Hunters, North Dakota (2000-2010).
August seasons were initiated in 2008.



W3

Table 5. Reported and expanded (estimated total) daily hunting activity by county during the early Canada goose season, North Dakota, August 15- September 15, 2010.

County	Days Hunted	Percent Total	Cumulative Percent	Expanded Days	County	Birds Bagged	Percent Total	Cumulative Percent	Expanded Bag
Barnes	95	9.76	9.76	1,695	Stutsman	188	8.40	8.4	2,838
Stutsman	82	8.43	18.19	1,463	Sargent	177	7.91	16.3	2,672
Sargent	63	6.47	24.67	1,124	Barnes	172	7.69	24.0	2,597
Richland	57	5.86	30.52	1,017	Nelson	168	7.51	31.5	2,536
Nelson	49	5.04	35.56	874	Richland	142	6.35	37.9	2,144
Burliegh	40	4.11	39.67	714	McLean	93	4.16	42.0	1,404
McLean	38	3.91	43.58	678	Ramsey	92	4.11	46.1	1,389
Benson	35	3.60	47.17	625	Benson	85	3.80	49.9	1,283
Ramsey	33	3.39	50.57	589	Burliegh	76	3.40	53.3	1,147
Bottineau	31	3.19	53.75	553	McIntosh	76	3.40	56.7	1,147
Ward	29	2.98	56.73	518	Bottineau	67	3.00	59.7	1,011
McIntosh	28	2.88	59.61	500	Steele	63	2.82	62.5	951
Cass	24	2.47	62.08	428	Logan	62	2.77	65.3	936
Logan	24	2.47	64.54	428	Griggs	56	2.50	67.8	845
Griggs	21	2.16	66.70	375	LaMoure	49	2.19	70.0	740
McHenry	19	1.95	68.65	339	Cass	47	2.10	72.1	710
Ransom	19	1.95	70.61	339	Foster	43	1.92	74.0	649
Foster	18	1.85	72.46	321	Ransom	42	1.88	75.9	634
Grand Forks	18	1.85	74.31	321	Cavalier	39	1.74	77.6	589
Steele	18	1.85	76.16	321	Kidder	39	1.74	79.4	589
Kidder	17	1.75	77.90	303	Ward	37	1.65	81.0	559
Pembina	17	1.75	79.65	303	Sheridan	34	1.52	82.6	513
LaMoure	16	1.64	81.29	286	Eddy	29	1.30	83.9	438
Cavalier	15	1.54	82.84	268	Pembina	27	1.21	85.1	408
Eddy	15	1.54	84.38	268	McHenry	23	1.03	86.1	347
Divide	12	1.23	85.61	214	Divide	22	0.98	87.1	332
Walsh	12	1.23	86.84	214	Towner	22	0.98	88.1	332
Sheridan	11	1.13	87.98	196	Rolette	19	0.85	88.9	287
Pierce	10	1.03	89.00	178	Pierce	18	0.80	89.7	272
Renville	10	1.03	90.03	178	Renville	17	0.76	90.5	257
Emmons	9	0.92	90.96	161	Grand Forks	16	0.72	91.2	242
Mountrail	9	0.92	91.88	161	Mountrail	16	0.72	91.9	242
Towner	9	0.92	92.81	161	Burke	14	0.63	92.5	211
McKenzie	7	0.72	93.53	125	Slope	12	0.54	93.1	181
Rolette	6	0.62	94.14	107	Walsh	12	0.54	93.6	181
Slope	6	0.62	94.76	107	Emmons	10	0.45	94.1	151
Williams	6	0.62	95.38	107	McKenzie	10	0.45	94.5	151
Dickey	5	0.51	95.89	89	Wells	9	0.40	94.9	136
Wells	5	0.51	96.40	89	Williams	8	0.36	95.3	121
Morton	4	0.41	96.81	71	Bowman	6	0.27	95.5	91
Traill	4	0.41	97.23	71	Sioux	6	0.27	95.8	91
Adams	3	0.31	97.53	54	Morton	4	0.18	96.0	60
Burke	3	0.31	97.84	54	Traill	3	0.13	96.1	45
Sioux	3	0.31	98.15	54	Mercer	2	0.09	96.2	30
Bowman	2	0.21	98.36	36	Dickey	1	0.04	96.2	15
Billings	1	0.10	98.46	18	Adams	0	0.00	96.2	0
Mercer	1	0.10	98.56	18	Billings	0	0.00	96.2	0
Unknown	14	1.44	100.00	250	Unknown	84	3.76	100.0	1,268

Total Reported Hunter Days: 973
 Hunters Reporting Days: 336
 Average Days Hunted: 3.27
 Corrected Average Bag: 6.36
 Estimated Corrected Total Harvest: 33,771

Estimated Active Hunters: 5,310
 Total Hunter Days: 17,364