

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1396

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1396
2/2/2017
27848

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to licenses to hunt elk

Minutes:

Attachments #1-#2

Chairman Porter: Called the committee to order on HB 1396.

Rep. Dennis Johnson, Dist. 15: This bill is being introduced for a constituent, 3rd generation, that lives in Devils Lake, Turtle Mountains, eastern Bottineau and Rollette County, up against the Canadian border and a provincial park. He has a problem with too many elk. They're coming out of Canada and the park and grazing, taking their crops, damaging trees. He's attended advisory meetings and was told it might have to be something legislatively to fix the problem. Some years ago we had an issue with the south park of Theodore Roosevelt National Park we had an issue with elk coming out of the park, eat on the farmland and go back in. Similar situation here. That is the reason for this bill, adding another unit, 2nd Page, Line 7 through 11 of what the unit would look like. The numbers I've shared is, you'll see up to 130 elk come down and smoke about 3-4 acres every afternoon. It's an issue. We tried dealing with the Game and Fish and they said it had to be done legislatively.

Chairman Porter: Is this currently in an elk unit?

Johnson: It is, E1

McCarl Kavli, Devils Lake. My farm is west of the Peace Gardens up in the Tuttle Mountains on the border. Thank you for giving me this time to talk about the elk issues we have today. The last 2 district meeting when I was trying to address these issues they told me I had to go to my legislators to get our issues changed. We would like the people next to the Canadian Provincial Park, can shoot one any elk which is located in the Turtle Mountains which I believe is the same as in the SW ND along the national park there. **Attachment #1** you can see the big bulls come and destroy my evergreens. The bulls play with hay bales like a spool. They push them till the twine breaks and roll them out. I've had fields where they've done every bale. I have been asked why didn't you get them picked up. In my case it's a renter and has farmland elsewhere and can't pick them up right away. There's also insurance issues, if you pile them up and have a fire, you've burnt up a whole stack of bales and have a hard time

insuring that. We can't grow sunflowers up there anymore. When the sunflowers bloom, they pick them off like candy. If they do get big enough and don't get them off, they'll wipe out a whole field of 30-60 acres. We can no longer grown sunflowers. If the bulls can't step over the fence, the bulls put their horns down and knock down 3-6 fence posts out, and cattle are out. It's hard to raise rent because of damage to crops and fence and money he's losing. I've had 130 elk at one time on my 600-acre farm. My neighbors also have a number of elk on their properties, all the way over, 10 miles to the Peace Gardens. There's more herds than what's on my property. Now we have wolves coming into the area. I've had a state trapper try to get a hold on the beavers and he had to stop because there were too many wolf tracks.

Rep. Ruby: Do you post your land?

Kavli: Yes I do but even the Game and Fish realize, anyone that asks, I let a percentage of people on. I can't let everyone because I get too much traffic. But I do everything possible to have them come. I don't charge them for it. I'm known well that I have the most elk on my property. They're driving out there all the time. I get 4 wheelers, snowmobiles, trying to find the elk so they can see it. They tear down the posts and say they didn't see it. I ask for a roast or steak and don't always get that.

Rep. Ruby: With this proposal, would the Game and Fish take the game? In E4 it's 10 any elk license in that situation. Do the farmers keep the game or the Game and Fish come in and take it?

Kavli: If I get the license, I'll keep the meat. At least then we get something out of it. It's like deer season, landowners get one license for the land to shoot a deer and don't have to pay for it.

Chairman Porter: This sliver of land is butting up against an elk preserve.

A provincial park but they let the Natives go in and hunt on the Canadian side. Sometimes they come across and I had to get the Border Patrol involved because they come across and shoot on my side and go across, and then come back through the Canadian border and back to the US side.

Chairman Porter: Inside of that sliver, if we were to say the individual had to own 320 acres of land instead of the normal 160, would that cause a problem with you in your area?

Kavli: No

Chairman Porter: We have to be concerned when we open up these deals where everyone else gets a once in a lifetime. But you own land and can get every year, and it increases the value of your property. Someone will come in and buy your property because I can get an elk tag every year. So there's fine line between depredation and property value increases when we do these. We have to be careful too.

Kavli: I would like to suggest if you give a landowners permit; you can only shoot it on your property.

Chairman Porter: that would be the case anyway. The other issue depending on the biology and management, it may require a pool that you don't get one every year instead of getting one every year. That would have to be worked out with Game and Fish. Further opposition?

16:35

Jeb Williams, Wildlife Division Chief presented **Attachment #2.**

21:25

Rep. Heinert: How many are going to be on the east side of the highway executively?

Williams: Last year 100 total licenses, that will probably be reduced some in the eastern part, but we've had good hunter success, so probably in the 80 range would be my guess.

Rep. Heinert: How many landowner?

Williams: Last year we had 65 landowners within that area, so 15% of that number

Rep. Keiser: Does Game and Fish have a depredation program for elk like they do deer?

Williams: Yes we do. We've worked with 2 individuals in that area for elk depredation concerns, whether hay yards or food plots.

Rep. Keiser: Do you have anything for his trees?

Williams: No we do not.

Rep. Keiser: Mac sounds like a nice guy, posts his land, lets people on. What if he and one or two of his neighbors had all the elk, said we're posting it, you can't hunt? What would happen to the elk hunting in that area?

Williams: Obviously they would not harvest any elk on his property but there are elk in other areas of the property. We have collared elk information to show the distribution of elk in that area.

Rep. Keiser: Do you agree that most of them are in his area and maybe one or two adjacent properties? Or are they equally distributed throughout the whole area. He's right next to the game preserve.

Williams: I don't know that for certain to say. Our collared information shows there's elk in other areas too.

Rep. Keiser: The evidence shows there's a unique problem here and the standard way of handling things may not be the right way.

Chairman Porter: From the time Mr. Kavli complained at the advisory board meetings, the department has come a long way in addressing some of the concerns by splitting the unit

and almost getting those licenses into those high density areas. I would ask you to have a conversation with him when you're done here today.

25:45

Bill Helphrey: ND Bow Hunters Association. I've been at this job for 15 years. This is my second Game and Fish director. Our organization has always said we will support the Game and Fish on all biological issues. This is a biological issue based on how many elk there are and where they are. We support the Game and Fish.

Chairman Porter: Further testimony in opposition? Closed the hearing on HB 1396

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1396

2/9/2017

28088

Subcommittee

Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to licenses to hunt elk

Minutes:

Chairman Porter: Called the committee to order on HB 1396. This bill was put in by Rep. Johnson. We heard last week Mr. Kavli came down from the northern part of Bottineau County and talked to us. It was truly and amazing revelation as the parties were brought together in front of the Legislature for the meeting. Mr. Kavli contacted Rep. Johnson back and said, it was a miracle, that Game and Fish is now at the table with them and working together in order to solve the issues. Rep. Johnson has asked us to discard this bill.

Rep. Keiser: I move a Do Not Pass

Rep. Mitskog: Second

Chairman Porter: We have a motion from Rep. Keiser for a Do Not Pass and a second from Rep. Mitskog.

Rep. Anderson: I'm glad this is a Do Not Pass because I had calls from everyone south of unit line last night wanting to know why they weren't included.

Chairman Porter: No further discussion the roll was called on a Do Not Pass to HB 1396.

Yes 13 No 0 Absent 1 Rep. Ruby is the carrier.

Date: 2-9-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1396

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass
- As Amended
- Place on Consent Calendar
- Without Committee Recommendation
- Rerefer to Appropriations

Other Actions Reconsider _____

Motion Made By Rep. Keiser Seconded By Rep. Mitskog

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Mock	AB	

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Ruby

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

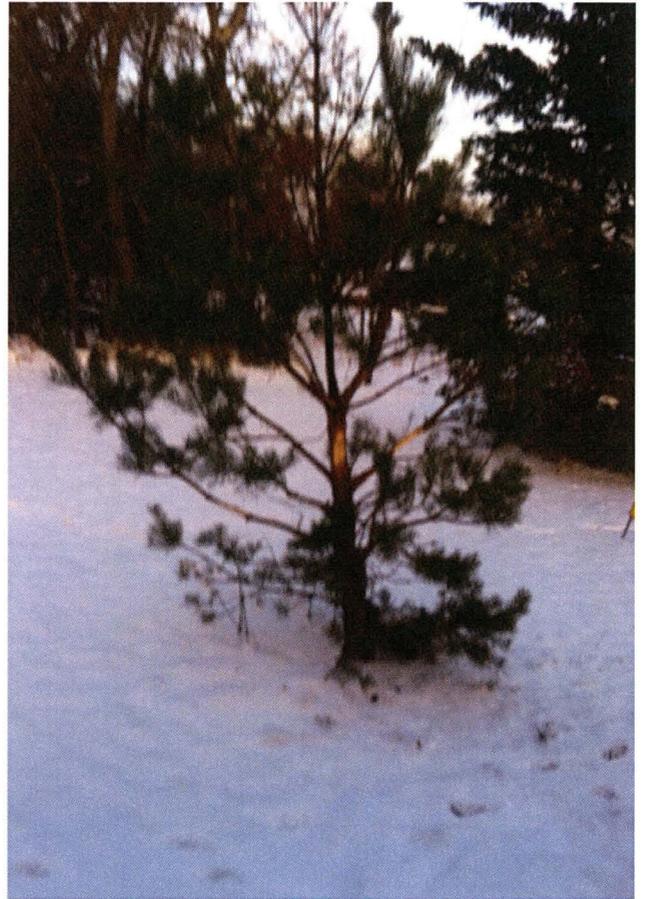
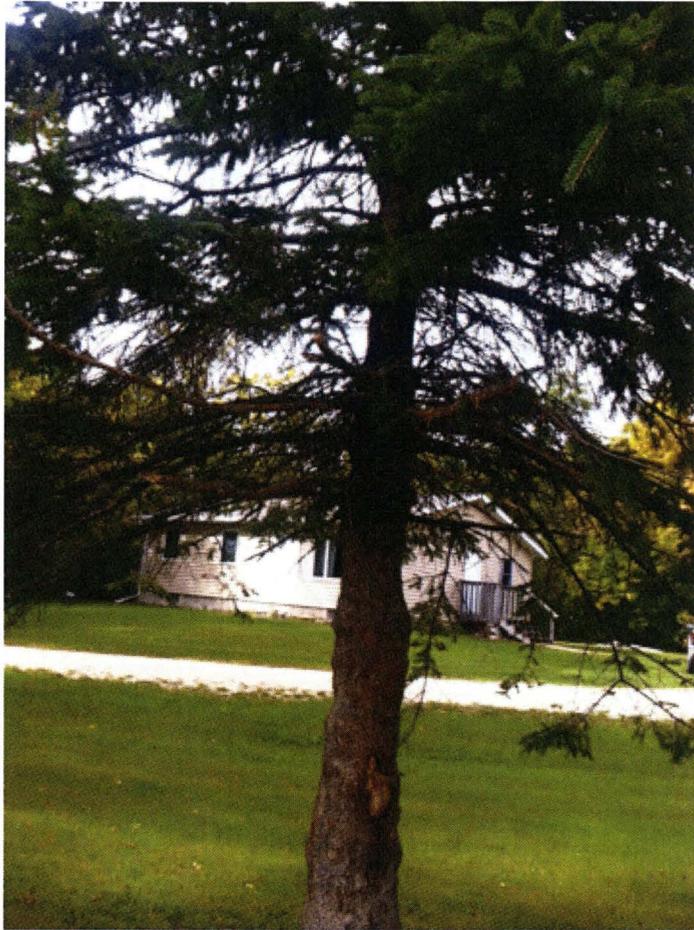
REPORT OF STANDING COMMITTEE

HB 1396: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1396 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1396

#1
#1396
2-2-17
KAVLI





House Energy and Natural Resources Committee
Testimony on HB 1396

North Dakota Game and Fish Department
Jeb Williams, Wildlife Division Chief
February 2, 2017

#2
HB 1396
2-2-17
Williams

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Jeb Williams, and I am the Wildlife Division Chief with the North Dakota Game and Fish Department. I am testifying in opposition to HB 1396 due to a recommended proclamation change the Department has been working on, and will be recommending for the 2017 season, which will help address the issue the committee is discussing today.

Elk Unit Boundary/Research Information

In 2012, the Department responded to an increasing elk population in the Turtle Mountains by expanding elk unit E1 to the west. In 2016, the Department radio collared five elk in the eastern portion of the unit, and five in the western portion to help identify their home range, and to assist in surveying the entire herd associated with the collared elk. The information collected over the last couple of years has led the Department to a recommendation to the Governor for the 2017 proclamation, which will split the unit, allowing better management of the elk herd(s), and will also assist with increasing the opportunity for the landowners who currently qualify for a preferential license in the Turtle Mountain area.

Landowner Preferential Licenses

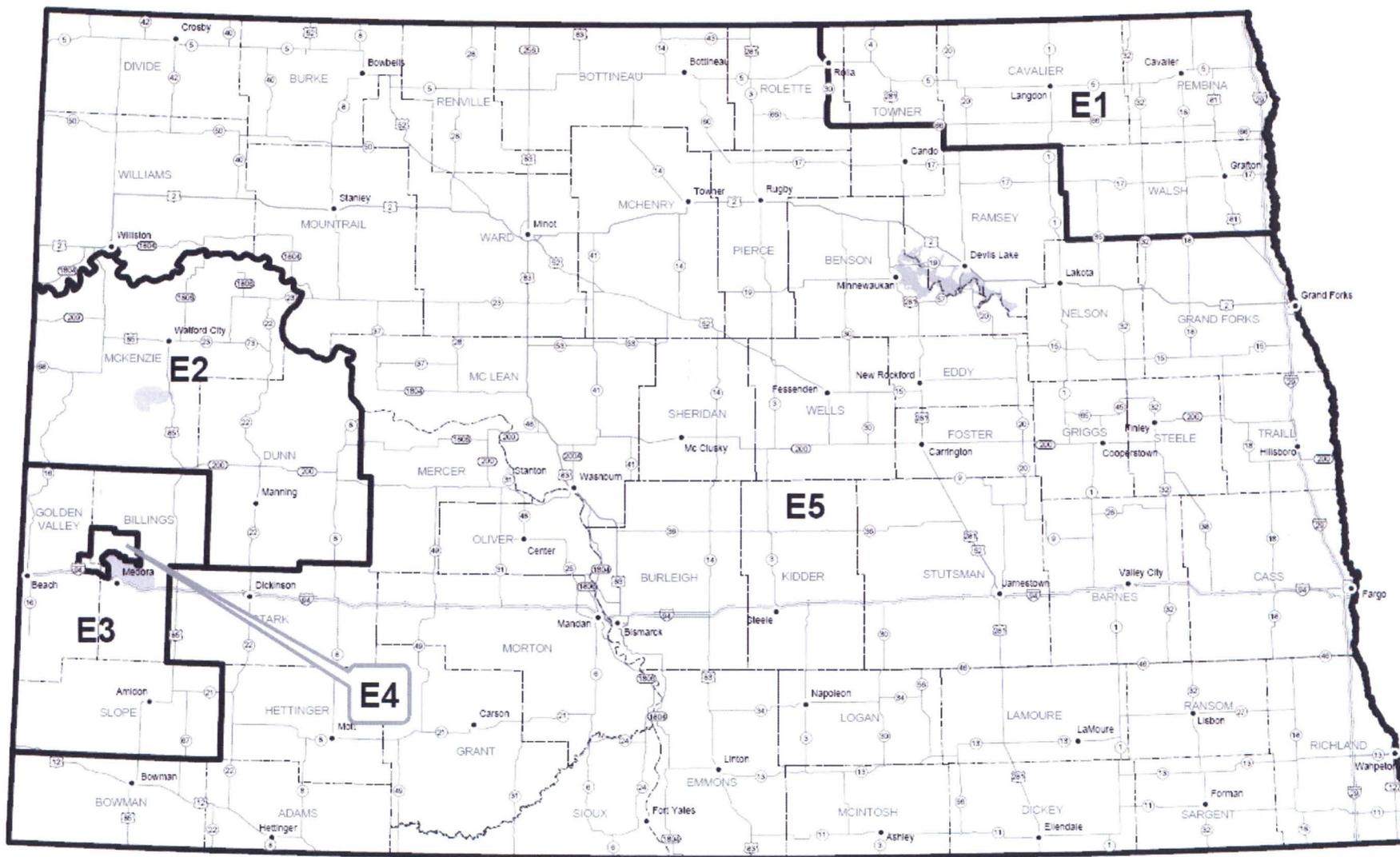
The elk preferential licenses are determined by allowing 15% of each unit's license allocation to be reserved for landowners who have been approved for a preferential license. When they draw and receive a license, they can be used unit-wide. Currently, in unit E1, there were 82 landowners competing for fifteen licenses in unit E1 (100 elk licenses for E1 in 2016). Splitting unit E1 will allow the Turtle Mountain landowners to be competing against each other, and not the landowners, in the eastern portion of the unit. The current number of landowners west of Highway 20 is 7, and the current number to the east of Hwy 20 is 75.

Depredation Complaints

Within the boundary described in the legislation, the Department has assisted two landowners with elk complaints. We have also worked with two others who are close to the proposed area but are south and east of Hwy 43.

I am respectfully asking the committee to allow us the opportunity to work with a growing number of elk associated with the northeast part of the state, and to distribute those licenses to both landowners and the sporting public in the most equitable way possible.

Elk Hunting Units



4

NORTH DAKOTA GAME AND FISH DEPARTMENT

E1 ELK HUNTING UNIT MODIFICATION

2017

