

2019 SENATE ENERGY AND NATURAL RESOURCES

SB 2342

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2342
1/31/2019
Job Number 31891

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

Relating to restrictions on noises resulting from the operation of boats and other watercraft; and to provide a penalty.

Minutes:

6 Attachments

Chair Unruh: Opened the hearing.

Senator Robert Erbele, District 28 (0:15-3:29) Introduced the bill. This bill regards noises of watercraft on the river. It's here on behalf of constituents of mine that live along the river and have been bothered by loud noises all night on the river next to their home. After repeated requests not to, and getting law enforcement involved; that issue has continued to the point of harassment. We bring this bill to address some of the concerns of decibel noises and hours of operation. As with most bills, once you get them out there, other concerns come up. What has happened since drafting concerns what kind of boats and what hours? If I'm going out duck hunting and setting a decoy; am I in violation? Yesterday, the Director of Game and Fish, Terry Steinwand, and our constituents sat down and came up with amendments that are more specific and address those other concerns that arose from the duck hunters and the fishermen not wanting to be in violation. **Please see attachment #1 for amendments.** I have amendments that essentially replace the bill. Addresses the issue of airboats, which are the perpetrators of the violation we are trying to address here.

Representative Mike Brandenburg, District 28 (4:00-5:20) I wanted to say some bills come forward that you really don't want to bring forward, but you have to because you have some people who abuse the rules. There are some people out there who are very respectful, they go out on the river and are quiet. Then there are people with big powerboats, big engines, and big spotlights. At three in the morning, spotlights shining on your house, trying to irritate to make trouble. In no way do we want to hurt the sportsmen who is respectful of the people on the river. Those people that abuse that privilege need to be toned in.

Senator Piepkorn: What's the purpose of an airboat?

Representative Brandenburg: Other than going up and down the river, it's not fishing, it's recreation. But when you're out there at 3am in the dark, very apt to cause an accident. I

don't understand why this is even here, this hasn't been a one-time event, this has been going on for years. The parties involved, they need to be tamed down, have fun out there, but don't impact people. We don't want to hurt people playing by the rules and doing things right.

Senator Piepkorn: Is this one individual we're dealing with?

Representative Brandenburg: Yeah, you got one guy out there, maybe with relatives with big boats, they're having too much fun.

Senator Roers: You keep using the term internal combustion engine, what does that mean to you?

Representative Brandenburg: You've got these boats with twin engines, they make a lot of noise. I had a Challenger with a big engine in it and a hotrod and glass back muffler. You could hear me coming down the street. That's exactly what this internal combustion engine would do, you can hear it five miles down the river.

Senator Cook: You're identifying two crimes, a muffler has to be on the boat 24-hours a day or say class 1, and you can't drive the boat, period, after sunset?

Representative Brandenburg: This amendment was worked on by the parties, and may need some smoothing, right now it muffles it down so we don't have noise in the middle of the night?

Senator Cook: What is the penalty for a class 1 non-criminal offense?

Representative Brandenburg: I'm not sure, I hear \$50 class 1. Class 2 is \$25.

Sharon Schiermeister, Hazelton resident (10:15-12:00) Testified in favor, please see attachment #2 for testimony (12:05-13:15) Attachments #3-4 are video clips. This video was taken outside on the river (13:30-14:00)
<https://www.legis.nd.gov/downloads/bill-history-media-file/66-2019/sb2342/sb2342-snatres-01312019-attachment3.mov>

This video is inside with the windows shut; this boat is 2-3 miles up-river.
<https://www.legis.nd.gov/downloads/bill-history-media-file/66-2019/sb2342/sb2342-snatres-01312019-attachment4.mov>

Resumed testimony (14:05-17:20)

This doesn't apply to just us, others are here to testify how it affects them, it's anyone who lives by the river. To answer Senator Piepkorn's question, what is the purpose of an airboat, our understanding is they're fishing for carp, hence the spotlights and going into the backwaters.

Leslie Gimbel, Hazelton resident (19:05-19:42) Testified in support. I live 3 miles north of the Hazelton boat landing, these guys come up into the Carlson Bottoms, they're hunting

carp and non-game fish. I don't begrudge them; I just wish they would be quiet. The big boats fishermen use aren't as loud during the day. I hope we quiet them down.

Chris Grondahl, Hazelton resident (20:09-22:19) Testified in support, please see attachment # 5.

Brooke Larson, Hazelton resident (22:55-30:30) Testified in opposition, please see attachment # 6.

Chair Unruh: Have you seen a copy of the proposed amendments? They would take away the original bill, and replace it with regulations only on airboats. Are airboats frequently used in the activities you described in your testimony?

Brooke Larson: We own that airboat in the earlier video, we have since made great efforts to quiet it down: purchasing the \$600 muffler as well as a Honda generator which is the quietest on the market. Utilizing our airboat is the only way to bowfish, and to maintain the wildlife population in this area. They are highly utilized and very needed. They're not used to run up and down the river to cause noise, it is for a purpose.

Chair Unruh: Do you happen to know the decibel difference between the decibels we heard in the video and what they would be after the muffler was applied?

Brooke Larson: We have not measured, but the motor is the same as any in a truck, in addition to the mufflers that were applied.

Senator Cook: Do you have a guiding service?

Brooke Larson: We did; we no longer do.

Senator Cook: According to the bill as it is now, the only thing that appears to affect you is the restriction on when you can operate it. If we took that out, you'd be fine with the bill?

Brooke Larson: I'm not sure what the amendment says for per say; I don't know if that would affect us or not. Accessing a boat ramp, a boat will still make noise, I don't know if the mufflers make it under the proposed decibels or not, but we have made it as quiet as possible.

Chair Unruh: We'll give you plenty of opportunity to look at these.

Senator Piepkorn: One of the testimonies was disrupting night game, you've made the claim that you're helping the fishing environment by getting rid of the carp. What's your opinion of disturbing wildlife in these pretty quiet bays?

Brooke Larson: We also use our airboat to go duck hunting the morning. We respectfully use the river and the channels to get to the shallows where carp are. We use it in the morning to go duck hunting, we almost always shoot our limit; no effect on the number of wildlife in the area.

Derek Larson, Mandan resident (35:30) William Larson owns the airboat; there have been claims he's purposely disturbed the peace. I've seen him take extreme measures to avoid Mr. Schiermeister, to be respectful, to use other ramps, so to say he's done it on purpose, is false.

Chair Unruh: How many complaints does the Department receive about noise at night on waterways?

Robert Timian, Chief Game Warden, North Dakota Game and Fish (36:40) I do not have that exact number, we do get some complaints, occasionally we get a call from the Marina in town, those are in city limits so those are referred to the city. Currently there is no noise law, for Game and Fish to enforce.

Senator Roers: Could you tell me; do you have a decibel reading maximum?

Robert Timian: There is none, there is no law on the books, regarding noise in boats. It doesn't exist.

Senator Roers: You don't have jurisdiction in the city limits, do their laws include a decibel reading?

Robert Timian: I don't know; each city can make its own ordinances.

Senator Schaible: I assume that a political sub, like a county could also do that and create their own limits.

Robert Timian: Yes, I would assume they could. There is a law on the books regarding boating, 20.1-13, that when it comes to the actual waters, I don't think it was written specifically to talk about noise, it's more like idle speed and those things; political subs cannot make regulation or rule regarding boats that is more restrictive than state law. They can mirror it, but they can't exceed it. But that really doesn't adjust for noise, it was more how boats operate.

Chair Unruh: Closed the public hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2342
2/7/2019
Job Number 32347

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to restrictions on noises resulting from the operation of boats and other watercraft; and to provide a penalty.

Minutes:

1 Attachment

Chair Unruh: I have received quite a few phone calls and emails on this topic after the hearing was complete, mostly from folks who had airboats who are concerned about restrictions on being able to use them. The amendments that were proposed with the introduction of the bill were also hoghouse amendments, those original amendments would have limited the hours they could use the boats. I did receive an email from the proponents of the original bill saying they would consider adjusting those nighttime operational hours if we decided to go with that amendment that was introduced with the bill, which had an hour after sunset and the proponents agree that maybe 11-5 would be more appropriate. Those amendments also included a requirement for a muffler; and what my amendments do, is require muffler on the engine, if that muffler is not included on the engine, the parties would be guilty of class 1 non-criminal offence, which is a \$50 fine. Those other amendments had an increase in penalty to a misdemeanor for any additional offenses, which I removed from here. This **(please see attachment #1)** requires them to have a muffler, if they don't have a muffler, they get a \$50 fine every time they get caught. I also removed the limitation on hours of operation. I know we talked about that being a local issue, the county does not have the ability to limit the hours of operation in that manner, so this couldn't be dealt with that way. I felt it was specific enough and that it's not our business to be telling folks when they can use public waters. I support the amendments, but even as amended I'm not sure I support the bill, the amendments make it better.

Senator Schaible: I move to adopt the 01003 amendment to SB 2342.

Senator Cook: I second.

Senator Piepkorn: Is there a method for measuring decibels, or is there a presumed effect of the muffler, it's going to lower the noise to a certain level, can we talk about this a little bit? What does this say to that?

Chair Unruh: I was not interested in putting a decibel limit on this. We've talked about decibel limits in this committee before. They are very difficult to measure; especially when you're on the water, depending on the wind and temperature and how close you are to the boat all will change what kind of decibels come out and carry up the hill where the house was located. I did not feel it was appropriate for us to put our folks in charge of enforcement in a position where they have to make those calls, so I left that out.

Senator Piepkorn: So what's the criteria, if the complainant says they have a muffler but it's not doing the trick? What do we do then?

Chair Unruh: We might see them back here.

Senator Roers: I think the amendment is nice, it does a lot. I received emails and calls, one from a neighbor. He indicated that this problem is between two individuals and that the landing was there before the house was built. The house was built within 150 yards of the boat landing, so the disruption should have been expected. After looking at all this stuff, I can't support this bill either.

Senator Schaible: Mufflers are the same conversation as with cars. What's a legal muffler, what's too loud, what's not loud enough, it's all subjective, this says automobile it would be under the same criteria as that, I can live with that.

A voice vote was taken.
Amendment is adopted.

Senator Roers: I move a Do Not Pass As Amended.

Vice-Chair Kreun: I second.

A roll call vote was taken.

Motion failed 3-3-0.

Senator Cook: I move Do Pass As Amended.

Senator Schaible: I second.

Senator Cook: I had a guy call me we chatted, I asked if he had a problem with the muffler, he said he didn't have any problem.

Senator Piepkorn: It's not just this one individual, according to testimony and people I've talked to, people up and down the river. They go up the river and into the backwaters. I think it goes somewhat beyond this one individual.

A roll call vote was taken.
Motion passes 4-2-0.

Senator Cook will carry.

Chair Unruh: Closed the committee action.

February 4, 2019

sl
1201

PROPOSED AMENDMENTS TO SENATE BILL NO. 2342

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to regulation of airboats to prevent excessive noise; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

Airboat regulation - Penalty.

1. For purposes of this section, unless context otherwise requires:
 - a. "Airboat" means a vessel designed primarily for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.
 - b. "Muffler" means an automotive-style sound-suppression device or system designed to abate effectively the sound of exhaust gases emitted from an internal combustion engine and prevent excessive sound when installed on an engine.
2. The exhaust of an internal combustion engine used on an airboat operated on the waters of this state must be equipped with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts or flex pipe as the sole source of muffling is prohibited. This subsection does not apply to authorized law enforcement airboats or other emergency response airboats.
3. An airboat operator who violates subsection 2 is guilty of a class 1 noncriminal offense.
4. An airboat operator cited for a violation of subsection 2 may not operate the airboat that is not in compliance with subsection 2 until a muffler is installed."

Renumber accordingly

Date: 2/7
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2342

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0987.01003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Sen. Schaible Seconded By Sen. Cook

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh			Senator Jim Roers		
Senator Curt Kreun			Senator Merrill Piepkorn		
Senator Donald Schaible					
Senator Dwight Cook					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote
Motion Carries

Date: 2/7
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2342

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19. 0987. 01003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Sen. Roers Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh	X		Senator Merrill Piepkorn		X
Senator Curt Kreun	X				
Senator Donald Schaible		X			
Senator Dwight Cook		X			
Senator Jim Roers	X				

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

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

Date: 2/7
Roll Call Vote #: 3

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2342

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0987.01003

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

Other Actions: Reconsider _____

Motion Made By Sen. Cook Seconded By Sen. Schaible

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh		X	Senator Merrill Piepkorn	X	
Senator Curt Kreun	X				
Senator Donald Schaible	X				
Senator Dwight Cook	X				
Senator Jim Roers		X			

Total (Yes) 4 No 2

Absent 0

Floor Assignment Sen. Cook

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

REPORT OF STANDING COMMITTEE

SB 2342: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to regulation of airboats to prevent excessive noise; and to provide a penalty.

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4. An airboat operator cited for a violation of subsection 2 may not operate the airboat that is not in compliance with subsection 2 until a muffler is installed."

Renumber accordingly

2019 HOUSE ENERGY AND NATURAL RESOURCES

SB 2342

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2342
3/7/2019
33393

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis by Donna Whetham

Explanation or reason for introduction of bill/resolution:

Relating to regulation of airboats to prevent excessive noise; and provide a penalty.

Minutes:

Attachment 1,2,3,4

Chairman Porter: Opened the hearing on SB 2342.

Sen. Robert Erbele, District 28: Introduced this bill on behalf of constituents who live along the river reservoir relating to water craft running all hours of the night. We wanted to address noises and it was quite broad and now with the amendment brought by Game and Fish that narrowed this to deal with just airboats. That is the issue out there. They are running all hours of the night and right up to the shore. Law enforcement has been called and there hasn't been any resolution. We tried to bring some reason to this issue. We do recognize people has the right to recreation on the reservoir but at some point you need to be respectful of other people. There is also a timeframe at first but all the Senate did is require the boat to have a muffler. I still would like you to consider a timeframe, even if it was around 11pm to 5 am because with the airboat the big blades are really what makes the noise the muffler would not help much. \

4:40

Sharon and Durant Schiermeister: In support of SB 2342 presented **Attachment #1** with purposed amendment along with video to show the noise level of the airboats.

11:57

Rep. Anderson: Wouldn't it be better to put a decibel limit on the noise because up at Lake Metigoshe they have those cigar boats up there that are very noisy? That might be something necessary to enforce this.

Sharon Schiermeister: We are comfortable with a decibel limit added.

Rep Heinert: You had talked about decibel limits originally?

Sharon Schiermeister: Yes, in the bill as it was originally posed, did have decibel limits in it.

Rep Heinert: Do you remember what decibel limit was talked about?

Sharon Schiermeister: It was noise exceeding 88 decibels. That was based on a municipal ordinance somewhere.

Rep Heinert: When you met with the Senate side were they in disagreement with decibels or the time?

Sharon Schiermeister: I think it was more on enforcement because it was introduced as broader for any watercraft. So there was lots of concerns on that so we did offer an amendment to limit to the airboat and the muffler requirement and also a time limit. The Senate only chose the muffler amendment.

15:23

Rep Heinert: The way I see it is the only way we could enforce this is with a decibel level and time for the duration of the decibel level and the time of day. It is close to an hour in most city ordinances.

Sharon Schiermeister: Handed out written testimony from Brett W. Mealio in support of amended SB 2342. Was not present to give oral testimony. See **Attachment # 2.**

17:00

Les Gimbel: In support of SB 2342. See **Attachment # 3.**

18:45

Chris Grondahl, Bismarck Resident : In support of SB 2342. See **Attachment # 4.**

22:31

Chairman Porter: questions, further support? Any opposition? I have a question for Chief Timian. This is not a new problem on the river, how has it been resolved in the area north from Ft Lincoln up to Double Ditch?

Chief Robert Timian, North Dakota Game and Fish: Currently we haven't had this particular issue in that corridor with the airboats. Inside the corridor there is no noise ordinance on the river itself. The marinas which are within city limits are governed by any city noise ordinances. That is usually where you have the parties and loud music on boats in the marinas. There is very few noise complaints from on the river itself.

Chairman Porter: So the city limits of both Bismarck and Mandan extend to the center point of the Missouri River don't their noise ordinances also extend to the center point of the Missouri River?

Chief Robert Timian: I will not comment on how the city chooses to enforce their ordinances.

Chairman Porter: So the ordinance may extend but the enforcement doesn't seem to be going with?

Chief Robert Timian: I am not in the position to discuss how the city enforce their ordinances. In talking with one of the chiefs that they have some issues with enforceability of some of their noise regulations. We typically do not get noise complaints from the river itself. From the marinas, yes. We provide assistant to city officers to get them out there. In our Missouri River enforcement program we have an agreement with cities and counties in the area that patrol with our officers when there is one of those issues. We have an officer with us when we go in.

Rep Heinert: In reference with the river the cities do say that they run to the middle of the river, but they actually run to the water's edge and then it is the responsibility of the state or the counties associated with that waterway to carry out any duties on that water way that are needed.

Rep. Keiser: I will make sure you get copies of all complaints I get. At night the sand bars become party time and with the new boats and new speaker systems it's affected camping at Ft. Lincoln. When the water is low on the sand bars the parties go to 2-3 am in the morning. That is not in the marina it is on the sand bar.

Chief Robert Timian: I didn't say people are not upset but I can't record it when they don't contact me.

Rep. Zubke: Do your wardens have the ability to monitor decibels?

Chief Robert Timian: No we do not carry a meter to measure decibels. Currently there is no sound regulation. In the original bill we saw there was a decibel level measured at a certain number of feet. It is not that you can't do it but there's challenges with boats moving around. A complaint comes in and then the boat isn't there when you get there. It's not impossible but decibels are a challenge to enforce.

Chairman Porter: Any other questions? Seeing none. Closed the hearing on SB 2342.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2342
3/15/2019
33809

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to regulation of airboats to prevent excessive noise; and provide a penalty.

Minutes:

Attachment 1, 2

Chairman Porter: Opened the hearing on SB 2342.

Rep Heinert: presented Attachment 1 and 2. After we heard testimony on the airboats down south of Bismarck, I found out who the person in the airboat was, talked to them and put together some thoughts. We have here an engrossed hog house amendment to noise regulation from boats and identifying that any boat on any waterway in the state between midnight and 5 am may not produce noise in excess of 88 decibels for more than 10 minutes. For the purpose of this section the measurement of decibels shall be measured from the shoreline closest to the location for which the complaint or other noise is received. A boat operator sited for this may not use it until some form of muffle to reduce it below 88 decibels after hours is obtained. I would move this motion.

Rep. Ruby: second

Chairman Porter: further discussion.

Rep. Ruby: what's the penalty for a class 1 noncriminal offense? An infraction?

Rep Heinert: Class 1 non criminal isn't an infraction so it's up to \$500.

Rep. Devlin: How many law enforcement agencies have the decibel meter to do this?

Rep Heinert: First let me back up to Rep. Ruby's questions. I don't think \$500 is right. I think it's a different number.

Rep. Roers Jones: an infraction is a criminal offense, so I think we need to clarify. The class 1 noncriminal, I'm not certain what that means, but an infraction is a criminal offense.

Rep Heinert: look under G&F laws.

Chairman Porter: There's noncriminal charges inside of G&F laws this would apply to.

Rep Heinert: How many have a decibel meter? I don't believe many do. A lot of the police departments do because they have decibels levels for motor cycles and those events in cities, but

they are not expensive. It's fairly inexpensive to have a small decibel meter available. I'm assuming G&F is going to get 99% of these calls so they'd probably have to purchase them for some of their officers around waterways where complaints are coming from.

Chairman Porter: further discussion? Voice vote, motion carried.

Phone a friend. Called Robert Timian, ND Game and Fish, on the phone while in committee on the record. Describe to us a Class 1 noncriminal offense and the penalty.

Robert Timian, ND Game and Fish: in 20.1 there's 2 classes spelled out. A Class 1 is \$50 fee and Class 2 is a \$25 fee. They're both noncriminal so the court charge that would be put on a criminal side is not part of it. That's the fine.

Roberta Timian: yes if you were charging a person out for a violation that was specifically said to be a Class 1 noncriminal, the max that could happen to them would be a \$50 fee.

Chairman Porter: So we're clear inside 20.1 a Class 1 noncriminal offense if \$50.

Rep. Ruby: I would move a Do Pass as amended on SB 2342.

Rep. Anderson: second

Chairman Porter: We have a motion for a Do Pass as Amended and a second on SB 2342. Discussion?

Rep. Devlin: why expand it to all boats? Are there all kinds of complaints?

Rep. Anderson: up at Lake Metigoshe, they have those cigarette boats, the motor sits in the back of the boat, no muffler, they make a lot of noise.

Rep Heinert: We did have some of the cigarette boats here that day we were talking about airboats because they were worried we were talking about them as well. They wanted to make sure they were following up on their end. I did talk to a couple of them and I think they're ok with this too.

Chairman Porter: further discussion? Roll call vote 11 yes, 0 no 3 absent. Rep Heinert is carrier. Meeting adjourned.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2342

Page 1, line 2, replace "airboats" with "boats"

Page 1, line 7, replace "Airboat regulation" with "Regulation of noise from boats"

Page 1, line 8, remove "For purposes of this section, unless context otherwise requires:"

Page 1, replace lines 9 through 14 with "A boat operated on the waters of this state between the hours of twelve midnight and five a.m. may not produce a noise in excess of eighty-eight decibels for more than ten minutes."

Page 1, line 15, remove "The exhaust of an internal combustion engine used on an airboat operated on the"

Page 1, replace lines 16 through 20 with "For purposes of subsection 1, the decibel level of a boat must be measured from the shoreline closest to the location from which a complainant or other individual noticed the noise."

Page 1, line 21, replace "An airboat" with "A boat"

Page 1, line 21, replace "subsection 2" with "this section"

Page 1, line 23, replace "An airboat" with "A boat"

Page 1, line 23, replace "subsection 2" with "this section"

Page 1, line 23, replace the second "airboat" with "boat"

Page 1, line 24, replace "is not in compliance with subsection 2" with "produced the noise in violation of this section"

Renumber accordingly

Date: 3-15-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2342**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0987.03001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Heinert Seconded By Reekey

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. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice Vote Motion carried

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

Date: 3-15-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2342**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Ruby Seconded By Anderson

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

Total (Yes) 11 No 0

Absent 3

Floor Assignment Heinert

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

REPORT OF STANDING COMMITTEE

SB 2342, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "airboats" with "boats"

Page 1, line 7, replace "**Airboat regulation**" with "**Regulation of noise from boats**"

Page 1, line 8, remove "For purposes of this section, unless context otherwise requires:"

Page 1, replace lines 9 through 14 with "A boat operated on the waters of this state between the hours of twelve midnight and five a.m. may not produce a noise in excess of eighty-eight decibels for more than ten minutes."

Page 1, line 15, remove "The exhaust of an internal combustion engine used on an airboat operated on the"

Page 1, replace lines 16 through 20 with "For purposes of subsection 1, the decibel level of a boat must be measured from the shoreline closest to the location from which a complainant or other individual noticed the noise."

Page 1, line 21, replace "An airboat" with "A boat"

Page 1, line 21, replace "subsection 2" with "this section"

Page 1, line 23, replace "An airboat" with "A boat"

Page 1, line 23, replace "subsection 2" with "this section"

Page 1, line 23, replace the second "airboat" with "boat"

Page 1, line 24, replace "is not in compliance with subsection 2" with "produced the noise in violation of this section"

Renumber accordingly

2019 CONFERENCE COMMITTEE

SB 2342

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2342
4/11/2019
Job Number 34680

Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to regulation of boats to prevent excessive noise; and to provide a penalty.

Minutes:

No attachments

Chairman Cook: Opened the conference committee. All conferees were present

Representative Heinert: The initial bill was on air boats, we received additional calls from other concerned citizens, other concerned waterways in reference to what's commonly referred to as cigarette boats, a high horse power, big engine, fiberglass boats, from the lakes, extremely loud, no mufflers. We took a look at this bill, we thought we could enact something for the state of North Dakota, not just one location. We developed the amendments on the 04000 version, we said between midnight and 5 am, noise from a boat may not exceed an excess of 88 decibels for more than 10 minutes, identified the measurement of the decibels needs to be done from the shore closest to where the complaint is received from.

Chairman Cook: Does Burleigh County have a decibel reader?

Representative Heinert: They had one, I know Game and Fish has one, I know several police departments have them, I know several city ordinances across the state have decibel levels for after a time from at night, and they can take measurements. In this area, that occurred for a couple outdoor concerts and for the racetrack that was on the east side of the city.

Senator Piepkorn: I had a question about being able to measure the decibels for 10 minutes. That could prove to be a problem, getting it for that long.

Representative Heinert: The thought process is we felt like we had to allow boats to get off the dock and get out of the locations between the hours, it's an arbitrary number, we were trying to calculate how long it would take one to unload a boat and get out of the location of where they are at that wouldn't create the noise level that disturbs people.

Senator Piepkorn: Another concern that was voiced is that there is a muffler for the airboats, but what about the other boats, is there a means to muffle that sound as well?

Representative Heinert: I would assume so, I do know engines, anytime you put headers on an engine, you have the ability to some kind of muffling system on that as well. I assume they are no different, it is an automotive engine they put on those boats.

Representative Lefor: Was there any discussion about limiting use of boats between midnight and 5?

Chairman Cook: No.

Senator Piepkorn: Carp hunting at night, bow hunting at night, that's why we didn't consider it.

Chairman Cook: Do you have any consideration of just requiring mufflers? Did you discuss that?

Representative Heinert: We did discuss that, I took a look, most of them do have a muffler system, having an airboat for the county, I don't believe it's the engine that causes the problem, it's the fan noise that causes that issue. As that fan starts up and starts running full blast, between that and the engine, ours at the county had a muffler system, it exceeds that decibel level.

Chairman Cook: It's tough to put a muffler on the fan.

Representative Heinert: Our intent is to stay where we're at.

Senator Piepkorn: From my point of view, it appears as though we passed it out of the Senate, it does what we intended, although it includes more boats; I think we could accede to the House amendments, and pass this bill. If there are some problems come back in two years, I think we can fulfill the intent of the original purpose and be comfortable with that.

I move to accede to the House amendments.

Senator Roers: I second.

A roll call vote was taken.

Motion passes 5-1-0.

Senator Roers and Representative Heinert will carry.

Chairman Cook: Closed the conference committee.

Date: 4/11
 Roll Call Vote #: 1

**2019 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2342 as (re) engrossed

Senate Energy and Natural Resources Committee

- Action Taken**
- SENATE accede to House Amendments**
 - SENATE accede to House Amendments and further amend**
 - HOUSE recede from House amendments**
 - HOUSE recede from House amendments and amend as follows**

 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Piepkorn Seconded by: Sen. Roers

Senators	4/11		Yes	No	Representatives	4/11		Yes	No
Senator Cook	X			X	Representative Heinert	X		X	
Senator Roers	X		X		Representative Bosch	X		X	
Senator Piepkorn	X		X		Representative Lefor	X		X	
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Sen. Roers House Carrier Rep. Heinert

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2342, as engrossed: Your conference committee (Sens. Cook, J. Roers, Piepkorn and Reps. Heinert, Bosch, Lefor) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1069 and place SB 2342 on the Seventh order.

Engrossed SB 2342 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

SB 2342

January 31, 2019

SB 2342
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PROPOSED AMENDMENTS TO SENATE BILL NO. 2342

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to regulation of airboats to prevent excessive noise; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

Airboat regulation - Penalty.

1. For purposes of this section, unless context otherwise requires:
 - a. "Airboat" means a vessel that is designed primarily for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.
 - b. "Muffler" means an automotive-style sound-suppression device or system designed to abate effectively the sound of exhaust gases emitted from an internal combustion engine and prevent excessive sound when installed on an engine.
2. The exhaust of an internal combustion engine used on an airboat operated on the waters of this state must be equipped with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts or flex pipe as the sole source of muffling is prohibited. This subsection does not apply to authorized law enforcement airboats or other emergency response airboats.
3. An airboat operator who violates subsection 2 is guilty of a class 1 noncriminal offense. An airboat operator cited for a second or subsequent violation of subsection 2 involving the same airboat is guilty of a class B misdemeanor.
4. An airboat operator cited for a violation of subsection 2 may not operate the airboat that is not in compliance with subsection 2 until a muffler is installed.
5. Airboat operation is prohibited from thirty minutes after sunset until thirty minutes after sunrise each day. This subsection does not apply to authorized law enforcement airboats or other emergency response airboats.
6. An airboat operator cited for a violation of subsection 5 is guilty of a class 1 noncriminal offense."

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Renumber accordingly

Testimony of Durant and Sharon Schiermeister in support of SB 2342

Madam Chair, members of the Committee, my name is Sharon Schiermeister. I have taken time off work to be here today, along with my husband Durant, to testify in support of SB 2342. We are 3rd generation farmers in Emmons County. Our farm is along the Missouri River and we live by the Hazelton recreation area, which is about 30 miles south of Bismarck on Highway 1804. We are the ones who asked our legislators to introduce this bill. The purpose of the bill is to establish a noise restriction for watercraft at night.

We'd like to provide you some background for the reason behind this bill. We have lived by the Hazelton Recreation Area for over 35 years. This is a public recreation area managed by the Corps of Engineers. It is a very popular area for local and out-of-state fisherman, waterfowl hunters, and pleasure boaters. Most activity at the boat ramp takes place during daylight hours. So why the reason for a noise restriction?

About four years ago, an Everglades style airboat started using the boat ramp. It would launch at night, right before dark, and be out on the water until the early hours of the morning. The noise from this type of boat is unbelievable. It is like the sound of an airplane trying to take off that never gets air born. When it is in the vicinity of a residence, it will wake you up from a sound sleep and prevent you from going back to sleep. This even happens when the windows are shut and air conditioner is running, it is that loud. Many times, we have had to sleep in our basement to escape the noise. We've noticed that the people on these boats where ear protection as well. We have a couple of short videos to demonstrate the noise these boats make.

We first contacted the Emmons County Sheriff's Department to file a complaint. The sheriff, Gary Sanders, advised us that there is nothing they could do. We then contacted the local game warden, Eric Schmidt with the ND Game & Fish. He indicated there was nothing he could do. We also contacted the Corps of Engineers to see if they would implement quiet hours for the boat ramp, equal to what they have posted at their campgrounds, but they were not interested in doing that. We met with the Emmons County Commissioners and they did not know what to do for this situation since it was dealing with watercraft. We have also had conversations with Terry Steinwand, the director of ND Game & Fish, to make him aware of the situation, but he indicated there is nothing they can do under current law. Finally, my husband and a neighbor tried approaching the owner of the airboat to let him know how disruptive the noise of the boat was to those of us living in the area and suggested he respect the community by not keeping us up all night, but that also was not successful. And now there is a 2nd airboat that is using the boat ramp as well. That is why we are here before you today asking you to support SB 2342.

SB 2342, as drafted, was modeled after North Dakota municipal noise ordinances and specifically tailored to noise control on the water. However, representatives from the Game & Fish Department have advised us that the bill, as written, would be very difficult to enforce. It was also suggested that the bill should be written to apply specifically to airboats and not all

watercraft, which is consistent with what we are trying to accomplish with this bill. Therefore, we would like to submit an amendment that would replace the “watercraft noise restrictions” with “airboat regulations” that include the requirement that the airboat must have a muffler or underwater exhaust and would be prohibited from operating ½ hour after sunset until ½ hour after sunrise. These changes should make this law easy to enforce and would only apply to airboats.

A significant number of North Dakota citizens will see a positive impact from passage of this bill. Additionally, state waters provide critical habitat for waterfowl and other animals disturbed by excessive noise. This bill would be a benefit to sportsmen. We ask that you please pass this bill.

Madam Chair, this concludes our testimony. We would be happy to answer any questions.

Unruh

Good morning ~~Mr.~~ Chairman and members of the committee. My name is Chris Grondahl and I am 55 years old. I have spent 50 years of my life fishing, hunting, camping, swimming and simply enjoying the sunset and solitude of the Missouri River south Bismarck. I hope others have the same opportunity I have had with my family and friends exploring and enjoying the unique beauty this river provides along its back waters and places not so easily accessible.

These backwater habitats of the Missouri River are the beginning of the river system's food chain. They provide warm, shallow water where life begins for fish, frogs, turtles and other wildlife. Waterfowl and shorebirds seek refuge at night to roost. They also raise their young here during the spring and summer along with other mammals including deer, beaver, muskrats and mink.

But there is a specialized machine that has recently invaded these areas and threatens not only the peace and solitude of these specialized habitats but actually the habitat and wildlife themselves.

This machine is an airboat and seeing is believing when it comes to this thing.....(story at McLean ramp)

You may ask what difference is there, its just a boat? However, there are 3 main differences. 1) Its extremely loud 2) When most people recreate on the river they do so doing daylight hours. This thing begins its tour right before dark and throughout the night. And 3) It has the ability to navigate in inches of water and therefore can plow through vegetation and muck where other boats cannot.

I am an American and understand freedom and rights but nobody should have the right to destroy the habitat and peace and quiet of one of the nicest local areas we have.

Please support this bill to protect wildlife and habitat, keep the public safe and keep a quiet place quiet.

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Thursday, January 31st, 2019; 9:30am
Senate Energy and Natural Resources Committee
SB 2342-Watercraft Noise Ordinance
Opposition Testimony

Chairman Unruh and members of the Senate Energy and Natural Resources Committee, for the record, my name is Brooke Larson and I'm here today to testify against Senate Bill 2342 on behalf of sportsmen and women in North Dakota. Individuals believe passionately in their rights to the enjoyment of their surroundings. The conflict arises when one person's daily activity produces a sound that is interpreted by someone else as a noise or public nuisance.

My husband and I love to spend time in the outdoors and enjoy the many hunting and fishing opportunities that North Dakota provides. There have been many early mornings setting up our decoy spread to get our limit of ducks, which requires being up before the break of dawn, and some late nights bowfishing for carp, which we are out much past dusk. A large majority of these experiences happened on public waterways in North Dakota, in which we utilized a watercraft to access prime hunting and fishing locations that this area provides. Utilizing watercraft is a primary means of transportation for the purposes of fishing and hunting in the state; it is an important part of the hunt and in this context, it would be classified as a "necessary" sound and completely "natural" in that environment.

I strongly believe this bill would have an astoundingly negative impact on sportsmen, resident and non-resident, who help support the area's economy and preserve the great hunting and fishing heritage of North Dakota. If this bill were passed it would directly impact ALL sportsmen utilizing public waterways between 10pm and 7am, including duck hunters, trappers, bow fishermen, and even sport fishermen.

Duck hunting is a popular outdoor activity in North Dakota. While duck hunting via water or field, the hunter is in pursuit well before daylight in almost every case. If this bill were to pass, it would completely end all morning duck hunts for hunters on public water, based on the proposed noise ordinance of 88 decibels, as well as the \$50 fine that accompanies a class two non-criminal offense, which is the proposed penalty. In addition, to put 88 decibels into perspective, a window air conditioner will produce a sustained 50 decibels and a washing machine can produce 70 decibels, which makes 88 decibels a restriction close to household appliances. If you put that in relation to watercrafts, not even a 2018 2-stroke motor would be under 88 decibels. This would greatly restrict any and all hunting and fishing on any motorized watercraft of any size. Please refer to the article provided for further information on the amount of sound produced by different sized motors.

With that information provided, I believe this will also directly impact all sport fishermen as well. Bow, musky, and catfish fishermen are well known to fish all hours of the night. If we look deeper into the bow fishing side of this, Chairman Unruh and committee members, I'd like to make you well aware of the impact that this bill will have on our wildlife population in North Dakota. Bow fishing is one of the largest growing sports in North Dakota and countrywide. As shown in the articles provided, common carp have no natural predators and are the world's second most invasive fish, which we see plenty of in our local waters. Common carp can consume 2-4% of their body weight in eggs of game fish during the spawn, including walleye. Bow fishing is much more effective after sunset and a well-proven way to remove these invasive species from our waters. Over the last 5 years, myself, my husband, and his teammates, have rid the waters of over 18,000 carp from our

local waterways, which has made a positive impact on the game fish population. Speaking with the fisheries department through the ND Game and Fish, although they don't have a specific study to prove the impact, they have reported high walleye hatches between 2014-2016. I believe if SB 2342 passed, we will see increased number of invasive fish populations and decreased population of native fish. In the article I've given you, you will also see how they compete with diving ducks throughout the rest of the year for submerged plants, which would directly affect our duck population in a negative way.

Since this bill was introduced, I was genuinely curious of how many watercraft noise complaints were recorded in 2017-2018. We took the time to research this and my husband spoke with the division chief/chief game warden and he reported, "There were very few noise complaints. Most of which came from one source." I think it is safe to say that this has not been an issue in the decades that sportsmen have been utilizing public waterways for sport and recreation in our area; but more so an individuals subjectivity to noise. In addition, as sportsmen and members of this community, we respect anyone's right to live where they please. I also believe that it's only fair that residents who choose to build their homes along the river are tolerant of intermittent river traffic, day or night, which is produced by sportsmen only trying to respectfully enjoy the outdoors. And must I say, sounds from watercrafts are inevitable when utilizing boat ramps to either access or exit public water.

My husband and I, as owners of a watercraft that we use for sporting and recreational hunting and fishing on a regular basis, have taken measures of our own to make our outings as peaceful for the surrounding community as possible. This includes purchasing \$600 mufflers in order to not disturb the peace of the community, as we respect

their environment and activities that they choose to pursue in their home, just as we hope the community would do the same for the sportsmen in North Dakota. In no way do we, with the use of our watercraft, intend to cause any harm or to be a public nuisance.

I firmly believe passing this bill will only cause more stress on our already over busy law enforcement and hard working game and fish department. I would bet to say that they have much better things to do than respond to a call in the middle of the night concerning a boat correctly, respectfully, and safely utilizing public waterways as “annoying”, the term utilized in Section 1, Subsection 1 of SB 2342. Please refer to the handout of other noises deemed “annoying” and other sound classifications.

Lastly, before this bill should ever be considered, I believe a fiscal study should be completed on the loss of revenue from sportsmen, boaters, and small businesses such as guides, bait shops, sporting-good stores, and boat repair shops that would occur.

Not only is this bill poorly written, impossible to enforce, and widely open to interpretation, it will greatly inhibit the participation in and fostering of the highly esteemed hunting and fishing heritage in North Dakota. Sportsmen in North Dakota utilize their watercraft for sport or hobby, with a majority doing so with great respect for the outdoors and the members of this community. In no way does utilizing watercraft between 10pm and 7am warrant punishment, nor do the hard working law enforcement officers of this state need to be spread even more thin than they already are responding to “annoyance” complaints and noises that “endanger comfort”. Not only will this bill impact our ability, and the generations after us, to enjoy the great outdoors, it will directly impact the wildlife populations of this area, as well as the support of our businesses, in a very negative way.

In addition to my testimony, I have numerous signed petitions of non-resident sportsmen that visit our state to hunt and fish, who would be directly impacted if this bill should pass and would be forced to take their business elsewhere, which would directly impact the economy of this state through the decline of hunting and fishing licenses, sporting equipment, lodging, and food purchases that they bring to our community.

Thank you for allowing me to be here today and testify against Senate Bill 2342. I strongly and respectfully request, on behalf of all myself, my husband, and the sportsmen in the state of ND and beyond, that your committee propose a unanimous Do Not Pass motion on this bill and a No Vote on the Senate floor. Thank you for your time and consideration. I will now stand to answer any questions you may have.

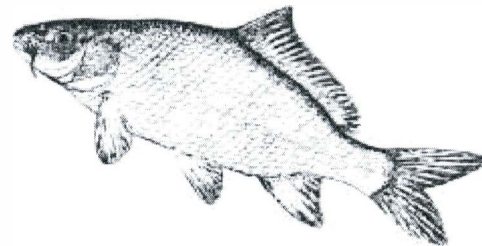
Brooke Larson
Bismarck Resident and Avid Sportswoman
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COMMON CARP (*Cyprinus carpio*)

Description

The common carp, the largest member of the minnow family found in South Dakota, is not native to North America. Carp hatch from tiny eggs less than 0.4 inches (1 mm) in diameter and grow to a weight of 33 pounds (15 kg) and a length of 40 inches (1 meter) in 5 to 6 years. They can live for over 20 years. Carp have stocky bodies, large scales, and range in color from dark olive bronze on the top of the back to lighter silvery yellow on the belly. The color intensity varies to blend with the color of the water or the habitat background. The tail is forked with rounded lobes. The dorsal and ventral fins have a stiff-barbed spine at the front followed by soft flexible rays. Carp have numerous rows of small bones within the major muscle groups of the back and sides. They have good eyesight and are sensitive, like all fish, to sound, and disturbances in or near the water. They have sensitive smell/taste organs in and around the snout that assist in feeding. They are sight and smell feeders, eating insects, seeds, and other small organisms and plants in clear water, and relying on their sensitive sense of smell to locate food in turbid waters. The mouth and lips are adapted to extend like a short tube for sucking up food.



Distribution

Carp are abundant in most of the warm water lakes and slow moving streams of South Dakota. The species, a native of Asia, was widely introduced in Europe. They were intentionally introduced to this country by the United States Fish Commission in the late 1880's, being heralded as a new sport and food fish. Hardy and prolific breeders, carp spread from these initial stockings into all of the interconnected waterways of South Dakota. They have accidentally invaded lakes and ponds along with stockings of other fish or live bait. They are now well established throughout the state.

Natural History

Carp prefer slow moving rivers and streams and warm lake habitats with abundant vegetation. They feed on a wide variety of plant and animal food items from the waters surface, from vegetation and rocks, and from stream and lake bottoms. Shallow sloughs and marshes, adjacent to stream channels or lakes, are preferred breeding habitats. Spawning is triggered in the spring by warming water temperatures and increasing day length, peaking at 62.6 F (17 C). The fecundity per female varies with the size of the fish from 36,000 to over two million eggs for a large adult. The females deposit their adhesive eggs on aquatic plants or submerged brush as several males cluster around and distribute milt into the surrounding water to fertilize them. The fry hatch in three to six days. These 0.39 inch (10 mm) juvenile fish feed on plankton , at first, moving to larger and larger food items as they grow.

Significance

Carp are destructive, non-native fish. Carp are omnivorous (eating both plants and animals), their bottom feeding habits causing great destruction of aquatic resources. They compete heavily with diving ducks, such as canvasbacks, for submerged plants. Carp of all sizes compete with native fauna for aquatic food, and destroy the nests and eat the eggs of other spawning fish. They stir up silt and degrade the water quality resulting in loss of other more desirable fish and animals.

Juvenile carp do provide forage for game fish, but quickly grow too large for this purpose. Although carp provide good action when caught on rod and reel, they are not classified as a sport fish and are difficult to catch much of the year. Their bony structure and often muddy tasting flesh reduce their desirability as a food fish.

Conservation

The presence of carp in nearly all of our rivers, streams, and reservoirs is a constant reminder that our environment is a complex relationship among all habitats and organisms. The introduction of any non-native organism may have tremendous impacts on these habitats. It is seldom possible to eradicate an organism once it gets established. We must support our management agencies in maintaining strict and well enforced regulations regarding the introduction of exotic organisms to any of our habitats. Only after exhaustive research and evaluation should these introductions be allowed. Carp have compromised the conservation of most of our clear water aquatic plants and animals, with little benefit in return.

Glossary

Dorsal - back or top side.

Exotic - not native to the place they are found.

Fauna - animals.

Fecundity - number of eggs.

Forage - food organisms.

Fry - small juvenile fish usually less than 3" long.

Milt - white milky fluid containing sperm.

Plankton - microscopic plants and animals found in water.

Rays - stiff but flexible cartilaginous spines in a fin.

Ventral -belly or bottom side.

References

Eddy, Samuel, and James C. Underhill, How to Know the Freshwater Fishes. William C. Brown Company Publishers, Dubuque, Iowa.

Written by:

Cleghorn Springs Fish Hatchery Staff, Game, Fish and Parks Office, 3305 W. South Street, Rapid City, SD 57702. 1995.

Illustrated by:

Ned Fogle, S.D. Department of Game, Fish, and Parks, Pierre, SD 57501.

Reviewed by:

Dr. Charles Scalet, Dept. of Wildlife and Fisheries Sciences, SDSU, Brookings, SD 57007.

Publication of the *Common Carp* fact sheet was funded by the South Dakota Department of Game, Fish and Parks, Division of Wildlife, Pierre, SD.

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Fireworks (at 3 ft.)		
Jet engine (taking off)	150	
Artillery fire (at 500 ft.)		
Airplane (taking off)	140	Harmfully loud
Stock car race		
Jet takeoff (at 100-200 ft.)	130	Threshold of pain
Heavy machinery		
Chainsaw		
Jet plane (at ramp)	120	Threshold of sensation or feeling
Band Concert		
Car horn		Regular exposure of more than 1 minute risks permanent hearing loss.
Symphony concert	110	Physical discomfort.
Baby crying		Maximum vocal effort.
Snowmobile		
Garbage truck		
Jet takeoff (at 2000 ft.)	100	95 dBA- no more than 15 minutes/day unprotected exposure recommended; 1 hr/day risks hearing loss.
School dance		

E-1

Navajo Reservoir RMP/FEA ***** June 2008

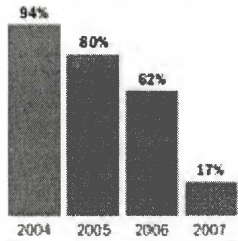
Heavy truck (at 50 ft.)		Very annoying
Motorcycle (operator)		
Power lawnmower	90	
Jet ski		
Pleasure motorboat		
Shouted conversation		
Heavy traffic		Level at which hearing damage begins with 8 hour exposure.
Many industrial workplaces	85	
Electric razor		
Ringling telephone		Annoying; interferes with conversation
Average city noise	80	
Freight train (at 50 ft.)		
Freeway traffic (at 50 ft.)		Interferes with telephone conversation.
Urban housing on major avenue (Ldn)	70	EPA Ldn for lifetime exposure without hearing loss.
Inside a car		
TV audio		
Normal conversation	60	Intrusive
Sewing machine		Interference with human speech begins at about 60 dBA
Rainfall		Quiet

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Minnesota Aquatic Invasive Species Research Center (MAISRC)

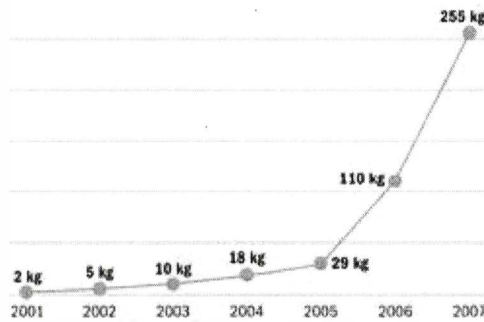
Study shows how common carp became invasive

VEGETATION COVER IN HENNEPIN AND HOPPER LAKES



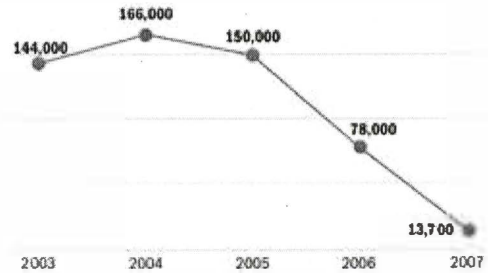
SOURCE: UNIVERSITY OF MINNESOTA RESEARCH, 2009

CARP BIOMASS IN HENNEPIN AND HOPPER LAKES BY KILOGRAM PER HECTARE



SOURCE: UNIVERSITY OF MINNESOTA RESEARCH, 2009

WATERFOWL POPULATION IN HENNEPIN AND HOPPER LAKES



SOURCE: UNIVERSITY OF MINNESOTA RESEARCH, 2009

Minnesota Daily (<http://www.mndaily.com/news/metro-state/2015/03/02/study-shows-how-common-carp-became-invasive>), 3/3/2015

The world's second-most invasive fish, the common carp, has been the source of complaints about shallow lakes in southern Minnesota and the metro area since the species first came to the state about a century ago.

But much to the bewilderment of researchers and regulators, the fish has never become a nuisance in the northern Boundary Waters.

Research from the University of Minnesota looked at several factors in more than 550 lakes throughout the Midwest to try explaining what has allowed the species to become invasive in some places but not others.

The research, published in the conservation journal Diversity and Distributions last month, found that clean, clear lakes are much less likely to allow common carp to become invasive and that carp predators, like bluegill, play a smaller role in controlling the species.

"To be able to control [carp], you really need to understand why they are so abundant in the first place," said

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Study shows how common carp became invasive | Minnesota Aquatic Invasive Species R...

Przemyslaw Bajer, the study's lead author and a fisheries, wildlife and conservation biology research assistant professor.

Minnesota Department of Natural Resources fisheries research scientist and study co-author Tim Cross said the DNR has been trying to control common carp for decades because they can cause significant harm to lakes.

The fish, Bajer said, use their mouths to search through sediment at the bottom of lakes for insect larvae to eat, and then dispel the sediment they consume through their gills. In the process, they disturb the lake floor so much that plants can no longer grow there.

For hunters, this means waterfowl are less likely to stop at the lakes lacking plants for food. And for boaters and lake residents, it means a murkier-looking lake.

"They change the lakes enough that people notice," Cross said.

Wildlife management senior at the University of Minnesota-Crookston Renee Tomala has been going on duck hunting trips with her father since she was about six years old.

She's noticed duck populations varying greatly from year to year at different lakes, though she's uncertain whether carp is the cause of that.

But Tomala has heard about the effects of carp on duck habitats in her classes, she said, and worries about the future of duck hunting if the species isn't contained.

"Habitat loss and construction is already pushing down on wildlife numbers, and then you add invasive species," she said. "It's a huge thing to be concerned about — whether you're a duck hunter or a bird watcher or anything. If [species] don't have the right habitat, they're not going to be there."

To offset the carp problem, the Legislature began funding research on the species almost a decade ago, Bajer said.

Previous research has manipulated certain lakes to confirm that bluegill presence inhibits carp invasion, Bajer said. The next step is to manipulate new lakes to test if their hypothesis about water clarity can be confirmed.

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Either way, Cross said, the research is more reason for the state to work toward cleaner lakes.

"We do recognize that carp do best in these lakes with poor water quality," he said, "so by trying to clean up our lakes, we're going to try to reduce carp problems."

Minnesota Aquatic Invasive Species Research
Center

135 Skok Hall | 2003 Upper Buford Circle

St. Paul, MN 55108-6074

612-626-1412 | Intranet

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Comparison Test: Five Outboard Motors

A no-holds-barred comparison test of the top five outboards in which 2-stroke, 4-stroke, Ficht and Optimax technologies slug it out head-to-head.

Jul 31, 2000



Four decades after mandating the first pollution controls on automobiles, Environmental Protection Agency (EPA) regulators have finally gotten around to outboard motors. The big hit comes in a few years with the EPA 2006 standard. EPA 2006 mandates a 75 percent reduction in emissions, which essentially means that conventional two-stroke outboards can no longer be sold. Manufacturers are scrambling to develop clean-burning engines that meet the impending rules.

Unlike modern automobiles, which all use similar four-stroke, EFI technology, outboard motors employ new ideas. However, there are strong advantages and disadvantages to each technology—differences that are hard to sort out without head-to-head testing.

Which is where we come in. We invited representatives of all five major outboard motor manufacturers to join us for five days of back-to-back testing at Lake Lanier, northeast of Atlanta, Ga. The only point at which all the new technologies intersect is 115 hp, so that's the engine size we tested. Each manufacturer's engineers had a whole day to rig and test their motor, trying different props and mounting positions until they were satisfied this was the best their engine could do on that hull on that water on that day.

The factory engineers selected very different propellers, trying to match the characteristics of their motors to our hull. After trying three-blade props, the engineers from Honda and Mercury opted to use four-blade props, which seemed to give quicker acceleration and noticeably better bite in high-speed corners. The other manufacturers stuck with their three-blade props, though in dramatically varied diameters and pitches. Part art and part science, propping a boat and motor into a perfect system is just as important as picking the right set of tires for a NASCAR race car.

Our test results are fascinating. Compared to the blue smoke generators of even two years ago, all these 2000 model outboards are the very models of decorum. Thanks to computerized fuel injection, they start and run without a hiccup from idle to WOT. All the outboards in this group except for the EFI Suzuki two-stroke already meet the EPA 2006 standard.

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Today's four-stroke outboards are significantly quieter and more economical to run than today's two-strokes, but are also physically larger and slower to accelerate.

How We Tested

All tests were performed with only a helmsman and test equipment operator aboard, plus 15 pounds of test equipment and 10 gal. of fuel. All tests were performed several times over an identical course to ensure accuracy and repeatability.

Sound level readings were taken with an Extech 407735 sound level meter reading on the A scale, with the sensor located behind the helmsman to reduce wind and hull noise. Fuel flow readings were taken with a FlowScan 5900 flow meter. Speed and acceleration readings were measured with a Stalker Sports Radar, calibrated before each run.

All motors were tested on consecutive days in a sheltered cove at the southeast end of Lake Lanier, near Lanier Islands. Prevailing test conditions: 60 to 70 degrees F, 60 to 70 percent humidity, wind at 3 to 5 knots and negligible chop.

Thanks to R&G Marine and Lanier Harbor Marina, both in Buford, Ga.

Honda BF115

Honda's best-selling Accord sedan has an enviable reputation for refinement and reliability. To create an EPA 2006-compliant outboard, Honda engineers cleverly adapted the 2.3-liter four-cylinder from the Accord.

The Accord's 2.3-liter is rated at either 135 hp or 150 hp. The outboard is rated at either 115 hp or 130 hp when fitted with a restricted intake manifold that cuts top-end horsepower. This means that the 115 and 130 outboards perform similarly across most of the powerband.

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The Honda four-stroke weighs 496 pounds, more than any other 115, which could be more of a factor on a lighter, shorter hull than our test Kenner. On the other hand, the Honda outboard is significantly quieter than its competition, significantly more economical on fuel and, thanks to its long-stroke design, it has a fat midrange torque curve that makes it easy to tow a skier or push a heavy boat.



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Yamaha F115

Yamaha offers both a 115-hp two-stroke V4 and a brand-new 115-hp four-stroke inline Four that's EPA 2006 compliant. Yamaha elected to bring the new four-stroke to this test. Compared to the Honda four-stroke, the 407-pound Yamaha is significantly lighter and more compact. It's a 1.74-liter Four derived from the existing 1.6-liter F100, but it's equipped with computerized multiport fuel injection and a separate throttle valve for each intake runner. This is a very sophisticated engine, complete with double overhead camshafts and four valves per cylinder.

Out on the lake, the Yamaha was a hairsbreadth slower in acceleration than the Honda, a decibel or two noisier, 0.6 mph faster and sipped virtually the same amount of fuel. It also costs \$1370 less. In other words, pretty much identical.



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Mercury 115

Mercury's 115 Optimax two-stroke is literally identical to the Optimax 135 and 150, save for a restrictor ring in the intake manifold and reprogrammed engine-control computer. Our test 115 certainly wasn't hurting for power. It significantly outperformed the other 115 outboards at all speeds, while burning about 22 percent more gasoline than the four-strokes at wide-open throttle. Furthermore, it was the noisiest engine at high speeds.

The 115 performed like a big motor because it is. At 442 pounds, the 2.5-liter V6 weighs more than the Yamaha four-stroke. Plus, there's a sizable tank of oil that must be accommodated. Lift the engine cowl, and the Optimax seems to have more add-on bits and pieces than the Yamaha or Honda, which means more potential trouble spots.

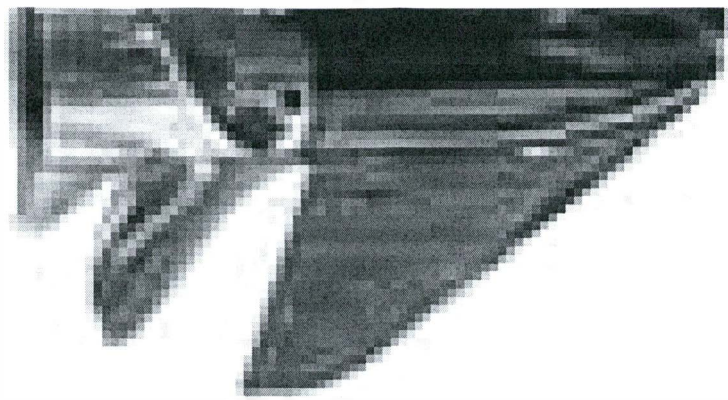
Optimax is Mercury's name for a DFI system that injects the fuel under about 90 psi of pressure. The theory is that delivering pressurized, more finely atomized fuel into the cylinders results in a cleaner burn for more power.

It certainly seems to work. During our testing, not only was Mercury's Optimax the best-performing 115, it went from prolonged idle to full throttle without a stumble or hint of oil smoke. That's impressive for a big, six-cylinder two-stroke.

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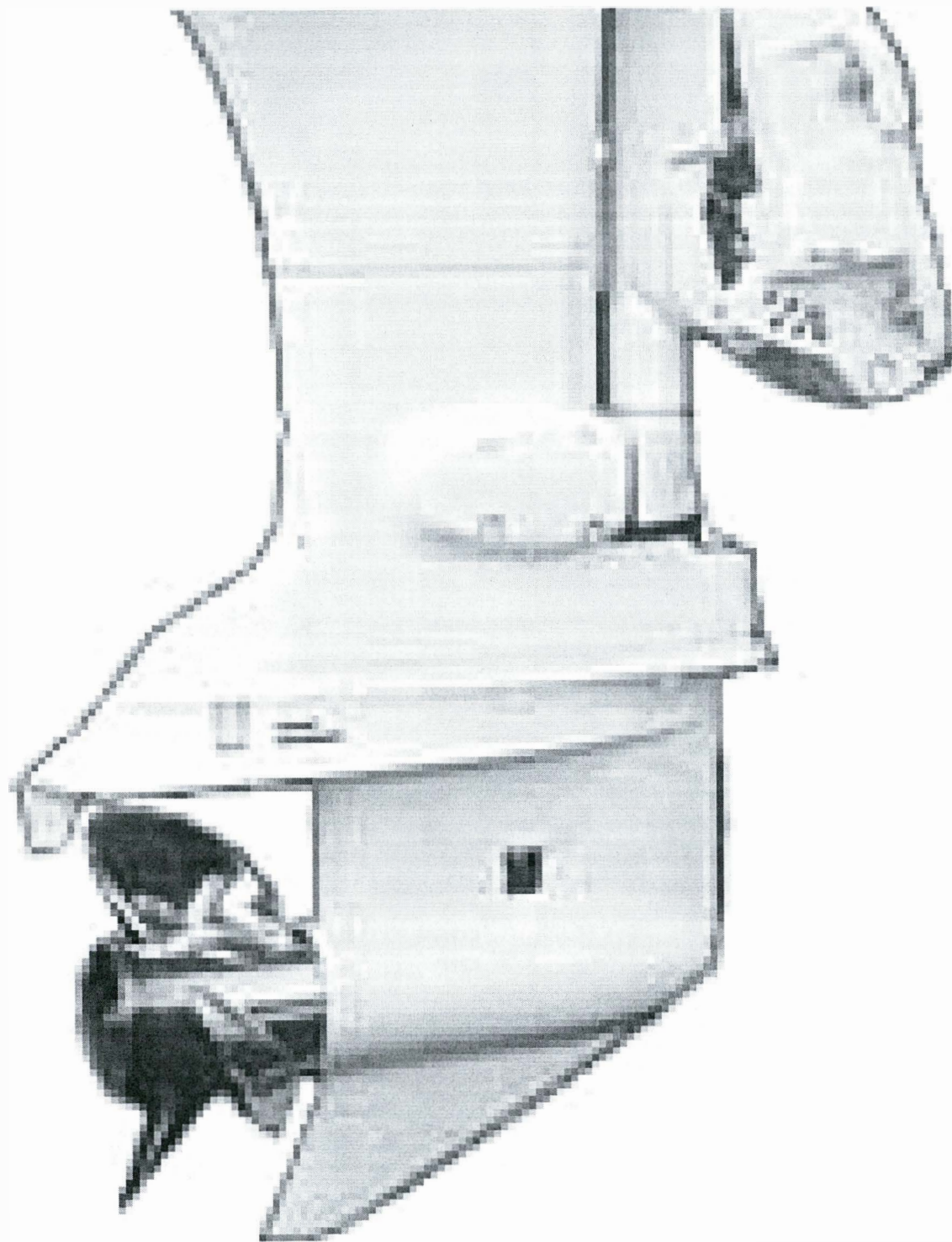
Evinrude E115

If Mercury's 115 is a detuned 135, you can think of Evinrude's two-stroke 115 as a hot-rodged 90. It's a 1.7-liter, short-stroke V4 that likes to rev. At 349 pounds plus a small external oil tank, it weighs nearly 150 pounds less than Honda's 115. Dale Kenner sells a boat similar to ours with twin Evinrude 115s, capable of over 70 mph. He can do that because two Evinrudes weigh only 200 pounds more than one Honda.

Evinrude uses a DFI system called Ficht, which atomizes fuel under pressure and squirts it directly into each cylinder at up to 450 psi. As with Mercury's Optimax, the result is a clean-running two-stroke with no visible smoke and no plug fouling even at prolonged idle.

In our tests, the Evinrude was the second-quickest in acceleration behind the big Mercury, but slowest in top speed. Remember, even though all these engines are rated at 115 hp, the Evinrude is only a 1.7-liter V4 trying to compete with Mercury's 2.5-liter V6. That's tough. The smaller Evinrude used significantly less fuel than the Mercury at midrange cruise, but consumed the same amount at full throttle. It's obviously working harder at high speeds.





Suzuki DT115S

Within a few months, Suzuki will introduce an EPA 2006-compliant four-stroke 115, but for our test, the company elected to go with its EFI two-stroke that will continue in production for the next few years. Compared to the Mercury and Evinrude DFI two-strokes, the Suzuki is similar in performance and noise. It's a detuned version of Suzuki's 140-hp outboard, but it weighs only 21 pounds more than the lightweight Evinrude. So it's a very compact and efficient package.

The Suzuki is a very straightforward outboard: a 1.77-liter two-stroke inline Four equipped with automotive-style digital multipoint sequential electronic fuel injection, a secondary recirculation system to scavenge unburned two-stroke oil and an

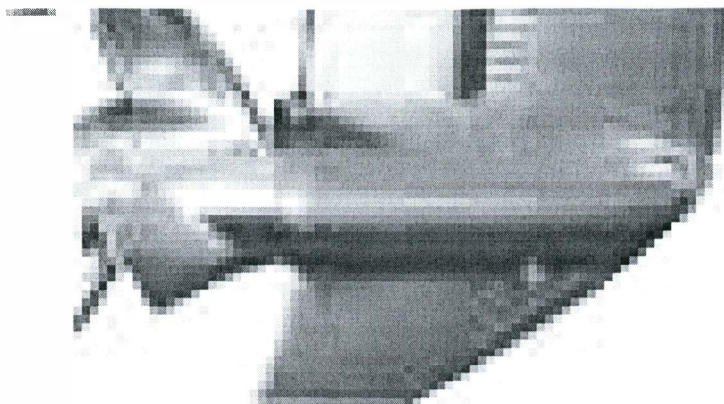
Comparison Test: Five Outboard Motors

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integral 6-quart oil tank hidden under the engine cowling that eliminates the messy separate oil tank still used by Mercury and OMC. Unlike the others, Suzuki's 115 comes complete with your choice of stainless steel prop.

Where the Suzuki falls down is in fuel consumption. At 3500-rpm cruise, it burns more than twice as much gas as the Evinrude.





What Did We Learn?

The least expensive motor in this group is the Suzuki, which has an MSRP of \$8934 and can be bought "on the street" for considerably less. On the other hand, it will also be the most expensive engine to run, having both the worst fuel economy and two-stroke oil injection. Suzuki's new four-stroke will correct these faults, but will likely cost more.

The most expensive motor in this group is the Honda at \$10,870 (MSRP), though it, too, can be purchased for considerably less. The Honda and similar Yamaha should be the least expensive engines to run, since they consume the least amounts of fuel and oil and should be virtually maintenance-free. They're also the quietest, which we think is a big plus.

The Mercury and Evinrude DFI two-strokes are priced in the middle, offer the greatest number of dealers, reasonable fuel economy and the quickest acceleration. The Evinrude, in particular, is significantly lighter than other 115 outboards, which makes it perfect for smaller hulls or twin installations.

All five outboards were noticeably better than conventional two-stroke outboards—quieter, smoother, more powerful and more economical. All five seem impressively well-finished, with gleaming clearcoat paints and corrosion-resistant parts throughout. Which motor you choose depends primarily on the size and weight of your hull, which performance characteristics are most important to you and, truthfully, the best local dealer.

The Boat: Kenner 21 V-150

We needed a test hull that was perfectly balanced, easy to rig, easy to handle, quick to plane, fast, adaptable to five different engines with shaft lengths of either 20 or 25 in., had lots of room for test gear and, last but not least, looked pretty in our photos!

Everyone we talked to suggested Kenner Boats, County Rd. 63 E., Knoxville, AR 72845; 501-885-3171; www.kennerboats.com. Cousins Bill and Dale Kenner enthusiastically agreed to make a stripped version of their center-console 21 V-150, 21 ft. 7 in. long, with a 91-in. beam and 16 degrees transom. It's hand-laid fiberglass, 100 percent foam-filled and covered by a five-year warranty.

This particular hull has the transom cut down to 23 in. and is equipped with an aircraft aluminum CMC Power Lift rated for 300 hp. This allowed us to test engines with either a 20- or 25-in. shaft.

For this test, Dale replaced the usual 36-gal. tank with a 15-gal. tank and left off most of the extras. What remains are a center console with 15-in. stainless steel wheel and live bait well, a 94-quart ice chest/helm seat with flip-back cushion, a forward storage locker and lots of deck space. The boat came out at 1209 pounds, ready to run.

Dale also made five identical consoles, each one prerigged with the instruments and throttle for one of the five test outboards. This saved us literally days when switching from one outboard to another. Two men could switch consoles in minutes, ready for the next test motor. Really, really slick. Like our Kenner.

border="2">

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SPECIFICATIONS

Evinrude

E115 FPX

>

Honda BF115 AYLA

>

Mercury 115 Optimax Salt Water

>

Suzuki DT115S

>

Yamaha F115 TXRY

Shaft Length

>

25 in.

>

20 in.

>

20 in.

>

20 in.

>

25 in.

Engine Dry Weight

>

349 lb.

>

496 lb.

>

442 lb.

>

370 lb.

>

407 lb.

Engine Type/Displacement (cu. in./cc)

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Comparison Test: Five Outboard Motors

>

2-cycle, 60 degrees V4/ (105.4 /1726)

>

4-cycle, SOHC 16-valve Inline Four/(137/2254)

>

2-cycle, 60 degrees V6/ (153/2507)

>

2-cycle, Inline Four/ (108.2/1773)

>

4-cycle, DOHC 16-valve Inline Four/(106.1/1741)

Induction

>

Direct Fuel Injection

>

EFI

>

Direct Fuel Injection

>

EFI

>

EFI

Power

>

115 hp @5500 rpm

>

115 hp @5500 rpm

>

115 hp @5500 rpm

>

115 hp @5500 rpm

>

115 hp @5500 rpm

Drive System/ Prop

>

2.25:1/ 14.75x17 3-blade Viper

>

2.00:1/ 13.25x17 4-blade Honda

>

2.00:1/ 13.5x19 4-blade Rev-4

>

2.08:1/13.5x20 3-blade Thunder Series

>

2.15:1/13.5x19 3-blade Pro Series

Base Price

>

\$10,000

>

\$10,520

>

\$9490

Comparison Test: Five Outboard Motors

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>
\$8934, includes SS prop

>
\$9150

Price As Tested

>
\$10,473

>
\$10,870

>
\$9940, includes prop

>
\$8934, includes SS prop

>
\$9635, includes prop

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TEST RESULTS

0-15 Acceleration (sec.)

>
3.11

>
3.20

>
2.38

>
2.83

>
3.40

0-30 Acceleration (sec.)

>
6.13

>
7.74

>
5.64

>
6.14

>
7.83

0-40 Acceleration (sec.)

>
11.48

>

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13.19

>

9.38

>

11.74

>

13.25

Top Speed (mph/rpm)

>

44.1@5900

>

44.4@5800

>

48.0@5600

>

46.8@5500

>

45.0@5800

Sound Level (Idle/Cruise/WOT) (dbA)

>

89/106/118

>

76/104/106

>

81/106/121

>

89/111/114

>

81/105/108

Fuel Consumption (gph@rpm) (Idle/Cruise/WOT)

>

0.4@650/ 3.6@3500/ 11.0@5850

>

0.2@625/ 4.1@3500/ 9.0@5600

>

0.2@550/ 4.5@3500/ 11.0@5600

>

0.3@650/ 7.5@3500/ 16.0@5500

>

0.5@700/ 4.0@3500/ 9.0@5800

WATCH NEXT

iKamper X-Cover

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To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other high horsepower motors to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:



Name: Adam Dloucky

Phone: 307-371-0966

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I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.



Signature:

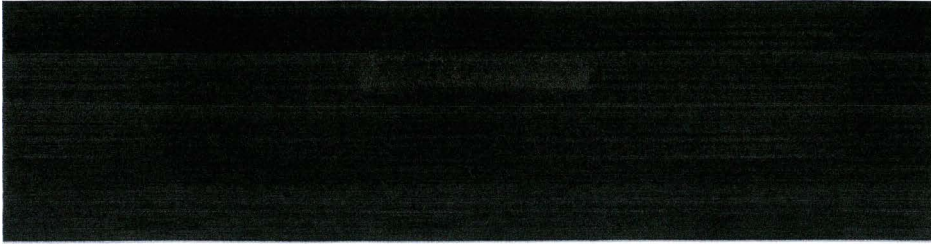
Name:

Noah Waltemath

Phone:

(608) 387-4189

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To Whom It May Concern

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Signature:

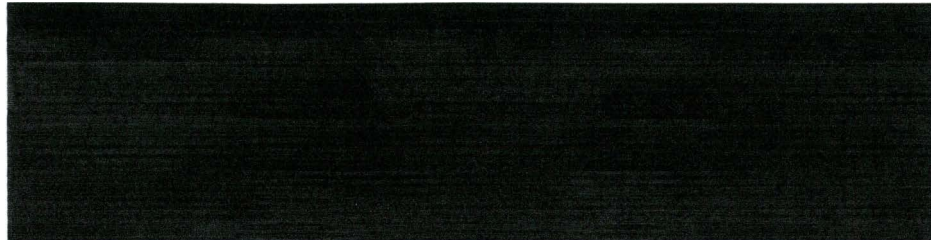
Jason Cichy

Name:

JASON CICHY

Phone:

608-387-6447




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Urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

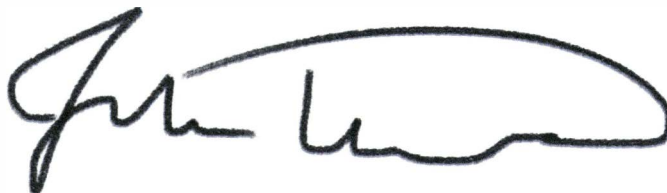
Signature: 
Name: Kenneth Scarle Jr
Phone: 865 455 9170

To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other performance watercraft to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:

A handwritten signature in black ink, appearing to read "John Waltemath". The signature is fluid and cursive, with a large, sweeping loop at the end.

Name: John Waltemath

Phone: 608-387-4348

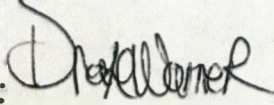
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I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:

Name: 

Drake Warner
Phone:

218-428-3073

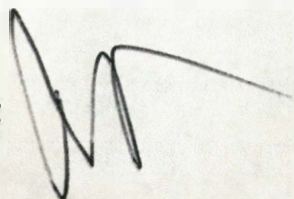
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I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:



Name: TYSON WAGNER

Phone: 218 310 9123

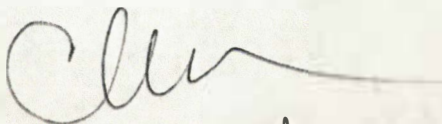
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Lurge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:



Name:

Christine Warner

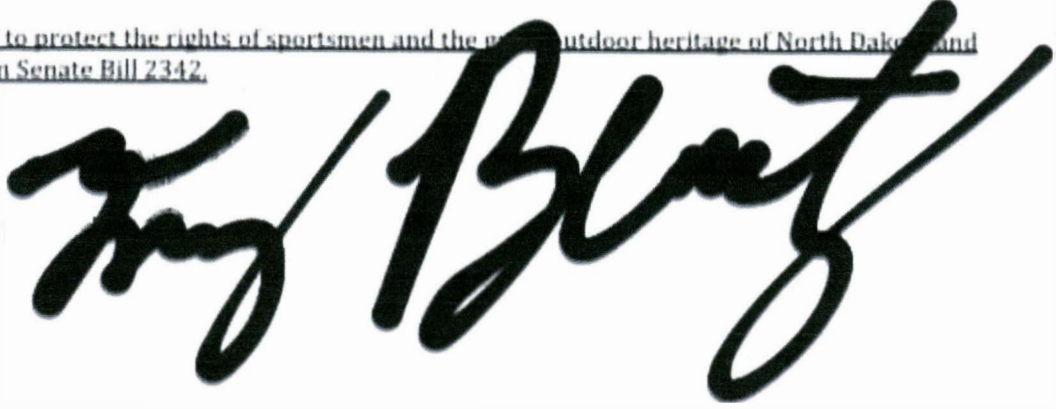
Phone:

218-393-2227

To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other performance watercraft to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

Urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.



Signature:
Name:
Phone:

Tony Bulitz

1(920)946-9373

SB 2342
1.31.19
#6
Pg. 36

To Whom It May Concern:

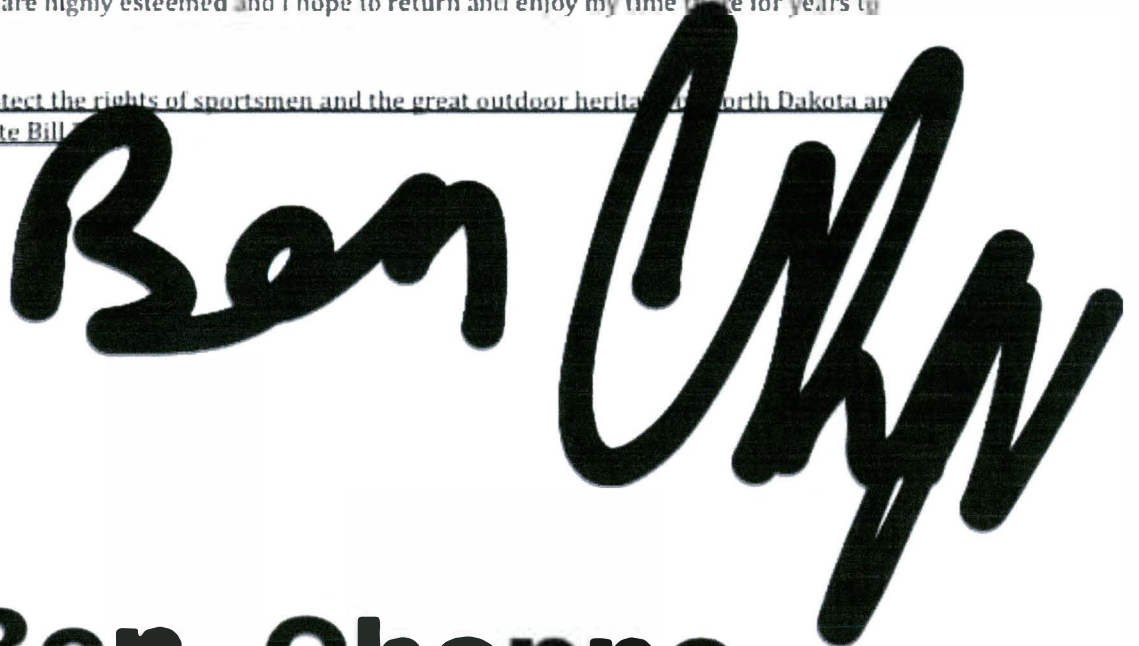
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I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill

Signature:

Name:

Phone:

A large, bold, black handwritten signature that reads "Ben Chappa". The signature is written in a cursive style with thick, dark ink.

Ben Chappa

9202074887

SB 2342
1.31.19
#6
pg. 37

To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other performance watercraft to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

Urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:
Name:
Phone:



Luke Gerke

7152995514

To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other performance watercraft to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature: *Dylan Satter*

Name: **Dylan Satter**

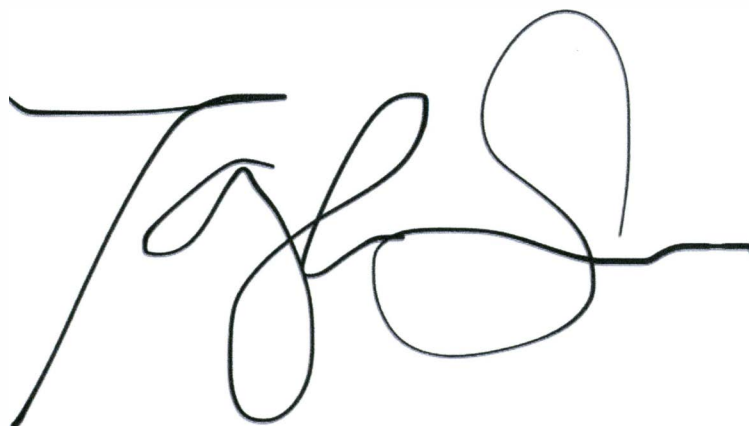
Phone: 218-298-1024

To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other performance watercraft to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:

A handwritten signature in black ink, appearing to read 'Taylor Farrar', written in a cursive style with several loops and a long horizontal stroke at the end.

Name:

Taylor Farrar

Phone:

8658069205

SB2342
1.31.19
#6
Pg. 40

To Whom It May Concern:

I am a non-resident sportsman who enjoys traveling to the great state of North Dakota to hunt and/or fish. My time to enjoy the outdoors in North Dakota includes purchasing hunting/angling licenses, hotel rooms, fuel, food, sporting equipment, and other supplies from businesses within North Dakota. During these trips, I often utilize watercraft with two-stroke motors, mud motors, and/or other performance watercraft to access hunting and fishing spots between dawn and dusk; the same types of watercraft which would be outlawed by Senate Bill 2342. If SB 2342 passes and the watercraft I rely on are outlawed in North Dakota, I, along with many other sportsmen who plan to enjoy this states great heritage of hunting and fishing, will be forced to take our business to other states that provide more recreational opportunity. The hunting and fishing opportunities available in North Dakota are highly esteemed and I hope to return and enjoy my time there for years to come.

I urge you to protect the rights of sportsmen and the great outdoor heritage of North Dakota and vote NO on Senate Bill 2342.

Signature:



Name:

Cassandra Arn

Phone:

8326846902

PROPOSED AMENDMENTS TO SENATE BILL NO. 2342

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to regulation of airboats to prevent excessive noise; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

Airboat regulation - Penalty.

1. For purposes of this section, unless context otherwise requires:
 - a. "Airboat" means a vessel designed primarily for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.
 - b. "Muffler" means an automotive-style sound-suppression device or system designed to abate effectively the sound of exhaust gases emitted from an internal combustion engine and prevent excessive sound when installed on an engine.
2. The exhaust of an internal combustion engine used on an airboat operated on the waters of this state must be equipped with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts or flex pipe as the sole source of muffling is prohibited. This subsection does not apply to authorized law enforcement airboats or other emergency response airboats.
3. An airboat operator who violates subsection 2 is guilty of a class 1 noncriminal offense.
4. An airboat operator cited for a violation of subsection 2 may not operate the airboat that is not in compliance with subsection 2 until a muffler is installed."

Renumber accordingly

Testimony of Durant and Sharon Schiermeister in support of SB 2342

Mr. Chairman, members of the Committee, my name is Sharon Schiermeister. I have taken time off work to be here today, along with my husband Durant, to testify in support of SB 2342. We are 3rd generation farmers in Emmons County. Our farm is along the Missouri River and we live by the Hazelton recreation area, which is about 30 miles south of Bismarck on Highway 1804. We are the ones who asked our legislators to introduce this bill. The purpose of the bill is to establish a noise restriction for airboats.

We'd like to provide you some background for the reason behind this bill. We have lived by the Hazelton Recreation Area for over 35 years. This is a public recreation area managed by the Corps of Engineers. It is a very popular area for local and out-of-state fisherman, waterfowl hunters, and pleasure boaters. Most activity at the boat ramp takes place during daylight hours. So why the reason for a noise restriction?

About four years ago, an Everglades style airboat started using the boat ramp. It would launch at night, right before dark, and be out on the water until the early hours of the morning. The noise from this type of boat is unbelievable. It is like the sound of an airplane trying to take off that never gets air born. When it is in the vicinity of a residence, it will wake you up from a sound sleep and prevent you from going back to sleep. This even happens when the windows are shut and air conditioner is running, it is that loud. Many times, we have had to sleep in our basement to escape the noise. We've noticed that the people on these boats wear ear protection as well. We have a couple of short videos to demonstrate the noise these boats make.

We first contacted the Emmons County Sheriff's Department to file a complaint. The sheriff, Gary Sanders, advised us that there is nothing they could do. We then contacted the local game warden, Eric Schmidt with the ND Game & Fish. He indicated there was nothing he could do. We also contacted the Corps of Engineers to see if they would implement quiet hours for the boat ramp, equal to what they have posted at their campgrounds, but they were not interested in doing that. We met with the Emmons County Commissioners and they did not know what to do for this situation since it was dealing with watercraft. We have also had conversations with Terry Steinwand, the director of ND Game & Fish, to make him aware of the situation, but he indicated there is nothing they can do under current law. Finally, my husband and a neighbor tried approaching the owner of the airboat to let him know how disruptive the noise of the boat was to those of us living in the area and suggested he respect the community by not keeping us up all night, but that also was not successful. That is why we are here before you today asking you to support SB 2342.

SB 2342, as originally drafted, was modeled after North Dakota municipal noise ordinances and specifically tailored to noise control on the water. However, representatives from the Game & Fish Department advised us that the bill would be very difficult to enforce and that the bill should be written to apply specifically to airboats and not all watercraft, which is consistent with what we are trying to accomplish with this bill. The engrossed version of the bill, which is

before you today, provides that airboats must muffle the sound of the exhaust from the motor. However, this only partially resolves the noise. With this type of boat, the sound of the air blades that propel the boat is more extreme than the engine and the noise cannot be blocked out of your home, which was demonstrated in the video. Therefore, we feel it is important to place a limit on hours of operation for airboats. We would propose that the bill be amended to allow airboats to operate between the hours of 5:00 a.m. to 11:00 p.m. This would prevent disruption to residents during the middle of the night, yet still allow for early morning duck hunting and some early morning and night time carp fishing. Discussions with the ND Game & Fish indicate that this amendment is reasonable and they did not raise any concerns with enforcing this bill.

Passage of this bill will benefit all citizens who reside by public waters, whether it be the Missouri River, Lake Metigoshe, Brush Lake or any of the many lakes or reservoirs in the State. We ask that you please consider amending the bill to limit hours of operation and pass this bill.

Mr. Chairman, this concludes our testimony. We would be happy to answer any questions.

Proposed Amendment to Senate Bill No. 2342

Page 1, after line 24, insert the following:

5. Airboat operation shall be prohibited from 11:00 p.m. to 5:00 a.m. This section shall not apply to authorized law enforcement airboats or other emergency response airboats.
6. An airboat operator cited for a violation of subsection (5) is guilty of a class 1 noncriminal offense.

From: Brett W. Mealio <brettm@kirkwoodbank.com>

Sent: Wednesday, March 6, 2019 8:14 AM

To: meister@bektel.com

Subject: Testimony

Please accept my written statement as I am unable to attend today's hearing due to a time conflict.

My wife and I live 2 miles north of the Hazelton boat ramp on the west side of Highway 1804 in Emmons County, ND. There have been numerous times over the past 2 years were an airboat is being used throughout the night on the back-waters of the Missouri River west and north of our residence. The loud engine noise has awoken us in the middle of the night on more than one occasion. As an avid outdoorsman, I understand the importance of the early morning activity however, my complaint is not about what they are doing but the manner in which they are way they are doing it. The engine, and more importantly, the fan noise are extremely loud and is continuous while the boat is moving.

Please amend the proposed bill to limit the hours of operation of the airboats to between 5 am and 11 pm.

Thank you for your consideration in this matter.

Brett Mealio
701-527-1391

Hello

I'm Les Gimbel and I live approximately 3 miles NORTH of the Hazelton Boat Ramp. Which makes my house about $\frac{1}{4}$ mile to a mile from the river, depending on the water level.

I don't begrudge anybody from enjoying the outdoors. But these boats are way too loud to be out on the river from Dust to Dawn behind my residence.

I don't agree with statement that they be eliminating non-game fish, which is somewhat true, But when the water level drops the fish become trapped. Then the eagles, hawks, vultures, coyotes, raccoons and other predators clean up. Which I've noticed on my many walks in the Contours bottoms.

As I was driving in this morning I noticed a sign, Noise Ordinance next to miles,

I wonder how long one these boats could run 3 miles North Grand Marsh Bridge and back then 3 miles south between Dust & Dawn.

Last Spring the River was near flood stage and it didn't take long for a no wake zone ^{to be} established. Funny how some things get addressed right away.

Does North Dakota have two classes of Citizens?

Ones who live in the Cities + Towns

Ones who live in Rural Areas.

We need to quiet these machines down.

Thank You.

#4 SB2342
3-7-19
P.1

Representative Porter and Members of the House Natural Resource Committee:

My name is Chris Grondahl, from Bismarck ,I am 55 and have enjoyed the use of the Missouri River for at least 50 of those years.

I am in support of SB2342 and would like to see the night restrictions added back to the bill.

Noise emitted from these craft is a big issue to consider for both day and night hours because of disturbance to the public who have always enjoyed the peace and quiet of the Missouri River for fishing, camping, canoeing, hiking or even living in homes or farms within miles of the river. An issue equally important are wildlife species like waterfowl and shorebirds along the river that are chased away from where they spend their nights roosting and raising young during the spring and summer. Not to mention fish and other aquatic species that raise young in these shallow, warm backwaters.

Unlike other watercraft, airboats draft very little water and can travel in extremely shallow water where other motorboats cannot, damaging both wildlife and their habitats. This is particularly true at night. At present time, this issue is being discussed because of only one boat owner. Its use negatively affects way too many people, wildlife and habitat to not strictly regulate it's use. Being in the military around a lot of noise and aircraft, a person realizes the importance of ear plugs and why runways don't belong in residential areas. It's extremely loud and there is a place for everything but the river isn't the place for this. One of my friends told me he was fishing and heard a noise which he first described as a plane coming in for a crash landing. The boat then appeared around the corner. It would be very timely to create these regulations now before the problem becomes larger.

Owners of the local craft will make arguments that their boat is a needed tool to harvest carp and hunt ducks since it is a business they are making out of it. Both carp and ducks have been harvested quite successfully in this location and across the state for years and years by means of waders, canoes, flatboats and small and large outboards without destroying the reason wildlife are there and available in the first place. Its damaging and over-the-top and there is simply too much at risk from what appears to be a thrill-seeking ride more than anything. I would sure appreciate what could be done to continue the support of this bill as well as the re-inclusion of the night time restriction removed by the Senate committee

Chris Grondahl
9200 Sycamore Lane
Bismarck
701-255-4164

19.0987.03001

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2342

Introduced by

Senator Erbele

Representative Brandenburg

1 A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota
2 Century Code, relating to regulation of ~~airboats~~boats to prevent excessive noise; and to provide
3 a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 20.1-13 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Airboat regulationRegulation of noise from boats - Penalty.**8 1. ~~For purposes of this section, unless context otherwise requires:~~

9 ~~a. "Airboat" means a vessel designed primarily for use in shallow waters and~~
10 ~~powered by an internal combustion engine with an airplane type propeller~~
11 ~~mounted above the stern and used to push air across a set of rudders.~~

12 ~~b. "Muffler" means an automotive style sound suppression device or system~~
13 ~~designed to abate effectively the sound of exhaust gases emitted from an internal~~
14 ~~combustion engine and prevent excessive sound when installed on an engine. A~~
15 ~~boat operated on the waters of this state between the hours of twelve midnight~~
16 ~~and five a.m. may not produce a noise in excess of eighty-eight decibels for more~~
17 ~~than ten minutes.~~

18 2. ~~The exhaust of an internal combustion engine used on an airboat operated on the~~
19 ~~waters of this state must be equipped with an automotive style factory muffler,~~
20 ~~underwater exhaust, or other manufactured device capable of adequately muffling the~~
21 ~~sound of the exhaust of the engine. The use of cutouts or flex pipe as the sole source~~
22 ~~of muffling is prohibited. This subsection does not apply to authorized law enforcement~~
23 ~~airboats or other emergency response airboats. For purposes of subsection 1, the~~

Sixty-sixth
Legislative Assembly

- 1 decibel level of a boat must be measured from the shoreline closest to the location
2 from which a complainant or other individual noticed the noise.
- 3 3. ~~An airboat~~ A boat operator who violates ~~subsection 2~~ this section is guilty of a class 1
4 noncriminal offense.
- 5 4. ~~An airboat~~ A boat operator cited for a violation of ~~subsection 2~~ this section may not
6 operate the ~~airboat~~ boat that is not in compliance with ~~subsection 2~~ produced the noise
7 in violation of this section until a muffler is installed.

March 12, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2342

Page 1, line 2, replace "airboats" with "boats"

Page 1, line 7, replace "**Airboat regulation**" with "**Regulation of noise from boats**"

Page 1, line 8, remove "For purposes of this section, unless context otherwise requires:"

Page 1, replace lines 9 through 14 with "A boat operated on the waters of this state between the hours of twelve midnight and five a.m. may not produce a noise in excess of eighty-eight decibels for more than ten minutes."

Page 1, line 15, remove "The exhaust of an internal combustion engine used on an airboat operated on the"

Page 1, replace lines 16 through 20 with "For purposes of subsection 1, the decibel level of a boat must be measured from the shoreline closest to the location from which a complainant or other individual noticed the noise."

Page 1, line 21, replace "An airboat" with "A boat"

Page 1, line 21, replace "subsection 2" with "this section"

Page 1, line 23, replace "An airboat" with "A boat"

Page 1, line 23, replace "subsection 2" with "this section"

Page 1, line 23, replace the second "airboat" with "boat"

Page 1, line 24, replace "is not in compliance with subsection 2" with "produced the noise in violation of this section"

Renumber accordingly