

2023 SENATE ENERGY AND NATURAL RESOURCES

SB 2368

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2368
2/2/2023

A BILL for an Act to provide for a legislative management study regarding a commission to supervise the game and fish department.

11:01 AM Chairman Patten opened the meeting.

Present are Chairman Patten and Senators Kessel, Beard, and Kannianen. Senators Magrum and Boehm are absent.

Discussion Topics:

- Landowners
- Hunting
- Outdoor activities

11:01 AM Senator Kannianen introduced the bill.

11:04 AM Brock Wahl, spoke opposed to the bill and provided written testimony #18736.

11:00 AM John Bradley, Director, North Dakota Wildlife Federation, testified opposed to the bill and provided written testimony #18758.

11:16 AM Bill Helfrey, North Dakota Bowhunters Association, spoke opposed to the bill.

11:19 AM Gary Masching spoke opposed to the bill.

11:21 AM Jeremy Olson spoke opposed to the bill.

11:25 AM Chairman Patten closed the public meeting.

Additional written testimony:

Matthew Williamson provided written testimony #17977

Wade Williamson provided written testimony #18682

Pat and Dusty Backer provided written testimony #18135

Steve Goroski provided written testimony #18711

Darrell Belisle provided written testimony #18659

Nevin Jenner provided written testimony #18745

11:25 AM Chairman Patten closed the meeting.

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Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

SB 2368
2/2/2023

A BILL for an Act to provide for a legislative management study regarding a commission to supervise the game and fish department.

11:43 AM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Boehm, and Beard were present. Senator Magrum was absent.

Discussion Topics:

- Advisory Boards
- Voicing opinions
- Landowners
- Hunters
- Posting land
- Directors

11:48 AM Senator Kessel moved Do Pass on SB 2368.
Motion seconded by Senator Kannianen.

11:48 AM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	N
Senator Jeffery J. Magrum	AB
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passed 4-1-1.

Senator Boehm will carry the bill.

This bill does not affect workforce development.

11:58 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2368: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2368 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2368

01/30/2023

Written testimony in support of SB 2368

Dear Energy and Natural Resource Committee,

I am writing to you today to show my support for SB 2368 which is A Bill for an Act to provide for a legislative management study regarding a commission to supervise the game and fish department.

I strongly support the idea of studying the benefits that a commission could provide to potentially oversee duties and create policy for the North Dakota Game and Fish office. A commission could provide a voice for all of the different regions across the state that represent different habitats, different land/water uses, difference in species managed by the Game and Fish, etc. Currently, the North Dakota Advisory Board is simply utilized as a sounding board by the current Game and Fish administration, but appears to have very little input in regards to voicing concerns for the regions they represent and have no authority to create policy or effectively advocate for change, should it be needed.

I humbly request that the study be performed which would allow for our state to at least consider the possibility of utilizing a commission, rather than the current system we have now. Please vote yes on SB 2368. Thank you for your time and consideration.

Regards,

Matthew Williamson
Minot, ND

To: Senate Energy and Natural Resources Committee

RE: In SUPPORT of Senate Bill No. 2368

We are in support of Senate Bill 2368. All entities of an agency should be accountable to the public for the environmental, economic, political, and social impacts of their actions and operations.

Elected and appointed officials should be accountable to the public for honesty, integrity, competence, ethics, service, and the quality of decisions.

Holding positions accountable is an important part of fostering and supporting actions, decisions and regulations that work toward the betterment of the community and state. Making sure agencies are open to scrutiny, and that laws, regulations and policies, as well as public opinion, are strong enough to assure that they always consider the public interest, is an enormous part of maintaining effective advocacy.

This Bill is proposing a study which is a path that can shine light on the positive actions of an agency as well as deficiencies. Accountability starts with research and this Bill makes sense.

Respectfully,

Dusty and Pat Backer

To: Senate Energy and Natural Resources Committee

RE: In Opposition of Senate Bill No. 2368

The North Dakota Bowhunters Association opposes the intended actions of this bill. Our hunting, fishing, trapping and other outdoor opportunities, the citizens of North Dakota enjoy, are best left to those who are trained experts in these respective fields.

In North Dakota, we are not very aware of the pressure provided by the anti and non-hunting community. States, where legislative commissions govern outdoor opportunities, are increasingly being attacked by these non-hunting groups. Initiating the same sort of outdoor commission here in our state of North Dakota would only be opening the door to these groups. Maybe not right away, but most certainly in the future.

The following points of interest are borrowed from an article written by the Congressional Sportsman's Foundation. ([Anti-Hunters Pushing for Seats on Game Commissions | Congressional Sportsmen's Foundation](#))

Points of Interest

- In January of 2016, a pro-hunting California Fish and Game Commissioner turned in his resignation over frustration of non-consumptive obstruction from other Commissioners. In multiple instances, partisan politics has been the driver of commission regulation and not sound science, which sets a dangerous precedent.
- The addition of anti-sportsmen and women onto game commissions represents a dangerous shift in values, from conservation to preservation.
- In 2018, an Idaho Commissioner resigned following criticism and controversy after sharing pictures from an African safari hunting trip.
- In Oregon in 2019, a retired marine, rancher, and hunting guide was appointed by the Governor to serve on the Commission but was later rejected by the Senate following criticism by environmentalist groups for big game hunting photos on social media.
- In 2020 and 2021, New Hampshire saw legislative efforts to amend the qualifications that potential members of the Fish and Game Commission must meet, which would ultimately afford recreational clubs and non-consumptive organizations seats at the table.
- In 2021 and 2022, legislators in Missouri (**MO HJR 55**), Nebraska (**NE L 615**), and Vermont (**VT H 400**) introduced legislation intending to alter the composition and/or nomination process for commissions.
- The 2022 spring black bear season in Washington was canceled after the Fish and Wildlife Commission failed to pass the necessary regulations for the season, resulting in one Commissioner resigning from his post due to the uproar this caused. The composition of the Commission at the time included numerous obstructionists who would rather see an end to the season than the implementation of science-based wildlife management.

Our North Dakota Game and Fish Department is led by a Governor appointed Director. Our Governor also approves the proclamation which provides the current guidelines for our outdoor opportunities. The North Dakota Bowhunters Association believes this to be a reliable practice and will oppose actions as presented in SB 2368.

Sincerely,

Darrell Belisle

NDBA Government and Conservation Director

February 1, 2023

Wade F. Williamson
Parshall, ND 58770

701-898-0054

Mr. Chairman, Members of the Committee:

I apologize for not appearing in person, but a scheduled fishing trip to a warm destination created a conflict, so I will be submitting written testimony.

I feel very strongly that a commission that is comprised of landowners and sportsmen that would oversee the workings of the North Dakota Game & Fish Department, would be a great improvement. It would increase accountability, transparency and also improve communications between landowners and sportsmen.

At this time we have a governor-appointed advisory board and yearly advisory meetings around the state. Sadly, these advisory meetings are regarded as a joke by most sportsmen and the advisory committee has no authority whatsoever.

Our director is a political appointment by the governor and he is only accountable to the person who appointed him... pretty much a one-man show. Can you imagine what would happen if an anti-hunter governor was elected? An appointment of an anti-hunter or very liberal environmentalist could be devastating to the North Dakota sportsmen. Hopefully this would never happen in North Dakota but it has already happened at the federal level with the US Fish & Wildlife Service.

I also believe that a commission would help with the amount of legislative bills before the legislature, because a lot of the landowner, sportsmen and game & fish issues could be worked out before being introduced into legislation.

I think that all but two or three states in the nation have a game & fish commission of some sort. I realize that nothing is perfect, but if we can improve on something that is so important to North Dakota I think that we should at least take a look at it. Please pass Senate Bill 2368. Thank you for your consideration.

Sincerely,

Wade F. Williamson

To: Senate Energy and Natural Resources Committee

RE: Testimony in Opposition of Senate Bill No. 2368

I want to express my opposition to SB 2368 and the intended actions of this bill. In North Dakota, we have not yet experienced the pressure provided by the anti and non-hunting community. States, where legislative commissions govern outdoor opportunities, are increasingly being attacked by these non-hunting groups.

The purpose of North Dakota Game & Fish is to conserve wildlife through regulations and sustainable hunting. The NDG&F is understandably staffed by experts in the wildlife management field: mostly hunters, anglers, and trappers. Utilizing their extensive knowledge of the outdoors, these professionals have been able to make responsible, informed, and effective decisions regarding fishing and wildlife conservation. In recent years, however, people who do not hunt, fish, or trap, and in some cases are fundamentally opposed to these practices, have pushed for representation on game commissions.

The new pressure for non-consumptive constituents to be on game commission's poses an alarming problem that directly threatens the future of conservation. Sportsmen and women contribute an incredible amount to conservation efforts through the purchasing of hunting licenses, permits, tags, stamps, and other outdoor related gear, in addition to other contributions from habitat organizations. Having commissioners that are neutral on the matter or even directly oppose hunting, trapping, and fishing leads to obstruction, which can restrict access and opportunity for sportsmen and women. If opportunities to hunt are reduced, it follows that sportsmen's and women's ability to contribute to conservation efforts will dramatically decrease, putting conservation efforts for both game and non-game species at risk.

In multiple instances, partisan politics has been the driver of commission regulation and not sound science, which sets a dangerous precedent. The addition of anti-sportsmen and women onto game commissions represents a dangerous shift in values, from conservation to preservation. The composition of a Commission could potentially include numerous obstructionists who would rather see an end to hunting, fishing, and trapping seasons than the implementation of science-based wildlife management.

Please vote 'NO' on SB 2368. Our hunting, fishing, trapping and other outdoor opportunities the citizens of North Dakota enjoy are best left to those who are trained experts in these respective fields, and that would be our current ND Game & Fish department as it stands today.

Thank you for your time and consideration of my testimonial on this bill.

Respectfully,

Steve Goroski



**BACKCOUNTRY
HUNTERS & ANGLERS
NORTH DAKOTA**

**TESTIMONY OF BROCK WAHL
NORTH DAKOTA BACKCOUNTRY HUNTERS AND ANGLERS
SENATE BILL 2368
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE
FEBRUARY 2, 2023**

The North Dakota Chapter of Backcountry Hunters and Anglers opposes SB 2368.

In 2022, our California chapter of BHA was able to successfully fight off attempts to ban black bear hunting in California. An effort proposed by anti-hunting organizations and brought forward with intent to pass by the California Fish and Game Commission. But our chapter's in Washington and Oregon were not so successful; they now see restrictions on black bear hunting and mountain lion hunting due to their Commissions' efforts.

We can also cite examples like Montana, Wyoming, and New Mexico, where commissions have been directly responsible for or used as a political tool to exert unwise influence over biological decisions, special interest tag allocations and political favors, or like in the case of New Mexico, residents left with only half of the available elk tags in their own state.

All of these issues and more can be attributed to politicized fish and game commissions. North Dakotans and North Dakota wildlife deserve better than that. We deserve trained professionals, often with decades of institutional knowledge and direct experience with North Dakota wildlife. Currently the department is accountable directly to the beneficiaries of the trust they manage. No political middle man, no extra layer of bureaucracy.

The public can go to the game and fish office any time, and have 16 opportunities to give feedback with other stakeholders in public meetings around the state. Just because someone doesn't always get their way, doesn't mean we need to put someone else in charge.

We do not believe a commission will be of any measurable benefit to the average resident hunter in North Dakota. We do believe a commission would send North Dakota down the road of politicization and commercialization of our wildlife. With that in mind, we do not believe a legislative management study for a game and fish commission is worth any consideration by this legislature. It is a solution looking for a problem.

We strongly oppose Senate Bill 2368.



Brock Wahl
Chairman
North Dakota Chapter of Backcountry Hunters and Anglers
northdakota@backcountryhunters.org



WWW.BACKCOUNTRYHUNTERS.ORG/NORTH_DAKOTA_BHA
NORTHDAKOTA@BACKCOUNTRYHUNTERS.ORG

Dear Energy and Natural Resources Committee Members,

I am writing today in opposition of SB 2368. The creation of a commission to oversee the ND Game and Fish Department may seem feasible or even responsible when first considered. However, time and time again, this type of thing has proven to be detrimental the outdoors lifestyle that North Dakotan's hold so dear. I generally support government agencies being held accountable, and the NDGF has always been both approachable and transparent in my experience.

Many states in our union manage their wildlife, fish and even parks through a commission appointed by the sitting Governor. These commissions often become both political tools and targets. One must only look West of our great state to see ever changing policy that has bounces from one extreme to the next, at the direction of politically driven commissioners.

I believe that the professionals at the ND Game and Fish Department are the best stewards for our wildlife and wild spaces. While I like to think that I do my best to consider all sides to an issue before passing judgement, I know that no person will ever be completely bias-free. In this, I commend the staff of the Department for their dedication to balance all things such as: agricultural needs, public opinion, outdoorspeople's expectations, monetary implications, and perhaps the most difficult; differing political opinions.

I urge you to leave the management of our game to the folks who dedicate their lives to this and avoid opening another door for those opposed to hunting, fishing and trapping to interfere with the passions that are engrained in North Dakota heritage. Please do not allow our wildlife management to be tossed around like a political football, nor hand out-of-state, anti-hunting groups more power to interfere.

While North Dakota has seen a relatively small amount of pressure of the anti-hunting crowd, we are certainly not immune to it in the future. The less we open the door to it, the better.

Please vote NO on Senate Bill 2368.

Sincerely,

Nevin Jenner

Williston, ND

701-570-0250



NORTH DAKOTA WILDLIFE FEDERATION

**TESTIMONY OF JOHN BRADLEY
NORTH DAKOTA WILDLIFE FEDERATION
SENATE BILL 2368
SENATE ENERGY AND NATURAL RESOURCES
COMMITTEE
FEBRUARY 2, 2023**

Chairman Patten and members of the Senate Energy and Natural Resources Committee:

For the record, I am John Bradley, executive director of the North Dakota Wildlife Federation (NDWF). I'm here today representing our thousands of members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

NDWF opposes SB 2368. The Wildlife Federation has a strong track record of working with the North Dakota Game and Fish Department on a variety of issues facing sportsmen and women, agriculture partners, and the public's fish, game, and non-game critters. Through stakeholder and advisory meetings, administrative rules, and legislation, the Department gets input from the public on how to manage the public's fish and game. They consider this input, along with the best available science to create management plans and rules to achieve their mission.

While we recognize that this bill is only calling for a study, we feel that a study is not necessary to determine that a Fish & Game Commission is not in the best interest of the sportsmen and women of this state. We've seen the negative impacts that a commission can have on wildlife

management, habitat projects, and hunting and fishing opportunity in other western states. We firmly believe that a wildlife commission overseeing the Game & Fish Department would lead to more politicization and commercialization of the public's wildlife.

Adding an additional layer of politics to North Dakota's wildlife management agency would hurt our wildlife, habitat, and outdoor heritage. Wildlife management and policy decisions should be left to the North Dakota's wildlife professionals.

We urge a Do Not Pass on SB 2368.