

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1260

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1260
2/2/2023

Relating to habitat development on private land and public access agreements and special antlerless elk depredation management licenses

3:11 PM

Chairman Porter opened the hearing. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Marschall, Novak, Olson, Roers Jones, and Ruby. Absent: Rep Kasper

Discussion Topics:

- Proposed amendment
- Habitat improvement and creation agreements
- Landowner agreement signatures
- Elk herd management
- Special antlerless elk licenses
- Habitat development
- Habitat loss

Rep J Olson, District 26, introduced HB 1260, Testimony 18521
Casey Anderson, Wildlife Division Chief, NDG&F, Testimony 18776
John Bradley, Executive Director, North Dakota Wildlife Federation, Testimony 18836
Brock Wahl, Chairman, ND Backcountry Hunters and Anglers, Testimony 18837

Additional written testimony:

Andrew Lindmeier, Testimony 18182
Julie Ellingson, Testimony 18749

3:46 PM Chairman Porter closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1260
2/16/2023

Relating to habitat development on private land and public access agreements and special antlerless elk depredation management licenses

9:05 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Committee action

Rep. Olson presented proposed changes to the committee, Testimony 21030

Rep Olson moved changes to Page 2, Line 22 to overstrike the words "land access", and Page 4 Lines 11-12-13 as discussed seconded by Rep Dockter, Voice vote. Motion carried.

Rep Olson moved a Do Pass as Amended, seconded by Rep Novak.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	AB
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	N

12-1-1 Motion carried. Rep Olson is carrier.

9:09 AM Chairman Porter closed the meeting.

Kathleen Davis, Committee Clerk

87
2-16-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1260

Page 2, line 22, remove "land access"

Page 4, line 11, after the underscored period insert "To be eligible for this license a landowner cannot charge a fee for elk hunting and must allow reasonable public access as determined by the director."

Renumber accordingly

1

REPORT OF STANDING COMMITTEE

HB 1260: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1260 was placed on the Sixth order on the calendar.

Page 2, line 22, remove "land access"

Page 4, line 11, after the underscored period insert "To be eligible for this license a landowner cannot charge a fee for elk hunting and must allow reasonable public access as determined by the director."

Renumber accordingly

2023 SENATE ENERGY AND NATURAL RESOURCES

HB 1260

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1260
3/23/2023

A bill relating to habitat development on private land and public access agreements and special antlerless elk depredation management licenses.

2:31 PM Chairman Patten called the meeting to order.
Chairman Patten and Senators Kessel Kannianen, Boehm and Beard were present.
Senator Magrum joined the meeting at 2:32 PM.

Discussion Topics:

- Grassland
- Bird nesting
- Big game
- Hay crop damage

2:32 PM Representative J. Olson introduced the bill and testified. #26353

2:33 PM Casey Anderson, Wildlife Division Chief, North Dakota Game and Fish Department, testified in favor of the bill. #26386

2:58 PM Jeb Williams, Director, North Dakota Game and Fish Department spoke in favor of the bill.

3:02 PM John Bradley, Executive Director, North Dakota Wildlife Federation, testified in favor of the bill. #26323

3:07 PM Brock Wahl, Chairman, North Dakota Chapter of Backcountry Hunters and Anglers, testified in favor of the bill. #26420

3:10 PM Kevin Fugere, Rancher, spoke neutral on the bill.

Additional written testimony:

Robert Timian #26171
Ryan Bronson #25718
Mark Staples #26396
Bob Matthews #26290

3:25 PM Chairman Patten closed the public hearing.

3:25 Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1260
3/30/2023

A bill relating to habitat development on private land and public access agreements and special antlerless elk depredation management licenses.

10:52 AM Chairman Patten opened the meeting.

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

Discussion Topics:

- Committee action
- Crop damage

10:53 AM Senator Magrum moved to Do Pass the bill.

10:54 AM Jeb Williams, Director, North Dakota Game and Fish Department, answered committee questions.

10:55 AM Senator Kannianen seconded the motion.

10:55 AM Roll call vote was taken.

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

Motion passed 6-0-0.

Senator Magrum will carry the bill.

This bill does not affect workforce development.

10:56 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1260, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1260 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1260

As a North Dakota resident, I am neutral to HB 1260.

I am in strong support of habitat development on private land to improve wildlife health and populations, and I also am in strong support of increasing public access to those privately held lands. I thoroughly enjoy hunting these lands (like PLOTS) and am thankful for all the private land stewards who do the right thing for wildlife on a daily basis.

However, I am not totally in support of the special antlerless elk licenses for landowners. I would be more in support of having these depredation hunt licenses be given to youth hunters or people with disabilities.

Best Regards,

Andrew Lindmeier



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jeremy Olson

District 26
P.O. Box 692
Arnegard, ND 58835-0692
C: 701-651-7486
jolson@ndlegis.gov

COMMITTEES:
Finance and Taxation
Energy and Natural Resources

2 February 2023

Mr. Chairman, I am Jeremy Olson, State Representative, District 26, representing most of McKenzie and Dunn Counties, which is the heart of the Bakken oil play and some very good hunting areas. I am the prime sponsor for HB 1260 at the request of the ND Department of Game and Fish. HB 1260 is for habitat development on private land, public access, and the issuing of special antlerless elk depredation management licenses.

Under Section 1 the Game and Fish Department can develop agreements to compensate private landowners for habitat development and access and to work on land access agreements in pursuit of these programs.

Under Section 2, a provision was added to allow the director to issue special antlerless elk depredation management licensees to landowners in designated areas. These areas must also be open to other hunters, as the objective of this provision is elk herd management in selected areas.

I'm going to leave the details of HB 1260 to the presenters following me, but would be happy to answer any questions that I can.

Respectfully,

Jeremy L Olson
ND State Representative, District 26

North Dakota Stockmen's Association
Testimony to the House Agriculture Committee on HB 1260
Feb. 2, 2023

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is Julie Ellingson and I represent the North Dakota Stockmen's Association, a 93-year-old beef cattle trade organization comprised of more than 3,100 cattle-ranching members.

The North Dakota Stockmen's Association appears in support of HB 1260, which would 1) allow the North Dakota Game and Fish Department to work with landowners to help develop habitat; and 2) allow the agency to issue antlerless elk depredation management licenses to landowners to address impacts by these animals.

We see these as very positive provisions that will be mutually beneficial for landowners and sportsmen and bridge-building between these two constituencies.

For these reasons, we ask that you consider a do-pass recommendation. Thank you for the opportunity to provide testimony.



House Energy and Natural Resources Committee
Testimony on HB 1260

North Dakota Game and Fish Department
Casey Anderson, Wildlife Division Chief
February 2, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Casey Anderson, Wildlife Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in support of HB 1260.

This bill was introduced at the request of the Department. There are really three parts to this bill. First, the Department is seeking clear authority to enter into habitat improvement and creation agreements with private landowners that do not require access. North Dakota has seen its wildlife habitat decrease significantly in the last decade. The Department feels strongly that it must reach beyond the PLOTS program to deliver habitat onto private lands. The Department has a proven and long track record of working with private landowners and habitat management programs. We see this as an opportunity to supplement the PLOTS program, not replace it. Habitat development along with hunting access will remain the primary focus for the Department, but we will be more flexible and will be able to provide assistance to a new group of landowners willing to develop and enhance habitat on their lands.

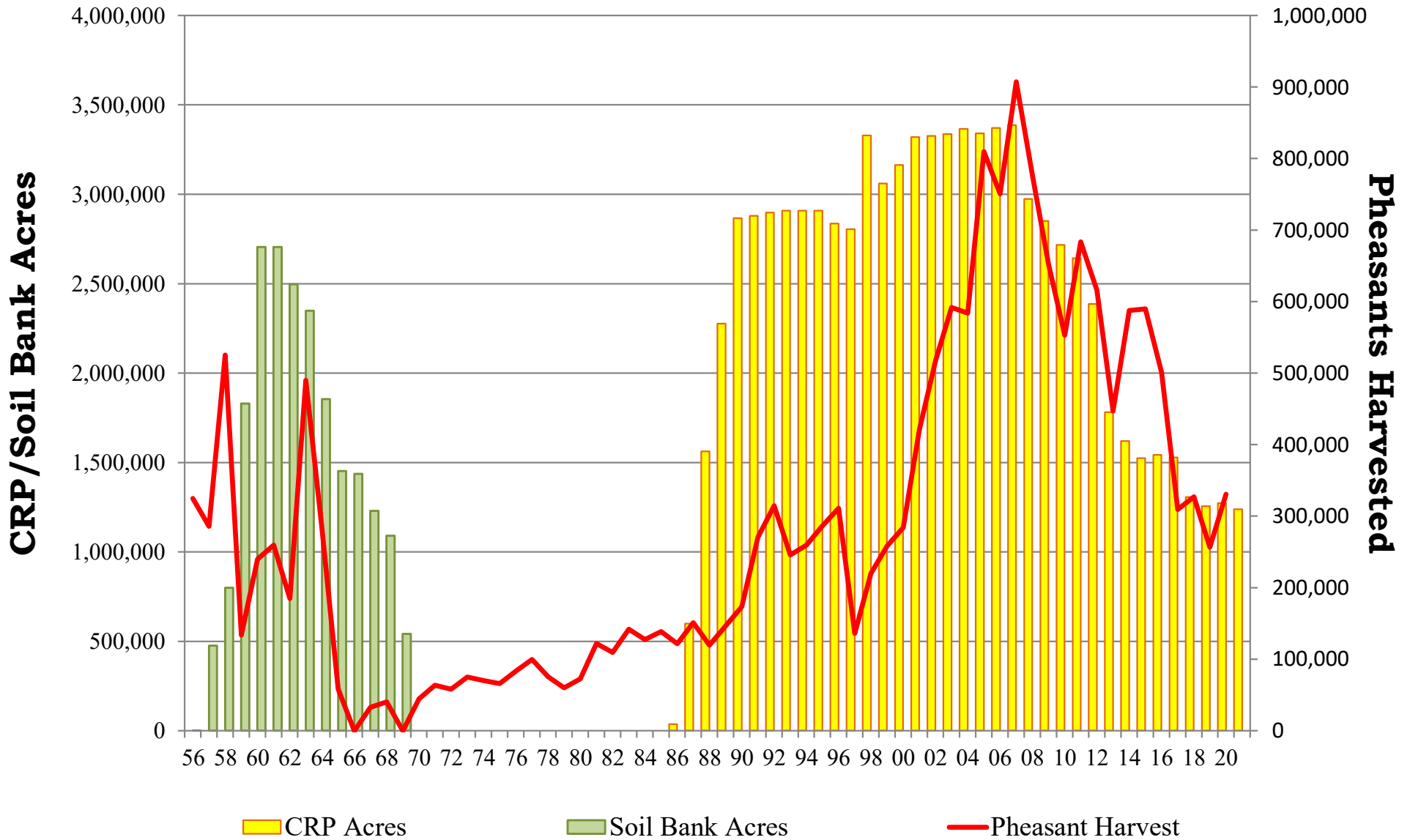
The loss of CRP, land management decisions, urban expansion and many other reasons have led us to this point (attached CRP pheasant harvest and deer lottery). The Department is looking to expand its efforts on private land by incorporating habitat programs for private landowners that will benefit everyone without requiring access. Many landowners want to do habitat work and allow people to hunt but not necessarily everyone anytime, as PLOTS landowners are willing to do. Also, by having more habitat on the landscape, which creates more robust and resilient wildlife populations, many publicly accessible areas will benefit as we all know wildlife have little use for boundaries and readily move across them. The Department is also looking at the future of wildlife populations and with the ever-growing list of species petitioned to be put on the US Fish and Wildlife Service threatened and endangered species list, the Department has a responsibility to attempt to work to ensure those species don't require listing, for the benefit of all North Dakota's citizens and landowners. The PLOTS program still has good interest and will continue to contribute to more habitat and access in North Dakota, but many opportunities exist outside this program to benefit North Dakota's wildlife. Many funding opportunities exist and will be sought out to do this work to limit the amount of hunting license dollars used for these programs. Some license sale dollars may be used to match these opportunities to qualify for the funds and stretch dollars even further. Partners will have a very important role in many of these projects to maximize the benefits of this effort.

The second part of this bill would help streamline the Department's ability to carry out the duties of the private lands program, specifically signing agreements with landowners. As we move to a more paperless environment, allowing private land program managers to authorize agreements simplifies the process. Currently, only the Director or Deputy Director is authorized to sign these agreements. The Department is looking to streamline the agreement process and has in place a very rigorous policy and guidelines for checks and balances of agreements. We are working toward using electronic signatures and our Private Lands staff who administers the program would be able to finalize agreements and increase efficiency for landowners and the overall program by allowing for this signature change. After seeing the final language of this bill, the Department would ask for one clarifying amendment on line #22 of the bill. We ask that the words "land access" be removed so section 17, k. of NDCC 20.1-02-05 reads as follows:

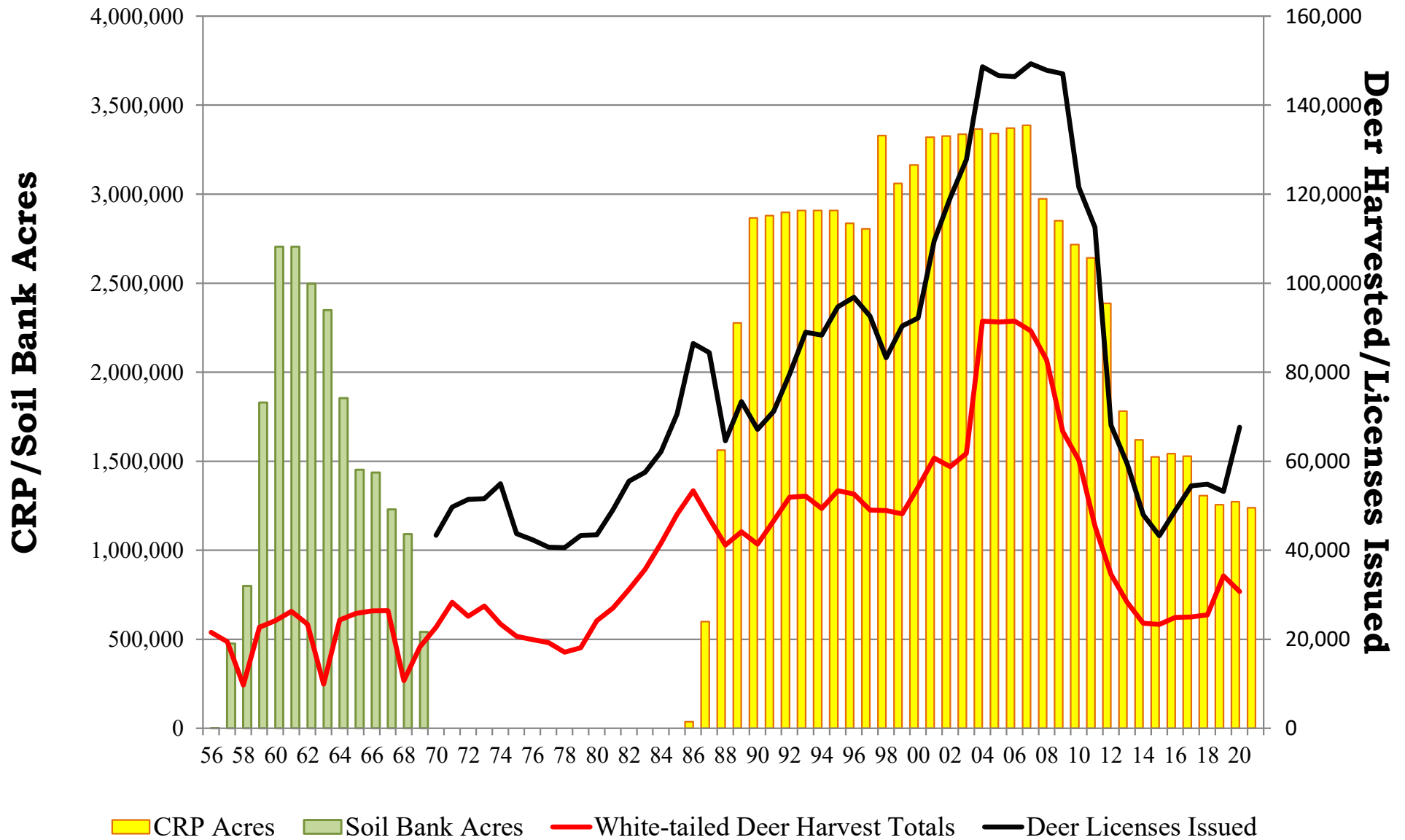
"17. k. Granting authority to program managers to carry out the duties of the program including signing for, negotiating, and renewing agreements and leases."

Lastly, this bill would allow the Department to improve elk management and deal with issues surrounding elk in North Dakota. Our elk population in the state is doing well and even expanding in some areas. The opportunity to harvest an elk is a once in a lifetime opportunity for the general hunter. However, as elk populations grow, the Department is starting to document and expect some localized issues with elk and especially elk damage on standing crops. When this occurs, there are very few ways the Department can help alleviate this depredation. This issue is most often a product of too many elk in a very localized area, not necessarily too many elk in North Dakota. The only way to reduce the numbers of elk in a meaningful way is to harvest cows. The Department does offer antlerless elk licenses through the lottery and has always allocated all available antlerless tags. However, success rates can be low on antlerless elk harvest, under 50% in most units. The Department has been in contact with numerous landowners on how to get ahead of this and maintain the unique elk opportunity in North Dakota and the tolerance for elk on a private land setting. Since 2011, the Department has allowed for an early August antlerless elk season for these particular problem situations and the use of this season by landowners has increased. This early antlerless elk season requires the landowner to call the Department and request the antlerless season be opened on their property, or property they lease for agricultural purposes. Once approved by the Director, the landowner can allow antlerless license holders to hunt on these requested properties. In 2022 nine landowners used this option, which is the highest number since its inception. This season has been successfully used by landowners, and hunters have been able to harvest cows and even at some level haze elk out of these areas. With this bill's language, an option that is being explored by the Department would be to directly incentivize the use of this early season. By working with landowners having elk issues and making sure some level of access and/or harvest on elk is occurring, while at the same time getting increased harvest with the landowner earning an antlerless elk tag because they are using hunters to help with the issue.

CRP and Soil Bank Programs/Pheasant Harvest 1956 - 2017



CRP and Soil Bank Acres/Annual Deer Harvest and Licenses Issued 1956 - 2018



HABITAT MATTERS



WHAT'S BEEN LOST

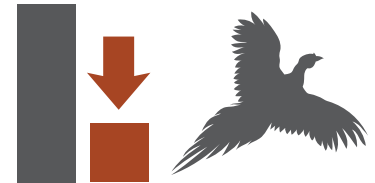


Has been converted.

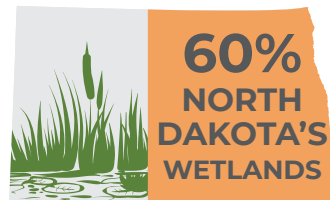
DEER LICENSES
55% decrease
SINCE 2007



Pheasant Harvest
900K DOWN TO 300K



66% decrease
CRP ACRES



Of the nearly 5 million natural wetland acres, 60% have been converted or lost.

WHAT'S AT STAKE



Economic Value

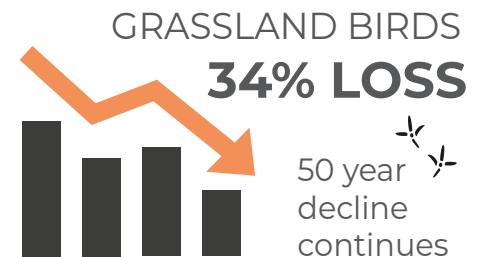
of hunting to North Dakota's economy



WATER QUALITY



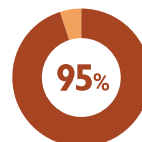
LOSS OF HUNTING HERITAGE



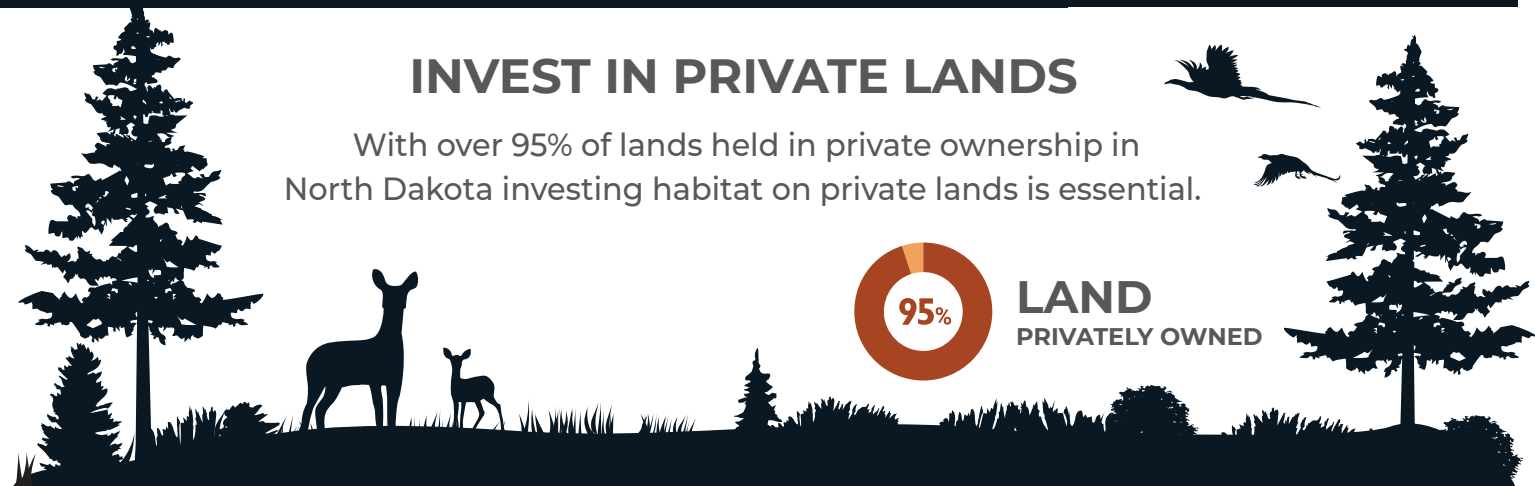
WHAT NEEDS TO BE DONE

INVEST IN PRIVATE LANDS

With over 95% of lands held in private ownership in North Dakota investing habitat on private lands is essential.



LAND PRIVATELY OWNED





NORTH DAKOTA WILDLIFE FEDERATION

**TESTIMONY OF JOHN BRADLEY
NORTH DAKOTA WILDLIFE FEDERATION
HOUSE BILL 1260
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
FEBRUARY 2, 2023**

Chairman Porter and members of the House Energy and Natural Resources Committee:

For the record, I am John Bradley, executive director of the North Dakota Wildlife Federation. 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 supports HB 1260. 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.

We believe that the Game & Fish Department should have a full toolbox when it comes to wildlife habitat programs in the state. The first section of this bill authorizes the Department's program managers the authority to develop and execute agreements with private landowners, allowing for a more efficient Department. With a vast majority of the North Dakota's land being private, it is crucial for wildlife conservation to create and protect habitat on private lands.

North Dakotans are passionate about elk hunting, often waiting years for the once in a lifetime opportunity. Most hunters are excited about a growing population of elk and the increased opportunity it provides. But we also know that localized problem elk knock down fences, eat standing crop and haystacks, causing major headaches for some landowners.

We know that to efficiently control elk populations, we need to manage the cow population. The public hunter is the best tool at accomplishing this. Unfortunately, many elk have learned to hang out on private land off-limits to public hunting.

The intent of the second section is to allow the Department to incentivize landowners who are experiencing problems with elk. The landowners receive an antlerless elk tag after allowing public hunting access to their lands for antlerless elk. The Federation only supports this section if the public hunter has an opportunity to access these private lands and that this program is only focused on antlerless elk. To that end, we would offer a friendly amendment to HB 1260 under Subsection 7, Line 10 of the proposed bill. After “The director may issue special antlerless elk depredation management licenses to landowners” to include, “who provide free public hunting access to private property.”

Additionally, we would like to see the Department engage in a stakeholder process where the public can weigh in on elk management on both public and private land. We are confident that this Game and Fish Department will work with the public to ensure a more equitable opportunity to the public’s resource.

We urge a Do Pass on HB 1260.



**BACKCOUNTRY
HUNTERS & ANGLERS
NORTH DAKOTA**

**TESTIMONY OF BROCK WAHL
NORTH DAKOTA BACKCOUNTRY HUNTERS AND ANGLERS
HOUSE BILL 1260
HOUSE ENERGY AND NATURAL RESOURCE COMMITTEE
FEBRUARY 2, 2023**

The North Dakota Chapter of Backcountry Hunters and Anglers supports the passage of HB 1260.

We believe the North Dakota Game and Fish needs the appropriate tools to address localized, problematic elk populations. We also believe it is our responsibility as hunters, to ensure that landowners dealing with these problems have resources available to them to do that. We think this tool can work to both of those ends.

It is common knowledge that effectively and efficiently controlling problematic elk populations is done directly through targeting antlerless cows in those specific populations. But that can't be done with a single landowner depredation tag. If populations are an issue, cow elk will need to be harvested at higher quantities and with higher success rates.

With that being said, our support is tied to a guaranteed public access component. Because these elk are a public trust, we believe that the public hunter should be a part of this management tool and we believe access to those problematic populations fulfills an important public access component, furthers management effectiveness, makes strides to strengthen landowner/hunter relationships and helps put elk meat in the freezer for all involved. We look forward to seeing the relationships this initiative will forge between hunters and landowners, and think this will benefit all parties involved.

We are confident that the Game and Fish will work with all stakeholders to ensure equitable opportunity and a cooperative plan that includes public hunters, as well as prioritizing respect for private property.

We support a friendly amendment to subsection 7, page 4, line 10 of the proposed language. After "The director may issue special antlerless elk depredation management licenses to landowners" we'd like to include, "who provide free public hunting access to private property."



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



Sixty-eighth
Legislative Assembly

- 1 e. The director may issue special elk depredation management licenses to
2 landowners in designated areas around Theodore Roosevelt national park upon
3 payment of the fee requirement for a resident big game license. The provisions of
4 this section governing the number of licenses issued for each designated district
5 or unit for hunting elk do not apply to special elk depredation management
6 licenses and a person who receives such a license under this subsection is
7 eligible to apply for a license to hunt elk in future years and is eligible to
8 participate in the raffle under section 20.1-08-04.6.
- 9 f. The director may issue special antlerless elk depredation management licenses
10 to landowners in the area and manner designated by the director upon payment
11 of the fee required for a resident big game license. To be eligible for this license a
12 landowner cannot charge a fee for elk hunting and must allow reasonable public
13 access as determined by the director. The provisions of this section
14 governing the number of licenses issued for each designated district or unit for
15 hunting elk do not apply to special antlerless elk depredation management
16 licenses. A person receiving an elk depredation management license under this
17 subsection is eligible to apply for a license to hunt elk in future years and is
18 eligible to participate in raffles under chapter 20.1-05.1.
- 19 g. An individual who has been convicted of illegally taking a moose, elk, or bighorn
20 sheep is not eligible to apply for or receive a license under this subsection.



**ROCKY MOUNTAIN
ELK FOUNDATION**

March 17, 2023

TO: ND Senate Energy and Natural Resources Committee

FR: Ryan Bronson, Director of Government Affairs

RE: Support for HB1260 Private land habitat support and landowner elk depredation

The Rocky Mountain Elk Foundation (RMEF) mission is to ensure the future of elk, other wildlife, their habitat and our hunting heritage. We represent more than 225,000 members nationwide and 4,000 in North Dakota. Since 1991 RMEF has completed 267 conservation and hunting heritage projects in the state, enhancing over 59,422 acres and improved access to 36,317 acres.

RMEF values its relationship with private landowners and the wildlife benefits that they provide. The Game and Fish Department's authority to enter formal habitat agreements with willing landowners will be a valuable tool to stem the loss of wildlife habitat in the state.

The elk depredation proposal in the bill is a practical way to utilize hunters to help address depredation problems. We support the agency's prioritization of utilizing license purchasing hunters rather than paying government employees. We are hopeful that this proposal, once enacted, will reduce the problems landowners are experiencing and will improve the tolerance they have for North Dakota's elk herd.

HB1260

Chairman and committee members, I am Robert Timian a Bismarck resident. I am submitting this testimony in support of HB1260 with one suggested amendment, and that is to repeal 20.1-03-11 sub 7 e as with the passage of HB1260 it is no longer needed. 20.1-03-11 sub 7 e was originally passed at a time when there was no elk season around the south unit of Theodore National Park and elk numbers in the park were continuing to grow to the point that they were moving out of the Park and onto adjacent private property and owners wanted something done to address this. North Game Fish Department held several public meetings and also met privately with landowners. In short, a gentleman's agreement was reached that a bill would be introduced to allow the department to issue depredation permits to landowners around the Park and if passed the landowners would allow reasonable public access for elk hunters. Today, years later, the situation has changed, the Park has reduced the number of elk in the Park significantly and has implemented a plan to keep elk numbers in the Park within sustainable management levels. Ownership of land around the Park has changed over the years and along with some changes in opinion of elk and the gentleman's agreement of years past. HB1260 if passed with 20.1-03-11 sub 7 e removed, would create a one uniform law that would apply equally to all landowners seeking relief from elk depredation. Thank you for the opportunity to testify.

Respectfully,



Attn: Senate Committee on Energy and Natural Resources
Re: House Bill 1260
Date: March 20, 2023
Position: Support

Honorable Members of the Senate Committee on Energy and Natural Resources,

I write you today on behalf of the Congressional Sportsmen's Foundation in support of House Bill 1260, which would expand the ability of the North Dakota Game and Fish Department (GFD) to conduct science-based wildlife management by allowing the GFD to develop agreements to compensate landowners for habitat development and issue special antlerless elk depredation management licenses. I respectfully request the members of this Committee support the passage of HB 1260.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

State fish and wildlife management authorities like the North Dakota GFD are the entities best-equipped to make science-based decisions relating to fish and wildlife population management. By allowing the GFD to develop agreements to compensate private landowners for development of habitat on private property that benefits North Dakota's storied fish and wildlife populations, this bill expands the GFD's ability to carry out the function for which the department was created. Likewise, granting the GFD Director the authority to issue special antlerless elk depredation management licenses allows the Game and Fish Department additional avenues for managing elk populations in the state while benefiting from the unique "user pays – public benefits" structure of the American System of Conservation Funding.

I respectfully request that the members of this Committee support the passage of HB 1260 so that the North Dakota Game and Fish Department is better able to develop habitat and manage fish and wildlife populations. I thank you for the opportunity to provide this testimony and welcome any questions you may have.

Sincerely,

Robert Matthews
Senior Coordinator, Great Lakes States
Congressional Sportsmen's Foundation
rmatthews@congressionalsportsmen.org | 517-210-2890

Your Inside Connection to Outdoor Legislation



NORTH DAKOTA WILDLIFE FEDERATION

Testimony of John Bradley
North Dakota Wildlife Federation
House Bill 1260
Senate Energy and Natural Resources Committee
March 23, 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. 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 supports HB 1260. 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. From habitat work to public access, the Federation finds common ground that works for North Dakota's sportsmen and women.

We believe that the Game & Fish Department should have a full toolbox when it comes to wildlife habitat programs in the state. The first section of this bill authorizes the Department's program managers the authority to develop and execute agreements with private landowners, allowing for a more efficient Department. While we encourage the Department to seek additional access opportunities, we understand that a vast majority of the North Dakota's land is private and it is crucial for wildlife conservation to create and protect habitat on private lands, regardless of its access status.

North Dakotans are passionate about elk hunting, often waiting years for the once in a lifetime opportunity. Most hunters are excited about a growing population of elk and the increased opportunity it provides. But we also know that localized problem elk can knock down fences, eat standing crop and haystacks, and can be a major headache for some landowners. Section two of the bill hopes to address North Dakota's growing elk populations and give the

Department a tool to reduce future conflicts in areas where localized elk are becoming a nuisance to landowners.

We know that to efficiently control elk populations, we need to manage the cow population. The public hunter is the best tool at accomplishing this. Unfortunately, many elk have learned to hang out on private land off-limits to public hunting. The intent of the second section is to allow the Department to incentivize landowners who are experiencing problems with elk. The landowners receive an antlerless elk tag after allowing public hunting access to their lands for antlerless elk. The Federation only supports this section if the public hunter has an opportunity to access these private lands and that this program is only focused on antlerless elk. To that end, we offered a friendly amendment to HB 1260 that was adopted by the House. (Subsection 7, Line 9-11 of the proposed bill).

Additionally, we would like to see the Department engage in a stakeholder process where the public can weigh in on elk management on both public and private land. We are confident that this Game and Fish Department will work with the public hunter and private landowner to find solutions for the public's growing elk herds.

We urge a Do Pass on HB 1260.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jeremy Olson

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P.O. Box 692
Arnegard, ND 58835-0692

C: 701-651-7486

jolson@ndlegis.gov

COMMITTEES:
Finance and Taxation
Energy and Natural Resources

22 March 2023

Mr. Chairman, I am Jeremy Olson, State Representative, District 26, representing most of McKenzie and Dunn Counties, which is the heart of the Bakken oil play and some very good hunting areas. I am the prime sponsor for HB 1260 at the request of the ND Department of Game and Fish. HB 1260 is for habitat development on private land, public access, and the issuing of special antlerless elk depredation management licenses.

Under Section 1 the Game and Fish Department can develop agreements to compensate private landowners for habitat development and access and to work on land access agreements in pursuit of these programs.

Under Section 2, a provision was added to allow the director to issue special antlerless elk depredation management licenses to landowners in designated areas. These areas must also be open to other hunters, as the objective of this provision is elk herd management in selected areas.

I'm going to leave the details of HB 1260 to the presenters following me, but would be happy to answer any questions that I can.

Respectfully,

Jeremy L Olson
ND State Representative, District 26



Senate Energy and Natural Resources Committee
Testimony on HB 1260

North Dakota Game and Fish Department
Casey Anderson, Wildlife Division Chief
March 23, 2023

Chairman Patten and members of the Senate Energy and Natural Resources Committee, my name is Casey Anderson, Wildlife Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in support of HB 1260.

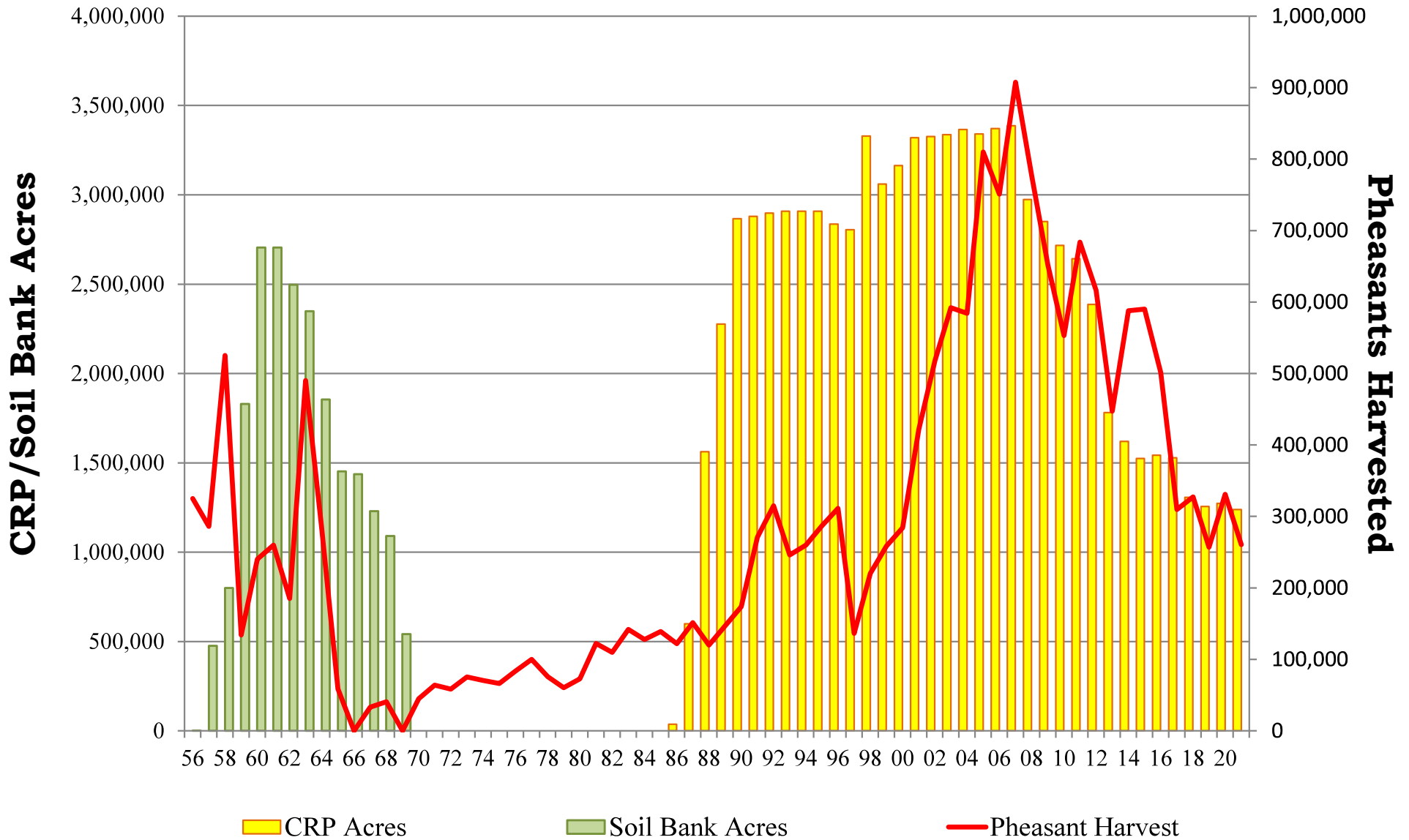
This bill was introduced at the request of the Department. There are really three separate parts to this bill. First, the Department is seeking clear authority to enter into habitat improvement and creation agreements with private landowners that do not require access. North Dakota has seen its wildlife habitat decrease significantly in the last decade. The Department feels strongly that it must reach beyond the PLOTS program to deliver habitat onto private lands. The Department has a proven and long track record of working with private landowners and habitat management programs. We see this as an opportunity to supplement the PLOTS program, not replace it. Habitat development along with hunting access will remain the primary focus for the Department, but we will be more flexible and will be able to provide assistance to a new group of landowners willing to develop and enhance habitat on their lands.

The loss of CRP, land management decisions, urban expansion and many other reasons have led us to this point (attached CRP pheasant harvest and deer lottery). The Department is looking to expand its efforts on private land by incorporating habitat programs for private landowners that will benefit everyone without requiring PLOTS access. Many landowners want to do habitat work and allow people to hunt but not necessarily everyone anytime, as PLOTS landowners are willing to do. Also, by having more habitat on the landscape, which creates more robust and resilient wildlife populations, many publicly accessible areas will benefit as we all know wildlife have little use for boundaries and readily move across them. The Department is also looking at the future of wildlife populations and with the ever-growing list of species petitioned to be put on the US Fish and Wildlife Service threatened and endangered species list, the Department has a responsibility to attempt to work to ensure those species don't require listing, for the benefit of all North Dakota's citizens and landowners. The PLOTS program still has good interest and will continue to contribute to more habitat and access in North Dakota, but many opportunities exist outside this program to benefit North Dakota's wildlife. Many funding opportunities exist and will be sought out to do this work to limit the amount of hunting license dollars used for these programs. Some license sale dollars may be used to match these opportunities to qualify for the funds and stretch dollars even further. Partners will have a very important role in many of these projects to maximize the benefits of this effort.

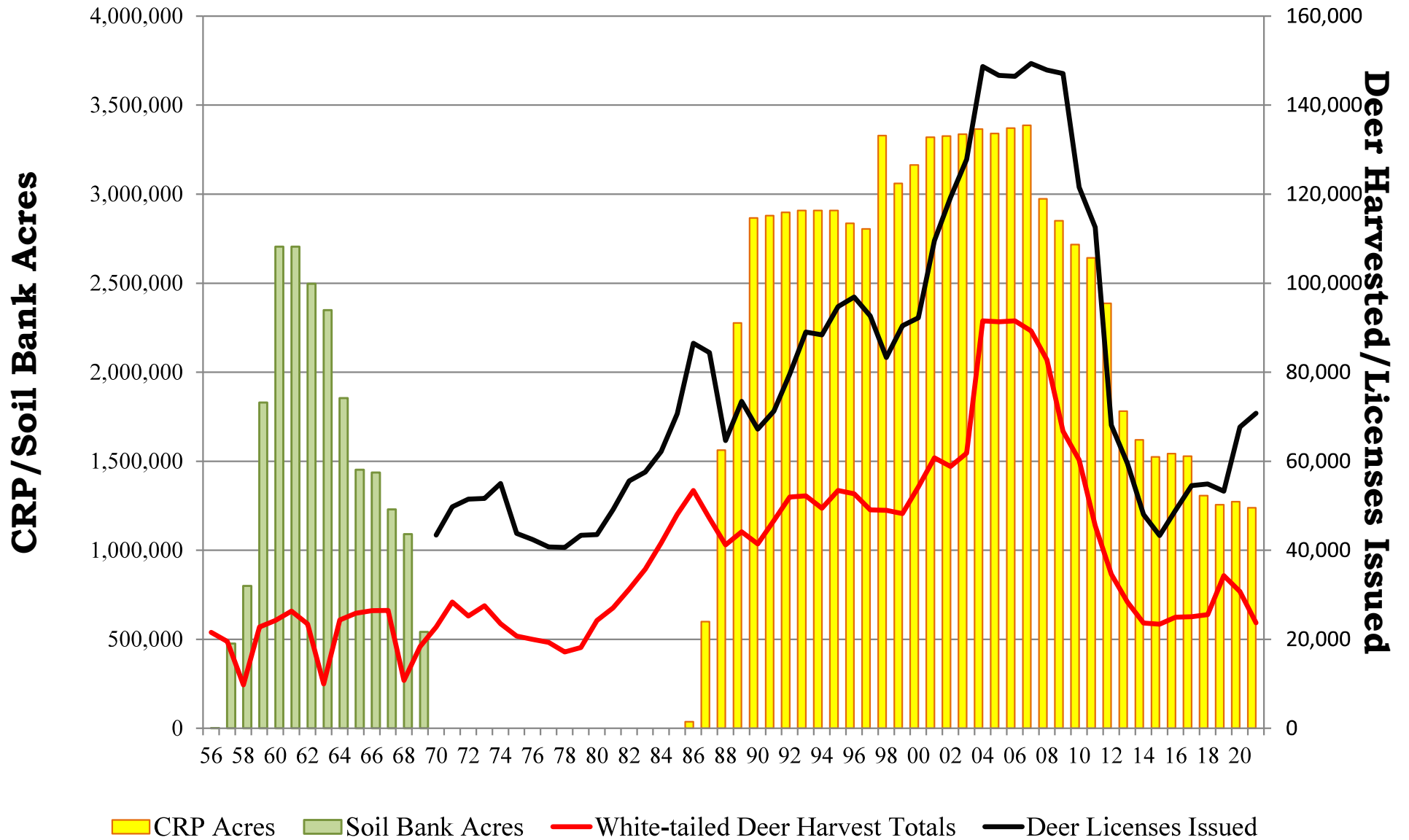
The second part of this bill would help streamline the Department's ability to carry out the duties of the private lands program, specifically signing agreements with landowners. As we move to a more paperless environment, allowing private land program managers to authorize agreements simplifies the process. Currently, now only the Director or Deputy Director is authorized to sign agreements. The Department is looking to streamline the agreement process and has in place a very rigorous policy and guidelines for checks and balances of agreements. We are working toward using electronic signatures and our Private Lands staff who administers the program would be able to finalize agreements and increase efficiency for landowners and the overall program by allowing for this signature change.

Lastly, this bill would allow the Department to improve elk management and deal with issues surrounding elk in North Dakota. Our elk populations in the state are doing well and even expanding in some areas. The opportunity to harvest an elk is a once in a lifetime opportunity for the general hunter. However, as elk populations grow, the Department is starting to document and expect some localized issues with elk and especially elk damage on crops. When this occurs, there are very few ways the Department can help alleviate this depredation. This issue is most often a product of too many elk in a very localized area, not necessarily too many elk in North Dakota. The only way to reduce the numbers of elk in a meaningful way is to harvest cows. The Department does offer antlerless elk licenses through the lottery and has always allocated all available antlerless tags. However, success rates can be low on antlerless elk harvest, around 50% in most units. The Department has been in contact with numerous landowners on how to get ahead of this and maintain the unique elk opportunity in North Dakota and the tolerance for elk on a private land setting. Since 2011, the Department has allowed for an early August antlerless elk season for these particular problem situations and the use of this season by landowners has increased. This early antlerless elk season requires the landowner to call the Department and request the antlerless season be opened on their property, or property they lease for agriculture and control hunting on. Once approved by the Director, the landowner can allow antlerless license holders to hunt on these requested properties. In 2022 nine landowners used this option, which is the highest number since its inception. This season has been successfully used by landowners, and hunters have been able to harvest cows and even at some level haze elk out of these areas. With this bill's language, an option that is being explored by the Department would be to directly incentivize the use of this early August season. By working with landowners having elk issues and making sure some level of access and/or harvest on elk is occurring, while at the same time getting increased harvest with the landowner earning an antlerless elk tag because they are using hunters to help with the issue.

CRP and Soil Bank Programs/Pheasant Harvest 1956 - 2021



CRP and Soil Bank Acres/Annual Deer Harvest and Licenses Issued 1956 - 2021



HABITAT MATTERS



WHAT'S BEEN LOST

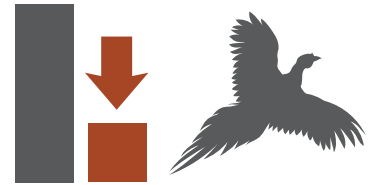


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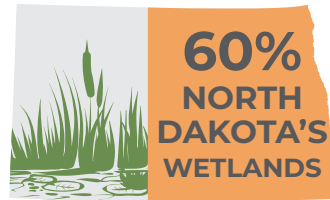
DEER LICENSES
55% decrease
SINCE 2007



Pheasant Harvest
900K DOWN TO 300K



66% decrease
CRP ACRES

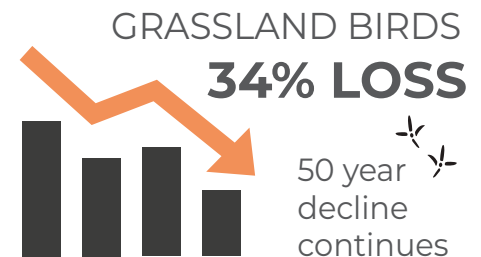


Of the nearly 5 million natural wetland acres, 60% have been converted or lost.

WHAT'S AT STAKE



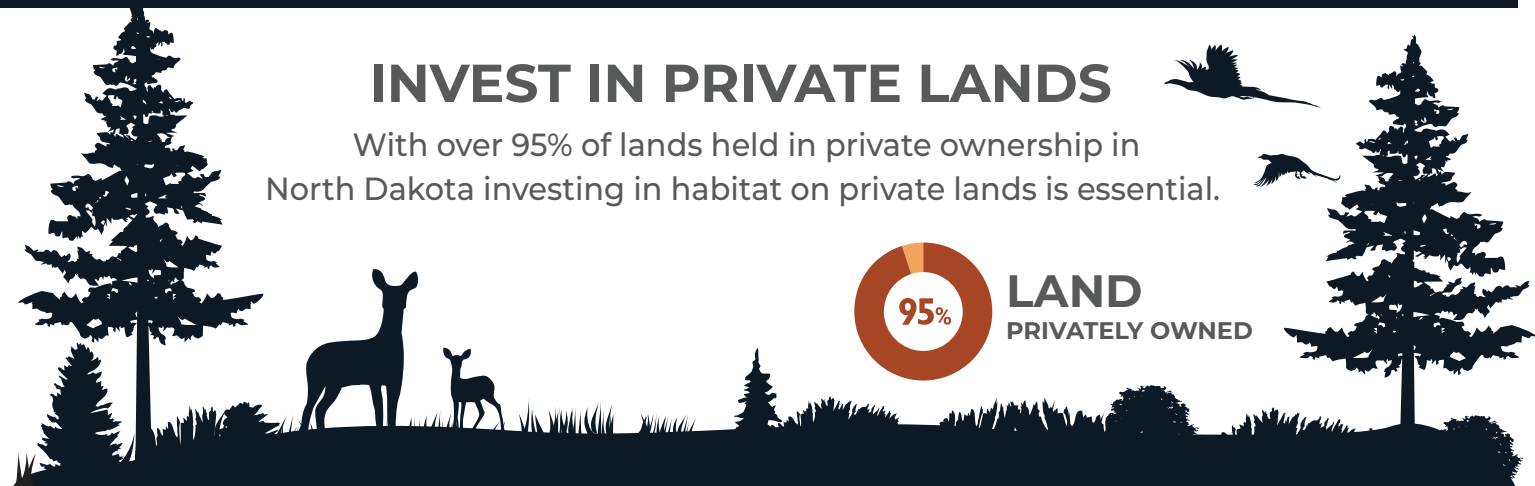
LOSS OF HUNTING HERITAGE



WHAT NEEDS TO BE DONE

INVEST IN PRIVATE LANDS

With over 95% of lands held in private ownership in North Dakota investing in habitat on private lands is essential.





The Nature Conservancy in MN-ND-SD
Cross Ranch Preserve
1401 River Road
Center, ND 58530

Phone: 612-331-0700
Email: northdakota@tnc.org
nature.org/tristate

March 22, 2023

SUBMITTED TESTIMONY

Senate Energy and Natural Resources Committee

RE: Support for HB 1260

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

Thank you for the opportunity for The Nature Conservancy to submit testimony in favor of House Bill 1260. Working effectively with private landowners is essential to the health of fish and wildlife populations in North Dakota, and the Game and Fish Department is well-equipped to carry out this work. House Bill 1260 provides an important tool the Department can use when working with private landowners.

Our organization has been conserving lands and waters in North Dakota since 1971, during which time we have worked with countless private landowners across the state. Improving the quality of North Dakota's habitat is important to maintaining biodiversity in our plants and wildlife, including the migratory birds that rely on grassland and wetland nesting habitat in our state. Because the vast majority of lands are privately owned in North Dakota, providing the Game and Fish Department with the authority to conduct this type of private habitat development is critical to effective wildlife management and stemming the loss of habitat.

Healthy grasslands and wetlands are not just important for wildlife, they help us preserve our water quality, store massive amounts of carbon on the landscape, and sustain North Dakota's outdoor recreation economy. We urge a "Do Pass" recommendation on House Bill 1260.

Thank you for your consideration, and for all the work you do on behalf of North Dakotans.

Respectfully submitted,

Mark Staples
External Affairs Manager
The Nature Conservancy in North Dakota

Registered Lobbyist #1323



**BACKCOUNTRY
HUNTERS & ANGLERS
NORTH DAKOTA**

**TESTIMONY OF BROCK WAHL
NORTH DAKOTA BACKCOUNTRY HUNTERS AND ANGLERS
HOUSE BILL 1260
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE
MARCH 23, 2023**

Chairman Patten and Members of the Senate Energy and Natural Resources Committee,

The North Dakota Chapter of Backcountry Hunters and Anglers supports the passage of HB 1260. We believe the North Dakota Game and Fish needs the appropriate tools to address localized, problematic elk populations. We also believe it is our responsibility as hunters, to ensure that landowners dealing with these problems have resources available to them to utilize. We think HB 1260 is a tool that can work to both of those ends.

It is common knowledge that effectively and efficiently controlling problematic elk populations is done directly through targeting antlerless cows in those specific populations. But that can't be done with a single landowner depredation tag. If populations are an issue, cow elk will need to be harvested at higher quantities and with higher success rates.

We strongly support the public access component and the willingness of the Game and Fish to utilize hunters as a tool. Because these elk are a public trust, hunters should be a part of this management tool and we believe access to those specific problematic populations fulfills the public access component, furthers management effectiveness, makes strides to strengthen landowner/hunter relationships and helps put elk meat in the freezer for all involved. We look forward to seeing the relationships this initiative will forge between hunters and landowners, and think this will benefit all parties involved.

We are confident that the Game and Fish will work with landowners to ensure equitable opportunity for hunter access that prioritizes respect for private property and ensures that this tool is productive and worthwhile into the future. We urge the committee, Do Pass.



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

