

**2023 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1175**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1175  
1/20/2023

A bill relating to the posting of leased grant lands.

11:11 AM Chairman Porter opened the hearing.

**Chairman Porter** opened the hearing. 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:

- Posting Deadline
- Closed tracts
- Lessee tract closure request
- Bid Requirement/Restriction

Representative Steiner introduced HB 1175  
John Bradley, Executive Director, North Dakota Wildlife Federation, Testimony 14679.  
Brock Wahl, North Dakota Chapter, Backcountry Hunters and Anglers, Testimony 13847.  
Liam Hale, North Dakota resident, Testimony 14676.  
Joseph Stegmiller, Surface Director, North Dakota Trust Lands, Testimony 14677.  
William Bahm, North Dakota Landowner, oral testimony  
Julie Ellingson, North Dakota Stockmen's Association, Testimony 14807, 22156  
Joseph Heringer, Commissioner, Department of Trust Lands, Testimony 14725.

### Additional written testimony:

Matthew Williamson, Testimony 14735.  
Kelly Hale, Testimony 14708.  
Andrew Thill, Testimony 14706.  
Matthew Liebel, Testimony 14702.  
Bruce Lykken, Testimony 14698.  
Sara Shuck, Testimony 14642.  
Logan Anderson, Testimony 14630.  
Adam Ryba, Testimony 14625.  
Jeremiah Shuck, Testimony 14222.  
Eric Veidel, Testimony 14218.  
Jordan Gleason, Testimony 14189.  
Patrick Weninger, Testimony 14056.  
Ty Hanson, Testimony 13998.  
Jeff Chamberlain, Testimony 13890.  
Ken Carbary, Testimony 13528.

12:02 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 1175  
2/10/2023

A bill relating to the posting of leased grant lands.

10:03 AM Chairman Porter opened the meeting

**Members present:** Chairman Porter, Vice Chairman Anderson, Representatives Bosch, Dockter, Hagert, Heinert, Kasper, Marschall, Novak, Roers Jones, Ruby, Conmy, and Ista.  
**Members absent:** Representative Olson.

### Discussion Topics:

- Proposed amendment 23.0542.01004
- Committee vote

Representative Ruby moved amendment 23.0542.01004 (Testimony 20508), seconded by Representative Ista. Voice vote, motion carried.

Representative Ista moved a Do Pass as Amended, seconded by Rep Ruby.

### Roll call vote:

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
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	AB
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

**Motion carried 13-0-1** Representative Ista is the bill carrier.

**10:07 AM** meeting adjourned.

*Kathleen Davis, Committee Clerk*

gk  
2-10-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1175

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding the posting of school trust lands during big game hunting seasons."

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PUBLIC ACCESS TO SCHOOL TRUST LANDS.** During the 2023-24 interim, the legislative management shall consider studying the impact of posting and restricting access to school trust lands during the big game hunting seasons. The study must include a review of current law applied to the posting of school trust lands. The study must include input from the department of trust lands and the game and fish department. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1175: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1175 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 provide for a legislative management study regarding the posting of school trust lands during big game hunting seasons.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PUBLIC ACCESS TO SCHOOL TRUST LANDS.** During the 2023-24 interim, the legislative management shall consider studying the impact of posting and restricting access to school trust lands during the big game hunting seasons. The study must include a review of current law applied to the posting of school trust lands. The study must include input from the department of trust lands and the game and fish department. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

**2023 SENATE ENERGY AND NATURAL RESOURCES**

**HB 1175**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1175  
3/2/2023

A BILL for an Act to provide for a legislative management study regarding the posting of school trust lands during big game hunting seasons.
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2:13 PM Chairman Patten opened the meeting.

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

### Discussion Topics:

- Posted land
- Land Commissioner
- Leased land
- Hunting access
- Cattle
- Dogs
- Hunting opportunities

2:14 PM Representative Steiner introduced the bill.

2:20 PM Joseph Stegmiller, Surface Director, North Dakota Department of Trust Lands, testified opposed to the bill and provided written testimony #21617.

2:30 PM Joseph Heringer, North Dakota Commissioner of School, and Trust Lands, testified opposed to the bill and provided written testimony #21715, 21716.

2:34 PM Brock Wahl, North Dakota Backcountry Hunters and Anglers, testified opposed to the bill and provided written testimony #21713.

2:36 PM Julie Ellingson, North Dakota Stockman's Association, spoke opposed to the bill.

2:39 PM John Bradley, North Dakota Wildlife Federation, testified opposed to the bill and provided written testimony #21588.

2:40 PM Chairman Patten Closed the public hearing.

2:40 PM Senator Kessel moved to Do Not Pass the bill. Motion seconded by Senator Kannianen.

2:40 PM roll call vote was taken.

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

Motion passes 5-0-1.

Senator Kessel will carry the bill.

This bill does not affect workforce development.

2:42 PM Chairman Patten closed the meeting.

*Rick Schuchard, Committee Clerk*



**REPORT OF STANDING COMMITTEE**

**HB 1175, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1175 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1175**

## HB 1175

I am in support of this BILL 1175. State land is open to public access. It is a public resource. Many people use state land for all sorts of activities. You accept this fact when you lease public ground. Much of the State land is already hard to access. Its public keep it that way. Ranchers and Farmers can use the public resource but I am completely against them leasing a public resource and then denying the public access to a public resource.



**BACKCOUNTRY  
HUNTERS & ANGLERS**  
NORTH DAKOTA

### Members of the Committee

The North Dakota Chapter of Backcountry Hunters and Anglers supports House Bill 1175 that has been introduced to the 68<sup>th</sup> Legislative Assembly by Representative Vicky Steiner (Dickinson). This bill would guarantee the hunting and fishing access to 706,600 acres of land, which are managed by the Surface Division of the North Dakota Department of Trust Lands.

From data derived through the Department of Trust Lands, over the course of the last 22 years, we have seen an average of 9,362 acres closed to the public, which equates to around 1% of total surface acres. However, over the last 4 years the total acres of trust lands closed to the public has shown an increase. In 2019, there were 9,474 acres closed to the public. In 2022, that number climb to 19,930 acres, the highest observed in the last 22 years of available data. Since 2000, the number of individual tracts posted as closed has more than tripled, and 96% of these had an effective start date of that closure between the months of August and December

While we recognize that the main purpose of trust lands is to generate funds for the 13 permanent education trusts, we also feel that there can be multiple beneficiaries of these public lands without monetarily detracting from that original intent or their current and future lessees.

We agree that prohibited activities listed in North Dakota Century Code 15-08-19.4 are a detriment to the mission of generating funds. However, we fail to find a lawful reasoning in not allowing continued public use for the approved activities. Hunting and fishing can both be viewed as minimal-impact activities that don't interfere with the department's mandate of generating funds. If 99% of the lands managed by the Department are open to the public, what is the significant fiscal impact in not allowing public access to the remaining 1%?

Access is a primary barrier for new hunters and anglers, and we believe those 19,000 acres are valuable access opportunities that cannot be ignored. With the introduction of H.B. 1175, we welcome the discussion it will generate on the utilization of public lands for hunting and fishing.

We urge the committee, Do Pass.

North Dakota Chapter of Backcountry Hunters and Anglers  
[northdakota@backcountryhunters.org](mailto:northdakota@backcountryhunters.org)



My name is Jeff Chamberlain. I reside in district 8.

I am in favor of HB 1175 and recommend that it is passed. The bill references the use of public lands and I am a firm supporter of landowner rights. The idea that a lessee can negotiate the ability to keep property owners off of the land is absurd. If this same notion were brought forth in negotiations with a private landowner, there is not a single instance where it would be considered agreeable.

Please pass this bill.

Dear Energy and Natural Resource Committee,

My name is Ty Hanson from Berthold ND. I am writing you today in support of HB 1175.

The ND Department of Trust Lands currently manages 706,600 acres on behalf of the citizens of ND. 19,930 of those acres are currently inaccessible to the public for recreational purposes. This number should be 0, state land should be available for all citizens to enjoy. Federal lands have successfully allowed recreation and agricultural use to coexist for decades, there is no reason state land can't be operated the same.

Most tenants take excellent care of the land they operate on (their livelihood depends on it), however there are some cases where tenants treat the state land as their own private property and abuse the ability to hinder public access. I personally witnessed this in the fall of 2021. I harvested a deer while hunting state land, less that 48 hours later the land was legally shut down for public access. The tenant was also hunting this land, and had the public access shut down because I shot that deer. This same section has been illegally posted over the years with "posted" and "no trespassing signs."

Access is the biggest issue facing ND hunters today. This bill would protect the right to access over 700,000 acres of excellent hunting access.

Thank you for your time,

Ty Hanson

Dear Legislatures:

As a sportsman, I am writing in favor of House Bill 1151. At face value, this seems to be a good bill. North Dakota does not have a lot of public land to begin with in comparison to other western states. I believe a lot of people can find success when hunting these lands. I myself have had issues with people leasing these lands and restricting access as if it is their own. This is public land that should remain open to public access. Thanks to the game warden for settling this deal.

We need to keep these opportunities for people to enjoy and allow continued use of these public lands. This also will help to allow continued access for our future generations to designated public land and future enjoyment of the great outdoors. We all pay taxes in turn meaning we should all be able to enjoy access to these lands.

Thank you for your time and consideration

I hope you vote in favor of this bill

Pat

January 18, 2023

To: ND House Energy and Natural Resources Committee

I am testifying in support of HB 1175. I am a lifelong North Dakota resident and hunter, with direct family members who farm and ranch beef cattle. Grant lands are owned by the public and should be able to be accessed by the public. ND Century Code does a good job of defining acceptable public access (15-08-19.2) and prohibited activities (15-08-19.4). By supporting HB 1175, and enforcing these applicable sections of the ND Century Code, we maximize the value of these lands for the landowners (the public) without detracting any value from the lessee.

I urge the committee, do pass.

Thank you,

Jordan Gleason



Support HB 1175 – Do pass

Dear Members of the Legislature,

I am writing to express my support for legislation that would provide increased access to land for hunting and fishing. As an avid outdoorsman and conservationist, I believe that this legislation is necessary to ensure that future generations have the opportunity to enjoy these outdoor activities.

There are several reasons why I support this legislation. First, hunting and fishing are important traditions that have been passed down through generations. These activities provide a sense of connection to the land and the natural world, and they offer a unique opportunity to experience the beauty of our state.

Second, hunting and fishing are important for conservation. These activities help to control wildlife populations and prevent overgrazing, which can have negative impacts on the environment. Additionally, hunting and fishing provide important economic benefits to our state, as these activities support local businesses and generate revenue for the state.

Finally, increased access to land for hunting and fishing would ensure that all residents have the opportunity to participate in these activities. Currently, many areas of our state are inaccessible to hunters and fishers, and this legislation would help to correct that imbalance.

For these reasons, I urge you to vote in favor of legislation that would provide increased access to land for hunting and fishing. This legislation is not only good for the environment and the economy, but it is also essential for preserving our state's outdoor heritage.

Thank you for your time and consideration.

Sincerely,

Eric Veidel

1017 W Ave B

Bismarck, ND 58501

I am writing in support of HB 1175.

A majority of grant land has remained open to the public for multidisciplinary use. This area available has been shrinking more rapidly in recent years. This bill would protect the use of the public while still maintaining the purpose of the grant land to be profitable for the school trusts. Please pass this bill.

Best Regards,  
Jeremy Shuck

I am writing in support of HB 1175.

Closing areas that are normally open to recreational activities goes against many of the ideals that make North Dakota a great place for access to numerous types of property.

Members of the House;

I am writing in Support of HB 1175. I believe that lands that are supported by the public taxpayer should be accessible by the public taxpayer.

-Logan Anderson

Support HB 1175 – Do pass

Dear Members of the Committee,

I am writing to express my support for legislation that would provide increased access to land for recreational activities. As an active hiker, I utilize state lands and would like to see them stay open to the public.

Thanks,

Sara Shuck

Members of the Committee,

I am providing testimony in support of H.B. 1175. This bill would guarantee access to over 700,000 acres of public lands that are held in trust by the state.

Through an Open Records request, we're able to see that in the last 5 years the number of acres closed to the public has grown from around 9,800 acres in 2019 to an alarming 20,000 acres last year. Furthermore, 96% of those closed acres happened to have an "Effective Start Date" between the months of August and December. While anecdotal, those dates are conveniently aligned with a majority of hunting seasons.

I firmly believe that ranchers, hunters, anglers, and anyone else that wishes to use the land can coexist on the landscape. 98% of trust lands is already being utilized in this way, as well as many tracts on the National Grasslands with minimal impact.

By allowing access to all of the State's Trust Lands, we can eliminate more barriers in the already contested space of the hunting public. Please, Do Pass, on HB 1175.



**TESTIMONY OF JOSEPH STEGMILLER  
SURFACE DIRECTOR  
North Dakota Department of Trust Lands**

**House Bill 1175**

House Energy and Natural Resources Committee  
January 20, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, I am Joseph Stegmiller, the Surface Director with the North Dakota Department of Trust Lands (Department). I am here to testify in opposition of HB 1175.

The Board of University and School Lands (Board), as established by the North Dakota Constitution, is charged with overseeing the management of state trust lands and investing the revenue generated therefrom to grow as a source of long-term income for the support of certain trust beneficiaries. The Board is comprised of the Governor, Secretary of State, Attorney General, State Treasurer, and Superintendent of Public Instruction. The Department is the administrative arm of the Board, serving under the direction and authority of the Board. The Department is a special fund agency, operating off its own revenues and investments, and as such does not receive state general funds.

The Department manages approximately 2.6 million mineral acres with their roughly 8,300 associated oil & gas leases, and over 700,000 surface acres with their roughly 4,400 associated agricultural leases. Revenues generated from these leases, along with payments received from other income sources such as oil & gas lease bonus payments and easements granted for pipelines, roads, and well pads, are deposited into 13 permanent trust funds and invested to provide long-term income for trust beneficiaries. Beneficiaries of these trust funds include public K-12 education, various colleges and universities, and other institutions throughout North Dakota. The largest trust fund is the Common Schools Trust Fund (CSTF) which had a balance of approximately \$5.65 billion as of June 30, 2022.

HB 1175 intends to limit the management authority of the Board of University and School Lands. The ability to restrict access to certain tracts of land to ensure public safety or to honor a lessee's rights is an essential tool for all land management, whether private or public. It is true that Trust Lands are lands that are owned by the state. However, title to Trust Lands, including the grant lands implicated by HB 1175, was granted to the state for the support of common schools and other state institutions. The state, through the Board of University and School Lands and its agent, the Department of Trust Lands, has a trustee obligation to manage grant lands in a way that serves the best interest of the state institution beneficiaries. Directly restricting land management tools such as public access closure could affect the Boards directive to ensure the management of Trust Lands aligns with the North Dakota Constitution.

Up until 1982, lessees of Trust Land were allowed to control public access. In 1982, the Board decided that the right to control access to these lands should be reserved to the Board. Beginning in 1983, agricultural leases of Trust Land included a "Public Access" clause that restricted closing to being approved by the Department. The Department has been operating under these guidelines from the

Board since 1983. Within this testimony, the following issues will be discussed to further expand on why the Department is opposed:

1. The proposed language will add to confusion and fails to address already-existing statutes.
2. The Department utilizes public access closures to effectively manage Trust Land to carry out fiduciary responsibilities to the Trusts and for public safety.

### Issues with the Bill's Language

The first concern with HB1175 is that it adds a new section to N.D.C.C. ch. 15-04 regarding public access on original grant land without addressing the already existing law in N.D.C.C. ch. 15-08 that address public access on Trust Lands. Having two statutes with conflicting language will lead to confusion for the Department, lessees, and the general public.

Additionally, the proposed language in HB 1175 only references "grant land". The Department manages both "grant land", which is land that was granted to the state from the United States through the enabling act, and "acquired land", which is land that was typically acquired through foreclosures, or less commonly, donations. Approximately 93% of the land managed by the Department is "grant land", the remaining 7% (approximately 49,000 acres) would not be subject to the bill as written, which would lead to additional confusion.

### Management of Trust Lands

Trust Lands are typically leased to farmers and ranchers for pasture and meadow purposes. Since Trust Lands are managed for the benefit of specific trust beneficiaries, and not managed for the benefit of the general public, the Department has been given statutory authority to close public access as needed in specific circumstances for public safety. The current statute also allows lessees to request that their leased land be closed to public access and allows lessees to request to close Trust Land to public access because the lessee is paying for a lease which grants exclusive privileges to utilize that property.

In many situations public access and livestock can coexist in harmony. However, in certain circumstances the public accessing Trust Land can be a detriment to the lessee. Every year, the Department receives numerous complaints from lessees about issues with public access. These complaints involve gates being left open, unauthorized vehicular access, littering, target shooting, etc. Below is an example of a complaint about public access from a lessee in the fall of 2022:

"Several times I have went up to check cows and guys have been out with hunting dogs and our cattle are scared and running around. There's at least 20 shooting targets set out all over the entire section that I have found. There have been a couple times where I've found big areas where there have been clay pigeons. So people are out shooting clay pigeons and leaving the broken ones all over. I have picked up what I've found. There are also hunting blinds set up that have been left for weeks. I have also found vehicle and ranger tracks throughout the pasture. My big concern is my cattle are very spokey from people target practicing and going all over with dogs. And now there are hunting blinds being left out. I have picked up lots of garbage that has been thrown out while people are driving off road. My cattle are a concern and with people not respecting the land or my cattle. I would appreciate people staying off the land until my cattle are off. Thanks"



N.D.C.C. § 15-08-19.2 outlines public access on Trust Lands “if in the best interests of the trusts”. However, public access is limited to nonvehicular walking access only. This statute allows two avenues to close Trust Land to public access. The first avenue is initiated by the Department, through the Commissioner, and is typically used to close tracts of land that are deemed a public hazard. This is an incredibly useful tool for land management to mitigate potential liability for public safety concerns. Currently, the Department has land closed to the public under this provision. Some of the tracts are closed due to sinkholes from underground coal mining. These particular tracts are leased for pasture and meadow purposes with a special lease amendment acknowledging the potential issues. Under HB 1175, these tracts would be required to be open to public access which could pose a threat to the public.

The second avenue for Trust Lands to be closed is through a request from a lessee. A lessee may apply for three different types of signs from the Department. The three types of signs include “Closed to Public”, “Notify the Lessee”, and “Walking Access Only”.

“Walking Access Only” signs are distributed freely upon request to lessees. These signs act as a reminder that Trust Lands are open to nonvehicular public access only.

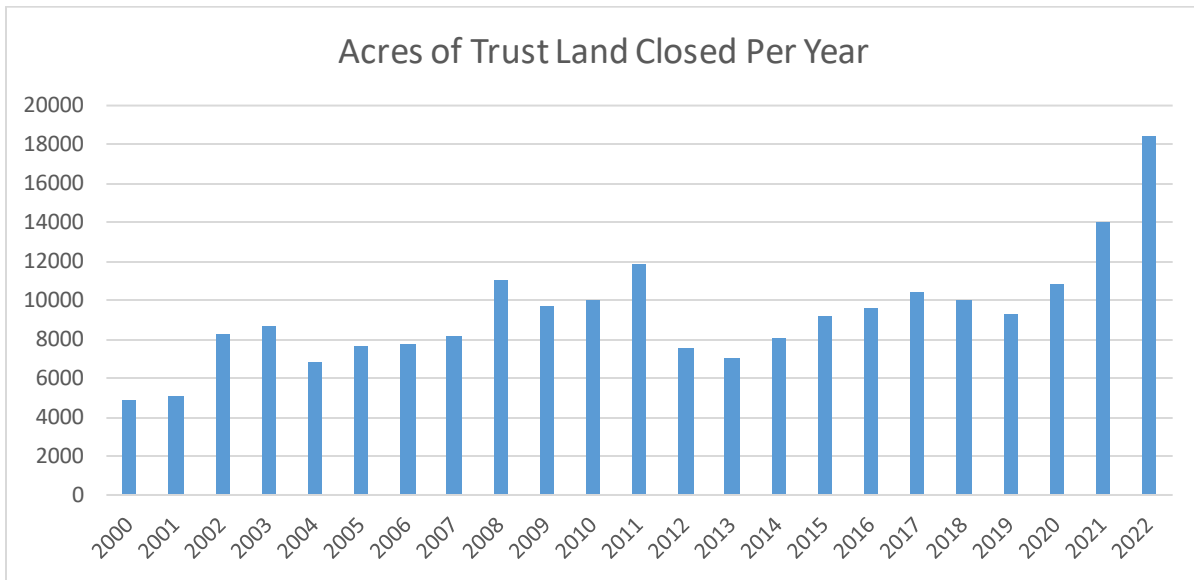
“Notify the Lessee” signs do not close the tract to public access but require anyone accessing the land to notify the lessee. This allows lessees to be informed about the “who”, “what”, and “where” of anyone accessing the tract. It also is a chance to warn anyone accessing the land about any concerns or issues, such as “watch out for the angus bull”. However, the lessee does not have the right to deny access to the tracts. The intent of this sign is to open lines of communication between lessees and the public. With these signs the Department verifies the contact information for the lessee and the lessee knows they need to make a good faith effort to answer phone calls. The Department does occasionally receive concerns from the public about lessees not answering phone calls, and we try to address those as quickly as possible.

“Closed to Public” signs close the tract to public access. The signs are only valid for the designated time frame which is both on the actual sign and on the Department’s website. These applications are reviewed by the Department to determine if closed signs are warranted. The Department verifies dates the livestock will be grazing on the property and the class of livestock. It should also be noted that if a tract is “Closed to Public”, that also includes the lessee. A lessee that leases and closes a tract would not be able to hunt that tract either.

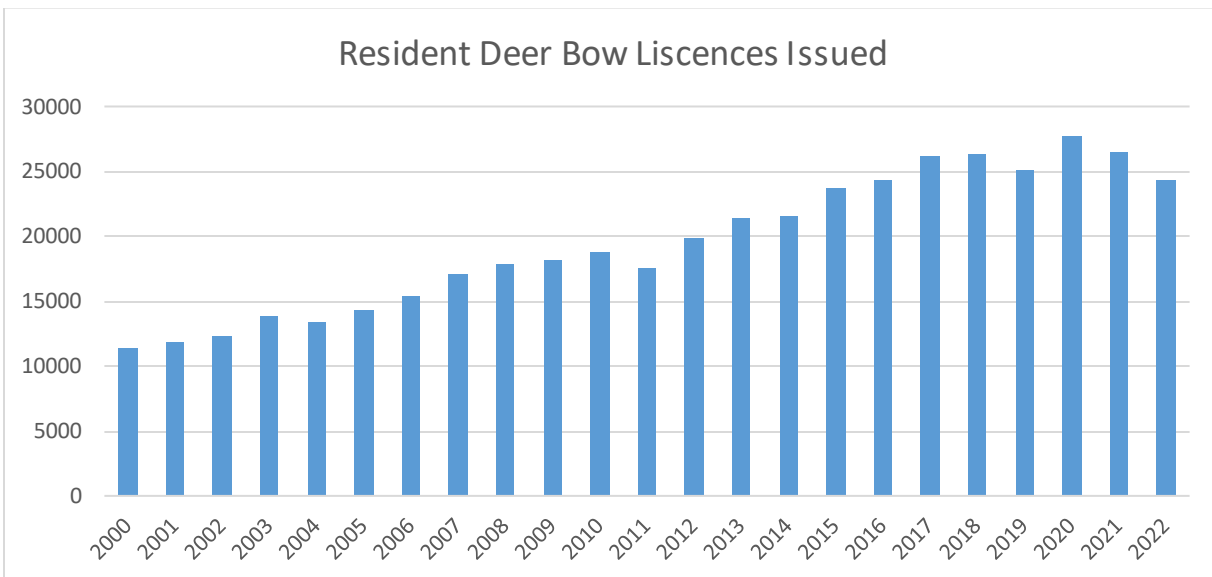
The Department also verifies how the Trust Land is managed with other private, federal, or state land. In order for closed signs to be justified, the livestock must be spending the majority of the time on Trust Land. For example, if the Department gets an application to close a quarter of Trust Land (160 acres) that is fenced in with 1000 acres of the lessee’s private land, the livestock would only be spending a limited amount of time on the Trust Lands and closed signs would not be warranted and the application would be denied. It should be noted that in these particular cases, the Department may deny “Closed to Public” signs but may issue “Notify the Lessee” signs instead. Closed signs that are approved by the Department are only valid during the time stated. A random selection of the CLOSED tracts are selected each November to be inspected for compliance.

During 2022, the Department issued closed signs for approximately 19,230 acres of which is roughly 2.6% of the total acres managed. During the 2022 deer gun season, 687,627 acres were open to public access. In addition, the Department issued “Notify the Lessee” signs for 9,750 acres which is roughly 1.3% of total acres. It should be noted again that “Notify the Lessee” signs do not close tracts to public access but instead requires the public to notify the lessee before entering.

Over the past 10 years, the Department has seen an increase in applications from lessee to close Trust Land as the included graph shows:



However, this also corresponds with the population growth of North Dakota and the increase of sportsmen and women in North Dakota as depicted in the numbers of deer bow licenses issued by the North Dakota Game and Fish.

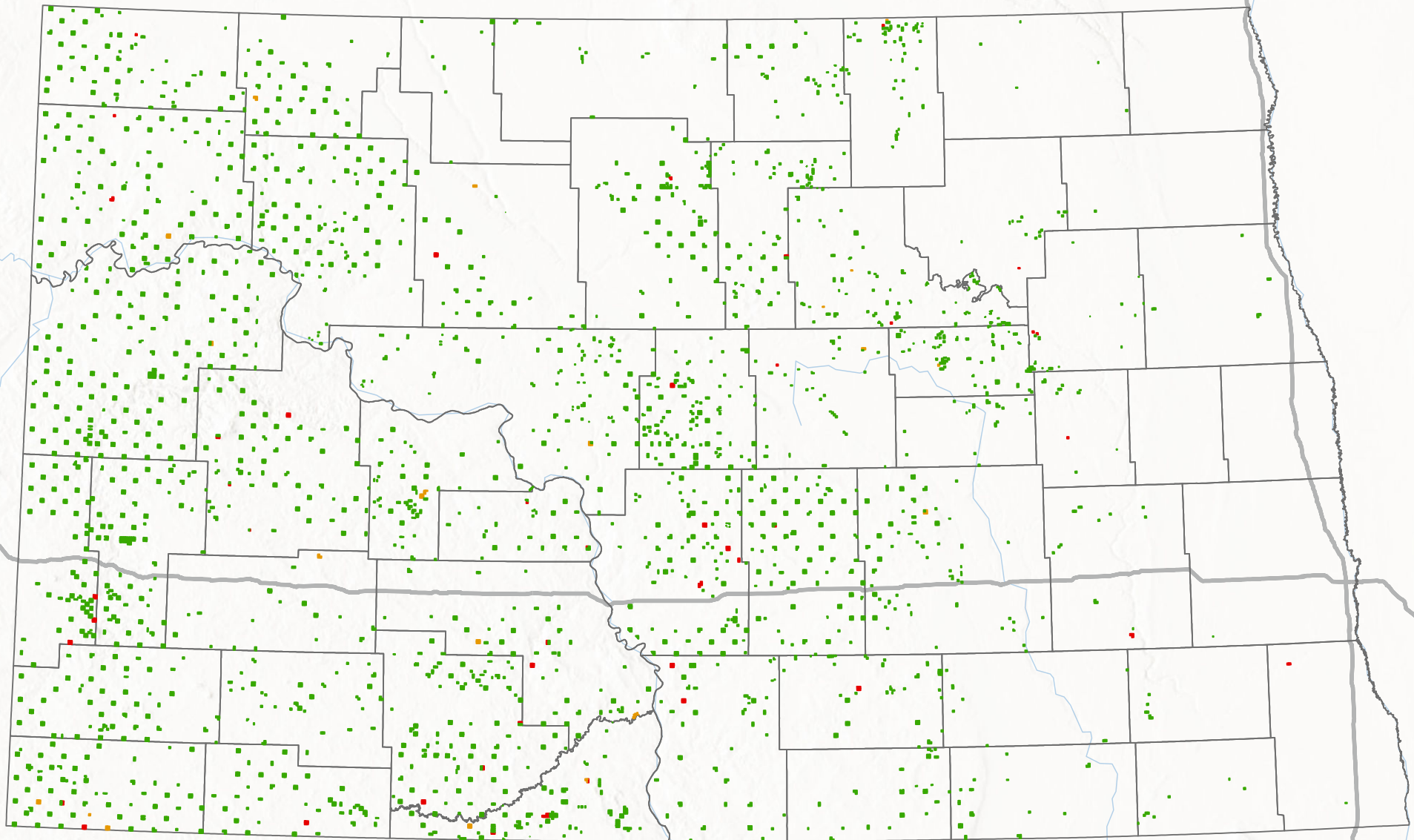


*Data provided by ND Game and Fish*

The Department's opinion is that the current rules and guidelines in regard to public access are working. A very small percentage of Trust Lands are closed throughout the year, but the vast majority of Trust Lands continue to be open to public access. In situations where restricted access is necessary, it is critical for the Department to have the ability to close lands to ensure continued safety of the public and protection of the rights of lessees of Trust Lands. The current rules and guidelines allow a substantial amount of Trust Lands to be open to the public while allowing the Department the necessary option to close Trust Land for public safety or lessee rights.

Thank you for your time and consideration, I look forward to answering any questions you may have.

# Public Access on Trust Land on Nov. 5 2022



- Open to Non-Vehicular Access
- Closed
- Notify the Lessee



NORTH DAKOTA WILDLIFE FEDERATION

**TESTIMONY OF JOHN BRADLEY  
NORTH DAKOTA WILDLIFE FEDERATION  
HOUSE BILL 1175  
HOUSE ENERGY AND NATURAL RESOURCE  
COMMITTEE  
JANUARY 20, 2023**

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

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation. I'm here today representing our 1,500 members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

NDWF supports HB 1175. The Wildlife Federation has a strong track record on working on access issues facing sportsmen and women, finding common ground with agriculture partners, and securing our outdoor traditions for future generations. The bill would guarantee access to over 706,000 acres of land that is managed by the Department of Trust Lands. We recognize that the main purpose of these acres is to generate funds for the education trusts, we also believe that allowing low-impact activities like hiking, hunting, and fishing would not be detrimental to generating funds. Other states, including Montana, have an access fee associated for these types of activities. The North Dakota Wildlife Federation would be open to discussions with the Department of Trust Lands and other partners on adding additional revenue sources.

Survey after survey shows a lack of access to quality lands as the primary reason sportsmen and women give up hunting and don't purchase a license. We strongly believe that any opportunity to increase access should be seriously considered and we welcome the open dialogue that this bill will bring.

We urge a Do Pass on HB 1175.

House Energy and Natural Resources:

I am in favor of passing HB 1175 to keep State Grant lands open to the public.

Many years ago, there was some great State land near me that I got permission to bow hunt on. It was a good old boys club with State employees who had it blocked off to anyone outside of their circle. I can understand letting ranchers and farmers use the land, but it should not be closed to the public, but made available for all to use.

Please support HB 1175 and give ND residents back their access.

Bruce Lykken

HB 1175

House Energy and Natural Resources Committee,

I am writing in support of this bill (HB 1175). This state land is public land and should be able to be accessed by the public. If a farmer or rancher chooses to lease this land, they know full well going into the lease that it is public, they should not be able to limit access to the public on public land. I have no problem with allowing them to use it but limiting access to public land is not acceptable. In western ND many ranchers choose to graze their cattle on the National Grasslands without being able to prohibit access. It should be the same for state land.

Thank you,

Matt Liebel

To whom it may concern,

I am an avid hunter and fisherman who relies on public land access to enjoy the outdoors in North Dakota. Due to the existing policy, 480 acres of State Trust Land that a couple close friends and myself have hunted for many years was posted in the fall of 2022 thus making it not accessible for deer hunting. This removed a significant amount of the accessible hunting land in my unit. These lands can certainly be used for grazing and at the same time for public hunting and fishing access. I have hunted in grazing lands for many years across North Dakota and Montana and have not once created a negative impact on the ranching or grazing operation. I ask for your support of HB 1175 as it guarantees land access for many people who enjoy the outdoor opportunities this state has to offer.

-Andrew Thill

██████████

Fargo, ND 58102

651-324-5581

Dear Committee Members,

I strongly support House Bill No. 1175. While the main purpose of state trust land is to generate funding for K-12 schools, it is still public land. As it stands, lessees have the power to take that public land and essentially turn it into private land by posting. I am a public land owner, and am currently unable to access certain portions of public land, solely because a lessee has decided that they don't want anyone else there, for whatever reason. This is a slippery slope. In recent years, we have seen a steep increase in acres of State Trust land posted. Do we want to continue to let this happen until all state trust land is posted by lessees? The passing of this bill should have no effect on the funding for K-12 schools. There will only be 2 things that change: lessees will no longer have the power to restrict access to public land, and the public land owners will be able to access ALL of the State Trust land for approved activities. Please PASS the HB 1175 and make sure that this public land, owned by the public, truly remains public.

Thank you for your consideration,

Kelly Hale  
Minot, ND





## COMMON SCHOOLS TRUST FUND (CSTF)



**\$500 MILLION TO BE DISTRIBUTED IN 2023-25 BIENNIUM**

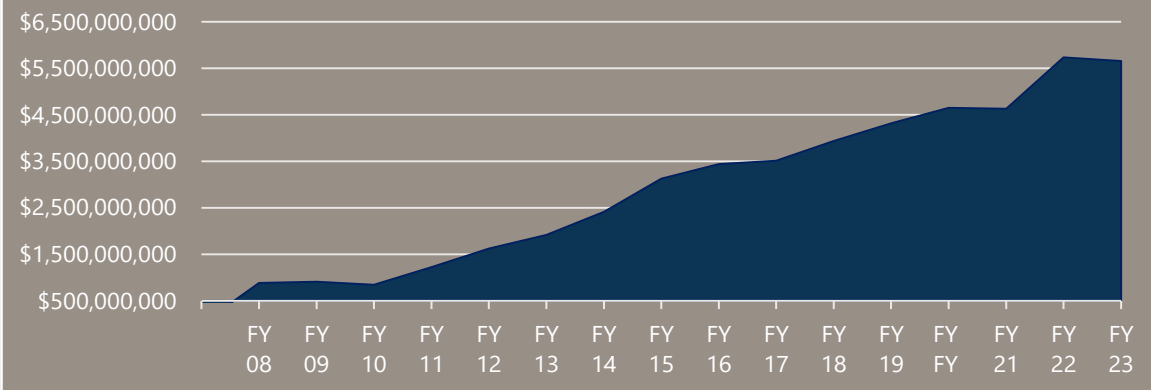


**18.7% INCREASE IN DISTRIBUTION OVER LAST BIENNIUM**



**\$5.66 BILLION VALUE AS OF FISCAL END 2022**

### COMMON SCHOOLS TRUST FUND GROWTH



**\$1.8 BILLION IN K-12 DISTRIBUTIONS OVER LAST 10 YEARS REDUCING FUNDING REQUIRED FROM GENERAL FUND AND PROPERTY TAXES FOR THE STATE TUITION FUND.**

**THE CSTF HAS GROWN 362% SINCE 2010!**

### DEPARTMENT OF TRUST LANDS REVENUE STREAMS CONTRIBUTING TO CSTF

#### MINERALS

- 10% OF OIL EXTRACTION TAX
- 8,600 BAKKEN WELL ROYALTIES
- OIL & GAS LEASE BONUS PAYMENTS



#### SURFACE

- RIGHTS OF WAY INCOME
- SURFACE RENTAL INCOME
- AGGREGATE LEASING



### COMMON SCHOOLS TRUST FUND DISTRIBUTION CALCULATION

**10% OF FIVE-YEAR AVERAGE VALUE OF TRUST INVESTMENTS (N.D. CONST ART. 9, SEC. 2)**

**2.88% NET AVERAGE ANNUAL DISTRIBUTION OVER PAST 10 YEARS**

**PERCENTAGE OF ROLLING AVERAGE VALUE FORMULA SMOOTHS DISTRIBUTIONS FOR LONG-TERM GROWTH**

**\* LOWER FUND VALUES IN THE EARLY YEARS OF THE FORMULA PERIOD RESULTS IN A NET ANNUAL DISTRIBUTION OF LESS THAN 5%**

01/20/2022

Written testimony in support of HB 1175

Dear Energy and Natural Resource Committee,

I am writing to you today to show my support for HB 1175. I urge you to pass 1175 to ensure that public land use remains in the public trust and is not allowed to be privatized due to leasing agreements. The majority of the state is already primarily privately owned land with very little public accessibility in the mid to eastern portion of the state, and if posting were allowed on grant lands this would reduce hunting and recreational opportunities for many users. This would ultimately result in decreased opportunity for North Dakota hunters and could potentially put even more pressure on available public lands, such as the grasslands in the western part of the state. Please support this bill, public land should remain just that...public.

Sincerely,

Matt Williamson  
Minot, ND

23.0542.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Steiner  
January 20, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1175

Page 1, line 8, remove "at all times. No lessee of any of the lands authorized to be leased under this chapter, nor"

Page 1, remove line 9

Page 1, line 10, replace "access" with "from November first through December thirty-first, unless an emergency or special circumstance other than the grazing of cattle has been issued by the state board of university and school lands"

Renumber accordingly

23.0542.01004  
Title.

Prepared by the Legislative Council staff for  
Representative Steiner  
February 7, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1175

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding the posting of school trust lands during big game hunting seasons.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PUBLIC ACCESS TO SCHOOL TRUST LANDS.** During the 2023-24 interim, the legislative management *may* shall consider studying the impact of posting and restricting access to school trust lands during the big game hunting seasons. The study must include a review of current law applied to the posting of school trust lands. The study must include input from the department of trust lands and the game and fish department. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

*Rep. Todd Porter,  
Rep. Shannon Roers-Jones  
will offer this amendment.*

*The sports groups are currently  
able to work w/ the land commissioners  
but a "may" study will be helpful.*

*Thanks Vicki*



## NORTH DAKOTA WILDLIFE FEDERATION

**TESTIMONY OF JOHN BRADLEY  
NORTH DAKOTA WILDLIFE FEDERATION  
HOUSE BILL 1014  
SENATE APPROPRIATIONS COMMITTEE  
MARCH 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. I am here today on behalf of our thousands of members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

The Wildlife Federation has a strong track record on working on access issues facing sportsmen and women, finding common ground with agriculture partners, and securing our outdoor traditions for future generations.

We welcomed the introduction of H.B. 1175 and knew that the discussion that it would start would likely outlive the bill itself. We firmly believe the Department of Trust Lands can and should be able to work with stakeholders to find a solution, independent of a legislative management study on this access issue.

We recognize that the main purpose of these North Dakota Trust Land acres is to generate funds for the education trusts, we also believe that allowing low-impact activities like hiking, hunting, and fishing would not be detrimental to generating funds and could be a potential source of new funding down the road. Access is the primary barrier for new hunters, and we believe the 19,930 acres that were posted closed during the 2022 hunting season, are valuable access opportunities that cannot be ignored.

The North Dakota Wildlife Federation is excited at the prospects of working with the Department of Trust Lands and other partners on securing access for North Dakota's hunters, while navigating the challenges that could arise to current lease holders. We hope this committee will let stakeholders discuss this issue with the Department staff and come to a solution.

We urge a do not pass on HB 1175.



**TESTIMONY OF JOSEPH STEGMILLER  
SURFACE DIRECTOR  
North Dakota Department of Trust Lands**

**House Bill 1175**

Senate Energy and Natural Resources  
March 2, 2023

Chairman Patten and members of the Senate Energy and Natural Resources Committee, I am Joseph Stegmiller, the Surface Director with the North Dakota Department of Trust Lands (Department). I am here to testify in opposition of HB 1175.

The Board of University of School Land (Board), as established by the North Dakota Constitution, is charged with overseeing the management of state trust lands and mineral rights and investing the revenue generated therefrom to grow as a source of long-term income for the state. The Board is comprised of the Governor, Secretary of State, Attorney General, State Treasurer, and Superintendent of Public Instruction. The Department is the administrative arm of the Board, serving under the direction and authority of the Board. The Department is a special fund agency, operating off its revenues and investments, and as such does not receive state general funds.

The Department manages approximately 2.6 million mineral acres with their 8,300 associated oil & gas leases, and over 700,000 surface acres with their 4,400 associated agricultural leases. Revenues generated from these leases, along with payments received from other income sources such as oil & gas lease bonus payments and easements granted for pipelines, roads, and well pads, are deposited into 13 permanent trust funds and invested to provide long-term income for trust beneficiaries. Beneficiaries of these trust funds include public K-12 education, various colleges and universities, and other institutions throughout North Dakota. The largest trust fund by far is the Common Schools Trust Fund (CSTF) which had a June 30, 2022, balance of \$5.65 billion.

First, HB 1175 may infringe upon the Board's fiduciary duty to manage Trust Lands in a way that is in the best interest of trust beneficiaries. Trust Lands are lands that are technically owned by the state. However, the Enabling Act of 1889 and the ND State Constitution established a clear purpose of Trust Lands to be for the support and maintenance of the public institutions to which the lands are assigned. Therefore, the State must manage Trust Lands for the exclusive benefit of these trust beneficiaries, even if at the detriment of the general public. Closing certain tracts of land to public access is an essential tool for land management, whether for public safety or for ensuring a lessee's legal rights.

Second, the Department feels that the current procedures governing public access on Trust Lands are working well and the study proposed by HB 1175 is not necessary. To further explain why the study is not warranted, I'll walk through how the Department currently manages public access.

Trust Lands are leased to farmers and ranchers for pasture and meadow purposes. These agricultural leases run for 5 years and are offered at public auction in the county seat. Since Trust Lands are managed for the benefit of the trust beneficiaries and not managed for the benefit of the general public, the Department may close certain parcels to public access for public safety reasons or permit lessees to request to close certain Trust Land tracts to public access.

For example, in many situations, public access and livestock can coexist in harmony. However, in certain circumstances, public access to certain Trust Land can pose a safety risk or be detrimental to a lessee's operations. Every year, the Department receives numerous complaints from lessees about issues with public access. These complaints involve gates being left open, unauthorized vehicular access, littering, target shooting, etc. Below is an example of a complaint about public access from a lessee in the fall of 2022:

“Several times I have went up to check cows and guys have been out with hunting dogs and our cattle are scared and running around. There's at least 20 shooting targets set out all over the entire section that I have found. There have been a couple times where I've found big areas where there have been clay pigeons. So people are out shooting clay pigeons and leaving the broken ones all over. I have picked up what I've found. There are also hunting blinds set up that have been left for weeks. I have also found vehicle and ranger tracks throughout the pasture. My big concern is my cattle are very spokey from people target practicing and going all over with dogs. And now there are hunting blinds being left out. I have picked up lots of garbage that has been thrown out while people are driving off road. My cattle are a concern and with people not respecting the land or my cattle. I would appreciate people staying off the land until my cattle are off. Thanks”

N.D.C.C. § 15-08-19.2 permits certain public access on Trust Lands “if in the best interests of the trusts”. This statute also allows two avenues to close Trust Land to public access. The first avenue is initiated by the Department, through the Commissioner, and is typically used to close tracts of land that are deemed a public hazard. This is an essential tool for land management to mitigate potential liability for public safety concerns. Some examples of tracts of Trust Land that are closed include active coal mining or sinkholes from past mining activities.

The second avenue for Trust Lands to be closed is through a request from a lessee. A lessee may apply for 3 different types of signs from the Department. These types of signs include “Closed to Public”, “Notify the Lessee”, and “Walking Access Only”.

“Walking Access Only” signs are freely distributed to lessees upon request. These signs act has a reminder that Trust Lands are open to nonvehicular public access only.

“Notify the Lessee” signs do not close the tract to public access but requires anyone accessing the land to notify the lessee. This allows lessees to be more informed about the “who”, “what”, and “where” of anyone accessing the tract. It also allows the lessee an opportunity to warn anyone accessing the land about any concerns or issues. For example, “watch out for the angus bull”. However, “Notify the Lessee” signs do not provide the lessee the right to deny anyone from access to the tracts. The intent of this sign is to establish the line of communication with the lessee and the public. When “Notify the Lessee” signs are issued, the Department verifies the contact information for the lessee and confirms that the lessee knows that they need to make a good faith effort to answer phone calls.

“Closed to Public” signs close the tract to public access. These signs are only valid for the designated time frame which is displayed both on the actual sign and on the Department’s website. These applications are thoroughly reviewed by the Department in order to determine if closed signs are warranted. The Department verifies that dates the livestock will be grazed on the property and the class of livestock. It should also be noted that if a tract is “Closed to Public”, that also includes the lessee.

The Department also verifies how the Trust Land is managed with other private, federal, or other state land. In order for closed signs for grazing operations to be justified, the livestock must be spending the majority of the time on Trust Land. For example, if the Department gets an application to close down a quarter of Trust Land (160 acres) that is fenced in with 1,000 acres of the lessee’s private land, the livestock would only be spending a limited amount of time on the Trust Lands and closed signs would not be warranted. In this case, the application would be denied. It should be noted that in these particular situations the Department may deny “Closed to Public” signs but may issue “Notify the Lessee” signs instead. Closed signs that are approved by the Department are only valid during the time stated. A random selection of the CLOSED tracts are inspected each November to ensure compliance.

During 2022, the Department issued closed signs for approximately 19,300 acres, which is roughly 2.6% of the total acres managed by the Department. During the 2022 deer gun season, 687,627 acres, or approximately 97.4% of total surface acres, were open to public access. In addition, the Department issued “Notify the Lessee” signs for 9,750 acres which is roughly 1.3% of total acres.

The Department’s opinion is that the current rules and guidelines in regard to public access are working. A small percentage of Trust Lands are closed throughout the year, but the vast majority of Trust Lands are open to public access. The current rules and guidelines allow a substantial amount of Trust Lands to be open to the public while allowing the Department the necessary option to close Trust Land for public safety or lessee rights.

The Department also understands that while the procedures are working, procedures are not 100% perfect. That is why the Department plans on meeting with certain outdoor recreation groups later this year to listen to their concerns and will work together to try to resolve any issues.

Thank you for your time and consideration, I look forward to answering any questions you may have.

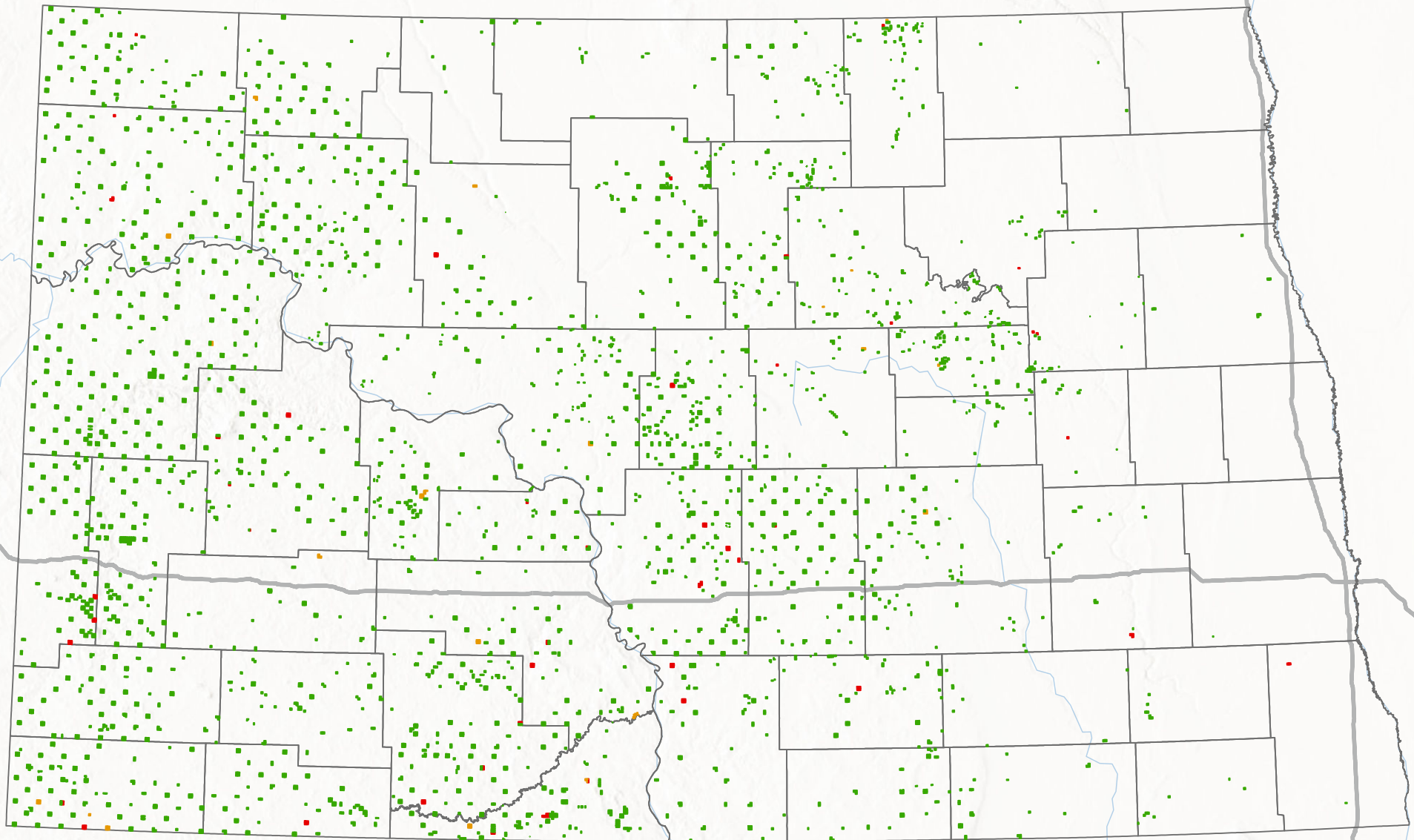


North Dakota Century Code Related to Public Access on Trust Lands:

**15-08-19.2. Public access.**

1. Nonvehicular public access to leased and unleased trust lands is allowed if in the best interests of the trusts, unless:
  - a. Specifically prohibited by the commissioner; or
  - b. A lessee of any lands under the control of the board of university and school lands posts the land with signage issued by the department, which:
    - (1) Requires notification to the lessee before entry by the public; or
    - (2) Closes the trust lands to all public access.
2. A lessee of any lands under the control of the board may not lease, sell, or otherwise be compensated for access to, on, across, or over leased trust lands.

# Public Access on Trust Land on Nov. 5 2022



- Open to Non-Vehicular Access
- Closed
- Notify the Lessee



**BACKCOUNTRY  
HUNTERS & ANGLERS  
NORTH DAKOTA**

**TESTIMONY OF BROCK WAHL  
NORTH DAKOTA BACKCOUNTRY HUNTERS AND ANGLERS  
HOUSE BILL 1175  
SENATE ENERGY AND NATURAL RESOURCE COMMITTEE  
March 2nd, 2023**

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

The North Dakota Chapter of Backcountry Hunters and Anglers opposes this legislative management study regarding the posting of School Trust Lands.

We firmly believe the Department of Trust Lands should be able to work with stakeholders to find a solution, independent of the legislature.

We agree that the department needs to bring focus to a discussion around hunting access on North Dakota Trust Lands. Access is the primary barrier for new hunters, and we believe the 19,930 acres that were posted to hunting in the 2022 hunting season, are valuable access opportunities that cannot be ignored.

We recognize that the department's mandate is to generate funds for the 13 permanent education trusts. We agree with the Department that prohibited activities listed in North Dakota Century Code 15-08-19.4 are a detriment to the mission of generating funds. However, we also believe that access can be improved and preserved for hunters on trust lands without detracting from the department's mandate or their current and future lessees.

With the introduction of H.B. 1175 to the 68<sup>th</sup> assembly, we are pleased with the discussion it has generated on the utilization of trust lands for hunting. But we do not believe this bill will lead to an effective or efficient solution that works for the Department of Trust Lands and all stake holders.

We urge the committee to let the Department and North Dakotans go to work and find a solution together.

Do Not Pass HB 1175



Brock Wahl  
Chairman  
North Dakota Chapter of Backcountry Hunters and Anglers  
[northdakota@backcountryhunters.org](mailto:northdakota@backcountryhunters.org)





**TESTIMONY OF JOSEPH HERINGER  
COMMISSIONER  
North Dakota Department of Trust Lands**

**House Bill 1175**

Senate Energy and Natural Resources Committee  
March 2, 2023

Chairman Patten and members of the Committee, I am Joseph Heringer, North Dakota Commissioner of University and School Lands and am here to testify in opposition to HB 1175. As outlined by our Department Surface Director, the current rules and process regarding public access to trust lands are working well, so there is no need to expend the time and state resources on a legislative study of this issue.

The original and primary purpose of state trust lands, as outlined in Article IX of the North Dakota Constitution, is to generate revenue to support public K-12 education. Over the years, through much thought, time and planning, there has been developed a comprehensive structure of statutes, administrative rules, and Land Board policies to lay the broad framework and guidelines for the management of trust lands to achieve that purpose. And that structure is not just for grazing leases, it is for management of mineral rights, royalties, surface easements, financial investments, unclaimed property, and other areas under the Land Board's purview.

I would submit to you that framework is working quite well. The proof of that is in the numbers as outlined in my provided information sheet on the Common Schools Trust Fund. The fund balance has grown exponentially since 2008 from around \$500 million, to \$5.66 billion as of June 30, 2022. Next biennium the fund will distribute \$500 million to support North Dakota K-12 public education, which is a 19% increase from the current biennium distribution of \$421 million. That is a good return on investment, and that distribution helps offset the state's other budget pressures.

Hunting and recreation on trust lands can be a great secondary benefit for citizens and we want to provide those opportunities as much as possible. The Department does a good job under the current structure and statute (NDCC § 15-08-19.2) of trying balance the primary trust lands objective of revenue generation, with the secondary benefit of providing recreational opportunities. I do not believe the Department has abused its discretion or acted unreasonably in its decisions under the statute. We do not claim to be perfect, and there may be some bad apples stretching or not following the rules, but we are committed to addressing those when brought to our attention. However, I do believe the vast majority of lessees are acting in good faith with their closure requests.

As has been mentioned, 97% of trust lands are open to public access at all times and under 3% are closed, and then only during specific time periods which usually coincide with cattle grazing issues brought forward by lessees. The Department needs to be able to work with our farmer/rancher lessees in a collaborative manner to address their concerns, while also balancing other interests, without our hands being tied. These farmer/rancher lessees are our business partners helping to generate revenue for the trusts, and they need to be treated as such.

In closing, I believe the current structure is working well. It provides the Land Board and Department discretion to manage trust lands in the best interest of the trusts for their primary intended purpose, while also balancing other interests. As such, the time and expense of a study as proposed by HB 1175 is unnecessary, so I ask the Committee for a DO NOT PASS recommendation.

Thank you for your time and consideration. I would be happy to answer any questions you may have.



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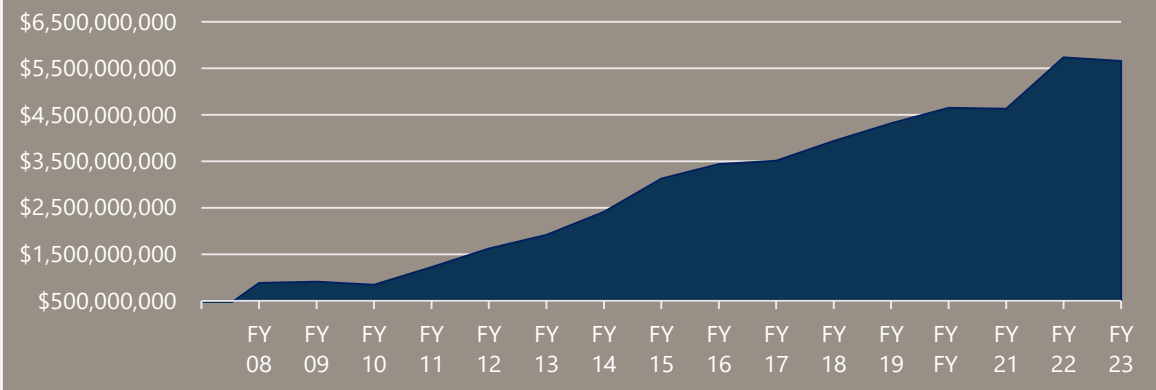


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**North Dakota Stockmen's Association**  
**Testimony to the**  
**House Energy and Natural Resources Committee on HB 1175**  
**Jan. 20, 2023**

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

Many of you on this committee will remember the historic work legislators and stakeholders accomplished together on posting and trespass reform during the 67<sup>th</sup> North Dakota Legislative Session. The collaborative and exhaustive effort has proven quite successful so far for both landowners and sportsmen, and I am thankful for all those who had a hand in it. And because of that success, I was really hoping we wouldn't have to talk about posting this session.

The bill before you, however, would be a departure from the progress we have made and have significant potential implications for state school land lessees – cattle ranchers, my members. And, so, we rise in opposition to HB 1175.

As the Trust Lands Department has described, it would negate the agency's ability to prohibit public access at any time and for any reason. That's not only a problem for cattle producers trying to utilize their leased ground for grazing, but for the department, which would lose its ability to deny public access even when other safety concerns exist.

Another flaw in the bill is that it references only grant lands, not those that were later acquired, and so HB 1175 would apply an inconsistent and, thereby, confusing standard on trust lands.

Here's the crux of our argument:

Public access on state school land is almost exclusively available right now. Last year, as an example, only 2.6 percent of the acres were closed to the public, and just 1.3 percent of the acres were approved to have "notify the lessee" signs, an even less restrictive option. Even with those acres figured in, more than 96 percent of the state school land acreage was fully open to the public. The data is similar for the years preceding it.

Limiting access on state school land is not only infrequent, but it is not something that just happens willy nilly and certainly not without the permission and criteria of the department. For example, for grazing, "closed

signs” can only be considered under these conditions:

- 1) Livestock are grazing on the trust land while the posted sign is valid, and lessees must submit a date range the animals will be on the tract. Plus, all signs expire on or before the end of the current year, meaning that lessees cannot request signs for multiple years at once.
- 2) Signs must be taken down if livestock are removed before the expiration date.
- 3) Trust lands cannot be managed with a substantial amount of private, federal or other state land. That helps ensure that the livestock will be located on the trust land the majority of the time while the tract is closed.
- 4) Additionally, the water source is to be located on or near the trust land to ensure that the animals are on the trust land the majority of the time the tract is closed as well.

It also important to note that the department randomly inspects closed tracts that overlap deer gun season to ensure compliance with the reason the tract was closed in the first place.

Moreover, lessees approved to have “notify the lessee” signs must have a valid contact number and make a good-faith effort to answer phone calls in order to get permission for one of these.

Disallowing the ability to restrict access in these very limited cases is bad policy. It would devalue the worth of the lease when cattle producers are not able to fully utilize the resource without worry of hunters, as just one example, shooting deer in the pasture while their animals are there grazing. This could be dangerous for both the animals and the people who have disturbed those animals.

This is such a small acreage and such an infrequent situation that it would not make a meaningful difference to the hunting access available in North Dakota. It could, however, frustrate livestock producers about providing access on other land and make some think twice about pursuing school land surface leases, which, altogether, generate approximately \$18 million for the state each biennium.

For these reasons, we urge a do-not-pass recommendation on HB 1175.