



Game and Fish



House Energy and Natural Resources Committee Testimony on HB 1538

North Dakota Game and Fish Department
Greg Power, Fisheries Division Chief
February 3, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Greg Power, Fisheries Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in opposition of HB 1538.

The bill proposes some significant changes to fishing tournament rules and regulations including codifying some of the current administrative rules. Our concerns with HB 1538 are generally two-fold. First, as written, the bill is unclear on several important issues. For example, this bill exempts youth fishing events from the need to be permitted yet it also establishes an application fee for a youth event. The Department would welcome the opportunity to work with the bill sponsor in gaining clarification before HB 1538 proceeds (Attachment 1).

The Department's largest concern centers on the elimination of the fishery conservation project fee and replacing it with an application fee. To explain the Department's concerns with this matter, I'd like to share some background and current information.

The passage of HB 1700 in 1983 and subsequent administrative rules in 1984 authorized the Department to adopt rules and issue permits for conducting fishing contests (tournaments). Fishing contest administrative rules have been modified five separate times since 1984 to address the contemporary needs of the time.

There are several required steps to sponsor a fishing tournament in North Dakota, including the requirement for all fishing tournaments to pay a portion (generally 10%) of their respective contestant entry fees toward a fishery conservation project. This requirement has existed for nearly forty years, and since 2010 fees have totaled slightly more than \$1 million (Attachment 2).

It should be noted, the Department has permitted well over 3000 fishing tournaments over the years. Except for a few high entry fee, high payout tournaments, the Department has received essentially no negative, unsolicited comments about the conservation fees.

Fishery conservation fees reinvest tournament proceeds back into the local fisheries resource. Tournament sponsors may request how these monies are spent, and a popular designation is to allocate it toward access improvement at or near the tournament location. Boat ramps, courtesy docks, fish cleaning stations and other infrastructure have been enhanced considerably over four decades using tournament conservation fees. In addition to boat ramp infrastructure, tournament monies have been used for youth fishing and education events (Attachment 3).

It must be stated that all (100%) monies collected from fishing tournaments go back to a North Dakota fishery resource. No tournament conservation monies are used by the Department to administer fishing tournaments or other programs.

Historically, there had been periodic disagreement and conflict between some tournament and non-tournament anglers. Knowing that tournaments invest at least 10% of their entry fees into a local fisheries project has led to much higher acceptance of tournaments by many casual anglers who do not fish in tournaments. The combination of the 10% conservation fee coupled with the Department's efforts to apply various tournament protocol to reduce crowding (e.g., spread tournaments about, non-tournament anglers have precedent at the ramp, etc.) has helped lessen conflicts considerably in the past 15-20 years.

Currently, North Dakota has about 150,000 resident licensed anglers (16 years of age and older) and their collective support for the fishery conservation project fee has been strong. In a 2021 survey of licensed resident anglers, 92% of the non-tournament anglers and 68% of the tournament anglers supported the current 10% minimum fee over a reduction of the fee. Even the majority (57%) of the tournament sponsors were in support of the current 10% minimum conservation fee over a reduction of the fee or replacing it with an application fee. Again, most see it as a reinvestment into the state's fisheries resources.

There will always be a small portion of the public who will oppose tournaments altogether and at the same time a segment who believe professional tournaments should receive special attention. In the big picture however, the Department believes that the current administrative rules have greatly reduced tournament-related conflicts and the existence of the conservation fee has significantly increased non-tournament anglers support for fishing tournaments. For these reasons, the Department opposes HB 1538.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.



Attachment 1. Questions/concerns with language of HB 1358

- Pg. 1, lines 19,20 - “... and fishing leagues and tournaments comprised of multiple fishing events which have a cumulative fee of fifty dollars or more per event.”
 - **Need clarification regarding intent. Unsure what is meant by ‘cumulative fee’ and ‘per event’.**

- Pg. 1, lines 21-24 – “The term does not include: a. A fishing event for which an entry or participation fee of less than fifty dollars is charged. b. A fishing event with fewer than fifty participants and fewer than fifteen boats”.
 - **Need clarification - If an event has an entry fee less than \$50 – and - 50 or more participants – and - 15 or more boats, then is it considered a fishing contest?**
 - **If the threshold of 15 or more boats (or 50 or more participants) is exceeded, history has shown us the volume of issues with crowded boat ramps, tournament/non-tournament angler conflicts, etc. increases considerably if there is not public knowledge of the fishing event. Regardless of the entry fee, the Department strongly feels all events at or exceeding the 15 and 50 threshold must be permitted to reduce the potential of conflict.**

- Pg. 1, line 21; Pg. 2, lines 3-4. “The term does not include: d. An organized youth fishing event if participants are under the age of nineteen or enrolled in a high school.”

- Pg. 2, lines 18-20. “A permit application fee may not exceed seventy-five dollars for ... a youth event held on a single body of water.”
 - **The proposed language above states youth fishing events are not required to be permitted yet also establishes a maximum application fee of \$75 for youth events.**
 - **A youth event should be defined. Does it include events with adults?**
 - **Note - current administrative rules exempt youth (16 years of age and younger) fishing events from needing a permit if there is no entry fee. Further, the Department provides youth events with older individuals (ages 16, 17 and 18) with a directors permit which allow them to fish without a license for the event.**

- Pg. 1, line 21; Pg. 2, line 5. “The term does not include: e. An online contest not held on a single body of water.”
 - **‘Online contests’ are growing in popularity but can be problematic as there can be complications with other ‘permitted’ tournaments that occur at the same place and time.**

- Pg. 2, lines 6-10. “A minimum of seventy-five percent of any entry or participation fee paid by the contestants must be returned to the contestants as cash or cash equivalent merchandise. ... A tournament applicant may retain a maximum of fifteen percent of the gross proceeds from entry or participation fees”.
 - **What does the other 10% (formerly the conservation project) go toward? Should change the minimum contestant payback to 85%.**

- Pg. 2, lines 17-18. “A permit application fee may not exceed two hundred fifty dollars for an event held on a single body of water”.
 - **Some fishing contests are held on multiple bodies of water. Does the application fee apply to each water body?**

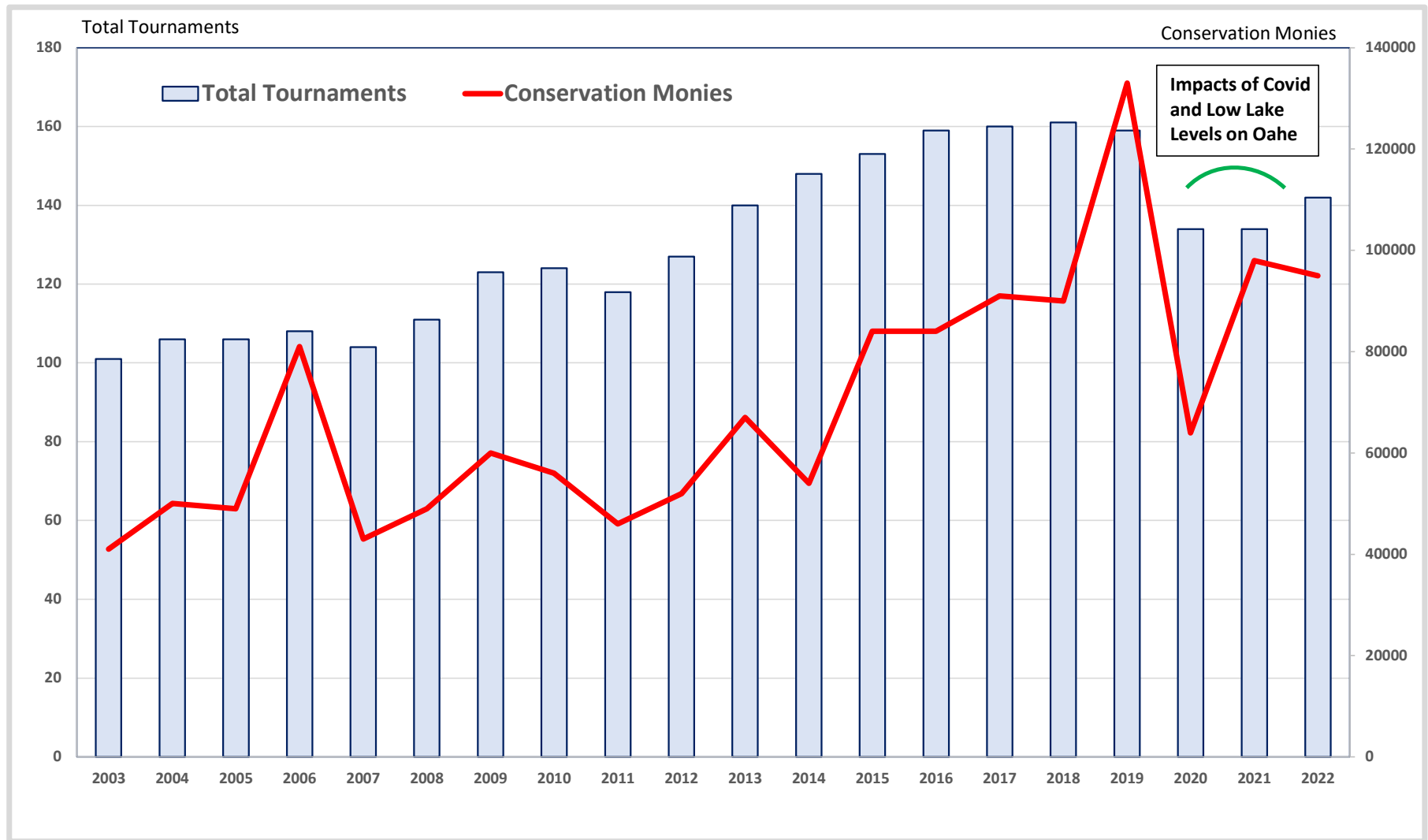
- Pg. 2, lines 30,31 - “... the gross and net proceeds for the tournament, and the percentage of the entry fees awarded to the participants as prizes.”
 - **If there no longer would be a conservation fee, then there should be no need to report gross/net proceeds nor percentage payback to participants.**

Other Clarification

- Through the administrative rule process, presumably the Department would have the authority to prorate the application fee downward based on tournament size, etc.?
- Approximately two-thirds of the 2023 tournaments are already permitted. If HB 1538 was to pass, could it become effective January 1, 2024?

Attachment 2.

Permitted Fishing Tournaments and Conservation Project Monies Trends





Attachment 3. Fisheries conservation project details - 2019

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Alkaline Lake	247	Kidder County Sportsmen's Club	Fisheries Development
2019	Ashtabula, Lake	220	Barnes Co. Wildlife Club	Barnes County Wildlife Club - Faust Park O&M
2019	Ashtabula, Lake	148	Ice Fishing ND (IFND Facebook Group)	Fisheries Development
2019	Ashtabula, Lake	150	Page Fire Department	Fisheries Development
2019	Ashtabula, Lake	186	Barnes County Wildlife Club	Barnes County Wildlife Club - Faust Park access
2019	Ashtabula, Lake	48	Barnes County Wildlife Federation	Fisheries Development
2019	Audubon, Lake	51	Minot State Baseball	Fisheries Development
2019	Audubon, Lake	168	Bis Man Reel & Rec Club	Bis Man Reel & Rec Club - Take A Kid Fishing Program
2019	Audubon, Lake	64	Anglers Insight Marketing (AIM)	Fisheries Development
2019	Audubon, Lake	25	Souris Valley Bowmen	Fisheries Development
2019	Audubon, Lake	25	Badlands Bass Bandits	Fisheries Development
2019	Audubon, Lake	20	Badlands Bass Bandits	Fisheries Development
2019	Buffalo Lodge Lake	89	Minot AFB Chief's Group	Lake Darling-ADA Concrete Pad
2019	Buffalo Lodge Lake	0	Ashlar Lodge #69	tournament cancelled due to low water levels
2019	Buffalo Lodge Lake	83	Ashlar Lodge #69	Fisheries Development -rip rapping sides of ramp
2019	Camels Hump Lake	6	Karwin Wilson Memorial	no entry fee/all fish released that were caught
2019	Carpenter Lake	200	Turtle Mountain Wildlife Club	documentation of dock and gravel work submitted
2019	Coe, Lake	0	Eddy County Rod & Gun Club	Tournament cancelled due to extreme cold & snow
2019	Crystal Springs	0	Medina Sportsmen's Club	Tournament cancelled due to weather
2019	Crystal Springs	22	Medina Sportsman Club	Fisheries Development-Reule Lake project
2019	Darling, Lake	100	Souris River Basin Longbeards	Lake Darling-ADA Concrete Pad
2019	Darling, Lake	50	Souris River Basin Longbeards	USNWR-ADA loading dock
2019	Devils Lake	2328	Devils Lake Volunteer Fire Dept.	\$1,250/EACH: Fishing Has No Boundaries/DL Chamber-youth tournaments/LRAA-DL access/DL Park Board - Lure 'em For Life-camps
2019	Devils Lake	43	IBEW Local Union 714 & 1426	Fisheries Development
2019	Devils Lake	181	Volunteer Fire and Community Club	Minnewaukan Comm. Club - fish cleaning station O&M
2019	Devils Lake	35	Lake Region Angler Association	LRAA - youth scholarships/projects
2019	Devils Lake	55	Lake Region Angler Association	LRAA - Youth scholarships/projects
2019	Devils Lake	0	Obermiller Nelson Engineering	tournament cancelled due to weather
2019	Devils Lake	261	Spirit Lake Casino & Resort	Spirit Lake Marina-O&M/winter access
2019	Devils Lake	35	Bobcat Employees	Fisheries Development-Devils Lake
2019	Devils Lake	47	Lake Region Angler Association	LRAA - youth scholarships/projects
2019	Devils Lake	220	Devils Lake Chamber of Commerce	Devils Lake Chamber of Commerce-DL Access Committee

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Devils Lake	60	Dean Staska	Fisheries Development - Devils Lake
2019	Devils Lake	34	John Adams (Ball & Chain)	Lake Region Anglers - fisheries project
2019	Devils Lake	120	FM Walleyes Unlimited	Lake Region Anglers Association (LRAA) - fisheries projects
2019	Devils Lake	25	Lake Region Angler Association	Lake Region Anglers Association-youth scholarships
2019	Devils Lake	76	Doosan Bobcat	Fisheries Development-Devils Lake
2019	Devils Lake	96	Haybale Heights	Fisheries Development-Devils Lake
2019	Devils Lake	46	Anglers Insight Marketing (AIM)	Fisheries Development
2019	Devils Lake	31	Camp Grafton MSC (Barstad Memorial)	Lake Region Anglers - Devils Lake access
2019	Devils Lake	51	Minnewaukan Community Club	Minnewaukan Community Club - Minnewaukan O&M
2019	Devils Lake	126	Devils Lake CVB /Cabela's	Devils Lake Chamber of Commerce-Devils Lake Access Committee
2019	Devils Lake	12	Lake Region Angler Association	Lake Region Anglers Association-youth scholarships
2019	Devils Lake	174	Outdoor Team Works	Fisheries Development-Devils Lake
2019	Elsie, Lake	450	Richland County Wildlife Club	Richland County Wildlife Club-Lake Elsie
2019	Elsie, Lake	76	Richland County Wildlife Club	Richland County Wildlife Club - Horseshoe Lake access
2019	Fordville Dam	173	Dakota Prairie Wildlife Club	Fisheries Development
2019	Frettim Lake	97	Robinson Lions Club	Fisheries Development
2019	Goose Lake (Wells)	18	Harvey Wildlife Club	Harvey Club expense invoice for dock installation
2019	Green Lake	200	Wishek Wildlife Club	Wishek Wildlife Club-Green Lake Roads
2019	Heart Butte Reservoir (Tschida)	26	Badlands Bass Bandits	Fisheries Development
2019	Heart Butte Reservoir (Tschida)	33	Dakota Fishfest Youth	Tri Cities, JJD-docks
2019	Heart Butte Reservoir (Tschida)	108	Dakota Fishfest	Tri-Cities, JJD - docks
2019	Heart Butte Reservoir (Tschida)	8	Eastern Montana Bass Anglers	Fisheries Development
2019	Hiddenwood Lake	78	Hiddenwood Sportsmans Club	Fisheries Development
2019	Homme Dam	0	City of Park River Park District	Tournament cancelled due to weather
2019	Indian Creek Dam	100	Veterans Outdoors Adventures ND	Fisheries Development
2019	Jamestown Reservoir	983	Jamestown Rural Fire Department	Fisheries Development
2019	Jamestown Reservoir	0	Stutsman County Wildlife Club	no entry fee
2019	Jamestown Reservoir	12	Dakota Anglers	Ron Liudahl Scholarship - documentation submitted
2019	Josephine, Lake	170	Tuttle Wildlife Club	dock/ramp maintenance, winter access, rods & reels for kids
2019	Josephine, Lake	0	Dakota Fence	Tournament Cancelled due to snow

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Kraft Slough	140	Cogswell Rural Fire Department	Sargent County Park Board - Kraft Slough
2019	Larimore Dam	250	Larimore Legion	Grand Forks Water Board -Larimore Dam shore fishing improvements
2019	Makoti Lake	140	Hiddenwood Sportsman's Club	Fisheries Development
2019	Metigoshe, Lake	62	Bottineau Area Chamber of Commerce	Fisheries Development
2019	Mirror Lake	36	RZ Motors/Runnings	Fisheries Development
2019	Missouri River	165	Broken Oar	Lure 'em For Life
2019	Missouri River	34	Kupper Chev/MVP/Broken Oar -Walleye Wizards League	Fisheries Development
2019	Missouri River	300	Broken Oar	Lure 'em For Life, Bismarck, ND
2019	Missouri River	189	Bis-Man Reel & Rec Club	Bis-Man Reel & Rec Club - Take A Kid Fishing Program
2019	Missouri River	130	Bis-Man Reel & Rec Club	Bis-Man Reel & Rec Club - Take A Kid Fishing Program
2019	Missouri River	95	The Little Bar & Grill	Fisheries Development
2019	Missouri River	50	Riverboat Saloon	Fisheries Development
2019	Missouri River	0	Mandan Moose #425	tournament cancelled due to wind and rain
2019	Multiple	44	Richland Wildlife Club Fishing League (Thursdays)	Richland Wildlife Club -Rough Fish Removal
2019	Multiple	24	Sportsman's Warehouse	Fisheries Development (caught all carp & gar)
2019	Multiple	87	Kidder County Sportsman's Club	Fisheries Development
2019	Multiple	20	Dakota Anglers	Ron Liudahl Scholarship -documentation submitted
2019	Multiple	0	Arthur Companies	tournament cancelled due to weather
2019	Multiple	15	University of Mary Athletics (Fins & Feathers)	Fisheries Development
2019	Mundt Lake	204	Lehr Wildlife Club	Lehr Wildlife Club - Fisheries Projects
2019	Nelson Lake (Oliver)	22	Badlands Bass Bandits	Fisheries Development
2019	New Johns Lake	25	Badlands Bass Bandits	Fisheries Development
2019	North (Hoffer) McClusky	16	McClusky Sportsman's Club	Fisheries Development
2019	North Carlson Lake	68	Douglas Sportsman's Club	requested money be sent directly to Ward Co. Park Board for fishing pier repairs
2019	Oahe, Lake	60	Angler Insight Marketing (AIM)	Fisheries Development
2019	Oahe, Lake	82	Cattail Resort (Scott Dub Memorial)	Voices of Oahe - Fisheries Project
2019	Oahe, Lake	38	Anglers Insight Marketing (AIM)	Fisheries Development
2019	Oahe, Lake	244	Prairie Knights Casino & Resort	Prairie Knights Marina-Marina O&M
2019	Oahe, Lake	18	Lincoln Tumbleweed/Sportsman's Club	Fisheries Development-Oahe/Missouri River
2019	Pipestem Reservoir	6	Stutsman County Wildlife Club	no entry fee
2019	Pipestem Reservoir	55	Dakota Anglers	Ron Luidahl Scholarship Fund
2019	Red River	354	Red River Valley Catfish Club	Fisheries Development

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Red River	12	Red River Area Sportmen's Club	Red River Sportsmen Club -fishing pier improvements (Wahpeton Area)
2019	Red River	100	Red River Valley Catfish Club	City of Grand Forks-Whopper John boat ramps
2019	Red River	35	Pembina 4th of July Committee	Fisheries Development
2019	Red River	40	Drayton Chamber	City of Drayton - Hastings Landing Recreation O&M
2019	Red River	34	Drayton Chamber	City of Drayton - Hastings Landing Recreation O&M
2019	Renwick Dam	0	Pembina County Sportsmen's Club	Tournament cancelled due to excessive snow
2019	Sakakawea, Lake	104	Epping Rural Fire Department	Fisheries Development
2019	Sakakawea, Lake	134	Rugged West Relay For Life	Fisheries Development
2019	Sakakawea, Lake	1250	New Town Chamber/Parshall Promoters	Mountrail County Park Board-Van Hook Improvements
2019	Sakakawea, Lake	52	The Little Bar & Grill	Fisheries Development
2019	Sakakawea, Lake	15	IBEW Local 1593	Fisheries Development
2019	Sakakawea, Lake	28	Gust Family	Fisheries Development
2019	Sakakawea, Lake	200	Pheasants For The Future	New Town Marina-Barracuda Fish Cleaning Station
2019	Sakakawea, Lake	104	Angler Insight Marketing (AIM)	Fisheries Development
2019	Sakakawea, Lake	260	Williston Rural Fire Association	Lewis & Clark State Park - Fish Cleaning Station
2019	Sakakawea, Lake	180	Oilfield Helping Hands	Tobacco Gardens Resort-Fish Cleaning Station
2019	Sakakawea, Lake	72	Bobcat	Fisheries Development
2019	Sakakawea, Lake	264	New Town Chamber of Commerce	Mountrail County Park Board - Van Hool O&M
2019	Sakakawea, Lake	74	Montana Dakota Utilities	Ft. Stevenson's State Park - fish cleaning station
2019	Sakakawea, Lake	70	Falkirk Mine	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	108	Fishin For the Cure	Fisheries Development - Lake Sakakawea
2019	Sakakawea, Lake	165	ND Adult & Teen Challenge	Mountrail County Park Board-Parshall Bay Improvements
2019	Sakakawea, Lake	52	Couteau Freedom Mine	No Entry Fee - No Conservation Fee
2019	Sakakawea, Lake	88	Angler Insight Marketing (AIM)	Fisheries Development
2019	Sakakawea, Lake	62	Coal Creek Employees	Fisheries Development
2019	Sakakawea, Lake	460	Van Hook Association	Mountrail County Park Board- Van Hook O&M
2019	Sakakawea, Lake	180	Border States	no entry fee
2019	Sakakawea, Lake	45	Coyote Station Emploees	Fisheries Development-Beulah Bay
2019	Sakakawea, Lake	249	ND Petroleum Foundation	Dunn County Park Board - Little Missouri fish cleaning station
2019	Sakakawea, Lake	504	ND Governor's Walleye Cup	Ft. Stevenson State Park - ADA loading dock = \$ 3,000/ND Fishing Hall of Fame = \$1500.00/ND Jr. Gov. Cup Derby =\$500.00
2019	Sakakawea, Lake	84	Friends of Parshall Bay	Mountrail County Park Board- Parshall Bay
2019	Sakakawea, Lake	360	Beulah Chamber of Commerce	Beulah Park District - Fish Cleaning Station

Year	LakeName	Participants	Sponsors	ConsvProject
2019	Sakakawea, Lake	14	Badlands Bass Bandits	Fisheries Development
2019	Sakakawea, Lake	42	Missouri Basin Bowmen	Mountrail County Park Board-Van Hook O&M
2019	Sakakawea, Lake	43	Skunk Bay Cabin Owners	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	35	Elmer's Point	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	46	REC Coop/Indian Hills Resort	Indian Hills Resort-Fisheries Projects O&M
2019	Sakakawea, Lake	228	4 Bears Casino & Lodge	4 Bears Casino-Fisheries Project
2019	Sakakawea, Lake	402	Outlaw Walleye Tournament Association	Mountrail County Park Board - White Earth O&M
2019	Sakakawea, Lake	29	BNI Coal	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	66	Indian Hills Resort	Indian Hills Resort-Fisheries Projects O&M
2019	Sakakawea, Lake	146	Great Planers Trout & Salmon Club	Lake Sakakawea State Park - fish grinder
2019	Sakakawea, Lake	160	ND Emergency Medical Services Foundation	Mountrail County Park Board - Van Hook O&M
2019	Sakakawea, Lake	117	Coyote Wrestling Club	Mountrail County Park Board - White Earth Bay O&M
2019	Sakakawea, Lake	146	Hook, Line & Sinkers/Dakota Farms	Beulah Cops N Kids-kids fishing outing
2019	Sakakawea, Lake	71	Van Hook Resort	Mountrail County Park Board - Van Hook O&M
2019	Sakakawea, Lake	68	Tobacco Gardens	Fisheries Development-Lake Sakakawea
2019	Sakakawea, Lake	88	Outlaw Walleye Association	Mountrail County Park Board - White Earth O&M
2019	Sakakawea, Lake	18	Badlands Bass Bandits	Fisheries Development
2019	Sakakawea, Lake	200	4 Bears Casino & Lodge	4 Bears Casino - Fisheries Project
2019	Sakakawea, Lake	200	Williston CVB	Lewis & Clark State Park - Fish Cleaning Station
2019	Sakakawea, Lake	32	North Country Marine/Yar Craft	Fisheries Development - Lake Sakakawea
2019	Sand Lake	193	Rugby Eagles Club	Fisheries Development
2019	Sibley Lake (Griggs)	77	Sibley Lake Association	Jon Dockter-Sibley Lake dock O&M
2019	Sibley Lake (Kidder)	64	Dakota, Missouri Valley & Western Railroad	Fisheries Development
2019	Silver Lake (Sargent)	0	Cogswell Gun Club	Tournament cancelled -Fisheries Development
2019	Spiritwood Lake	6	Stutsman County Wildlife Club	no entry fee
2019	Spiritwood Lake	25	Badlands Bass Bandits	Fisheries Development
2019	Stump Lake	18	ND Peace Officers Association	Fisheries Development
2019	Tolna Dam	383	Tolna Fire Department	Tolna Community Club - docks
2019	Tolna Dam	30	Pekin Rod & Gun Club	Fisheries Development
2019	Trenton Lake	62	Teton Hockey	Fisheries Development
2019	Trenton Lake	56	Missouri Basin Bowmen	Fisheries Development
2019	Twin Lakes (LaMoure)	86	James River Sportsmans Club	James River Sportsmans Club-Twin Lake Improvements
2019	Upper Missouri River	106	Montana Catfish Association	Fisheries Development
2019	Upper Missouri River	130	River Rat Anglers Association	Fisheries Development-Hwy 85 Parking Area Expansion