

**1999 HOUSE NATURAL RESOURCES**

**HCR 3021**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3021

House Natural Resources Committee

Conference Committee

Hearing Date 2/05/99

Tape Number	Side A	Side B	Meter #
1		x	0.0 - 0.6
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. GROSZ decides to move on with the hearing of HCR 3021, even though REP. FROELICH is not there to testify. Let the record show that on the registration sheet WADE MOSER, N.D. STOCKMEN'S ASSOC. is in favor of this resolution. M.J. DONAHUE is on neutral grounds. REP. GROSZ asks if the committee would like to take action on this since there is no verbal testimony. REP. DEKREY makes a motion for a DO PASS, REP. HANSON seconds it. The roll call was taken and the vote was 12 YES, 1 NO, 2 ABSENT. REP. KELSH is the carrier of the resolution. REP. FROELICH did hand in written testimony at a later date, SEE HANDOUT.

Date: 2.5.99  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House House Natural Resources Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass ~~Roll Call Vote~~

Motion Made By DeKrey Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Mick Grosz	✓				
Vice-Chairman Dale Henegar	✓				
Representative David Drovdal	✓				
Representative Pat Galvin		✓			
Representative Duane DeKrey	✓				
Rep. Darrell D. Nottestad	✓				
Representative Jon O. Nelson	✓				
Representative Byron Clark	✓				
Representative Todd Porter	✓				
Representative Jon Martinson	✓				
Reperesentative Lyle Hanson	✓				
Representative Scot Kelsh	✓				
Representative Deb Lundgren					
Representative Sally M. Sandvig	✓				
Representative Dorvan Solberg					

Total (Yes) 12 No 1

Absent 2

Floor Assignment Kelsh

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

REPORT OF STANDING COMMITTEE (410)  
February 5, 1999 11:55 a.m.

Module No: HR-24-2055  
Carrier: S. Kelsh  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HCR 3021: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3021 was placed on the Eleventh order on the calendar.

**1999 SENATE NATURAL RESOURCES**

**HCR 3021**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3021

Senate Natural Resources Committee

Conference Committee

Hearing Date March 11, 1999

Tape Number	Side A	Side B	Meter #
1	x		4210-6208
1		x	0-545
Committee Clerk Signature <i>Sylvia W. Hagen</i>			

Minutes:

SENATOR FISCHER opened the hearing on HCR3021: A CONCURRENT RESOLUTION URGING THE UNITED STATES FISH AND WILDLIFE SERVICE NOT TO LIST THE BLACKTAILED PRAIRIE DOG, CYNOMYS LUDOVICIANUS, AS A THREATENED OR ENDANGERED SPECIES UNDER THE ENDANGERED SPECIES ACT.

REP. FROELICH testified as a sponsor of HCR3021. (See attached testimony) If this bill passes, private landowners would not be able to destroy these prairie dogs to protect their property.

SENATOR HEITKAMP asked for an explanation of how prairie dogs destroy property.

REP. FROELICH replied prairie dogs are a rodent. They destroy grasslands and cropland and are a hazard to livestock if they step into the holes and mounds that they create. If the federal

government wants to list the prairie dogs on the endangered species list, they should stay with the federal lands, otherwise, this will cover everybody.

SENATOR CHRISTMANN asked what do the prairie dogs eat and how big are the black-footed ferrets.

REP. FROELICH replied prairie dogs grass, and the black-footed ferret is similar in size to a squirrel.

SENATOR HEITKAMP asked if the black-footed ferrets are after the meat of the prairie dogs or the blood of the young.

DEAN HILDEBRAND, ND Game and Fish Dept. replied both. The black-footed ferret is about the size of a medium-sized mink. Our department prefers that prairie dogs be under the control of the state, rather than federal, so we can regulate our population.

SENATOR REDLIN asked what caused the black-footed ferret depopulation.

DEAN HILDEBRAND replied trapping, shooting, poisoning and eliminating their food chain.

REP. FROELICH responded that prairie dogs carry bubonic plague, but it is not transferable to humans, and this aided in wiping out prairie dog towns which aided in eliminating the black-footed ferret food chain. If the federal government steps in and puts the prairie dogs on the endangered species list, every citizen in ND will not have a voice in this. ND wants to have something to say about it.

DEAN HILDEBRAND stated ND Game and Fish created a hotline through the Agriculture Commissioner's office if farmers or ranchers have a prairie dog problem and want individuals to come out and shoot them, they can call the hotline.

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Senate Natural Resources Committee

Bill/Resolution Number Hcr 3021

Hearing Date March 11, 1999

MIKE DONAHUE, ND Wildlife Federation testified in support of HCR3021. (See attached testimony)

JULIE ELLINGSON, ND Stockmen's Ass'n. testified in support of HCR3021.

SENATOR FISCHER closed the hearing on HCR3021.

SENATOR HEITKAMP moved for a DO PASS, seconded by SENATOR CHRISTMANN.

Roll call vote indicated 6 YEAS, 0 NAYS, 0 Absent and not voting. SENATOR

CHRISTMANN volunteered to carry the bill.

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Roll Call Vote #: 1 Date: 3-11-99

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3021

Senate Natural Resources Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Heitkamp Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Senator John T. Traynor, Chr	✓				
Senator Tom Fischer, Vice Chr	✓				
Senator Randel Christmann	✓				
Senator Layton Freborg	✓				
Senator Joel C. Heitkamp	✓				
Senator Rolland W. Redlin	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Christmann

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

REPORT OF STANDING COMMITTEE (410)  
March 11, 1999 1:20 p.m.

Module No: SR-44-4549  
Carrier: Christmann  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HCR 3021: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**

**HCR 3021**

- You are probably wondering how the heck could the prairie dog with a population estimated at between 10 & 12 million get listed for consideration as a threatened animal under the Endangered Species Act.
- To make a long story short, it relates back to the black-footed ferret. The black-footed ferret was near extinction and is protected under the Endangered Species Act. The US Fish and Wildlife Services, the primary enforcement agency for the Endangered Species Act, has a black-footed ferret recovery program which entails releasing black-footed ferrets back into the wild.
- As part of their responsibilities or duties under the Endangered Species Act, the US Fish and Wildlife Service is charged with not only protecting a species but also protecting that species' environment. Now, the primary food source for the black-footed ferret is the prairie dog. Along comes the National Wildlife Federation.
- This organization petitioned the US Fish & Wildlife Service to list and protect the prairie dog under the umbrella of the Endangered Species Act because it is the primary food source for the black-footed ferret. An analogy (or it is akin to) not being able to log a certain area of forest in the Pacific Northwest because the spotted owl lives there.

- As with any governmental agency responsible for administering laws, the US Fish and Wildlife Service had to respond to the petition filed by the National Wildlife Federation. In other words they had to take the request seriously and solicit public input prior to making a decision. This resolution is ND's input saying we do not need the prairie dog listed and protected under the Endangered Species Act.



# NATIONAL WILDLIFE FEDERATION®

*People and Nature: Our Future Is in the Balance*

Communications

For Immediate Release:  
July 31, 1998

Contact:  
Ben McNitt (202) 790-6855  
Linda Shotwell (703) 790-4083

## **NWF SEEKS PRAIRIE DOG LISTING Action Will Save Wildlife and Grassland Habitats**

DENVER, July 31 -- In what may become one of the most controversial endangered species issues of the decade, the National Wildlife Federation (NWF) today petitioned the federal government to issue emergency regulations listing the black-tailed prairie dog as a threatened species throughout its range, including land in Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Along with reversing the decline of the prairie dog itself, the petition aims at harnessing the power of the Endangered Species Act (ESA) to restore functioning Western short-grass prairie habitats on which the prairie dog and scores of other species depend. Announcing its listing petition at a Denver news conference, NWF called on groups concerned by the action to work together to find ways of helping the species and its habitat while avoiding the pitched battles that other ESA listings have created.

"This is the best possible use of the Endangered Species Act," said NWF President Mark Van Putten. "If we can help the prairie dog, we'll be saving grasslands that benefit all sorts of wildlife, and people too."

The prairie dog is recognized as a keystone species whose peril reflects a far broader danger to an entire ecosystem. As a builder of shared burrows and an important source of food for predators, black-tailed prairie dogs are linked to the well-being of many other species, including the swift fox, mountain plover, ferruginous hawk and burrowing owl. They are also essential to the survival of the black-footed ferret, an endangered species on which millions of dollars have been spent for recovery efforts; that investment will likely go to waste unless prairie dog populations rebound.

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NEWS

"This is not just about one species; they're all tied together," said NWF Senior Wildlife Biologist Dr. Sterling Miller. "If we don't help the prairie dogs, we can't save the ferret, and it's just a matter of time until other species are in trouble too."

For now, the black-tailed prairie dog is still a common sight in many areas of the Western U.S. But having once ranged over 100 to 250 million acres of grasslands, intentional poisoning, disease, unregulated shooting, development and conversion of habitat to farmland has reduced its habitat by 99 percent. The species has been eliminated in Arizona. Remaining animals are scattered across an estimated 700,000 to 800,000 acres of rapidly disappearing grassland habitat, much of it in fragmented parcels too small to sustain viable prairie dog populations.

The isolation of remaining prairie dog colonies makes it impossible for the species to repopulate areas that are affected by disease or environmental catastrophes. That means even relatively large populations are susceptible to local or even widespread extinction.

"We've still got millions of prairie dogs out there, but if we don't do something to save their last habitats, they'll be gone and so might a lot of other species too," Miller said.

Saving the species and its habitat will require changes in attitudes and activities by governments and private citizens alike, starting with the elimination of official policies that treat prairie dogs as vermin to be exterminated.

Many state and federal agencies are actively involved in poisoning the animals or encouraging ranchers to do so as a way to eliminate grazing competition for cattle (in spite of evidence that prairie dog colonies are not incompatible with cattle grazing and may well be beneficial). Some states actively promote unregulated and unlimited prairie dog shooting for sport. And in many areas, development proceeds without regard to the impact on prairie dogs or their habitat.

An ESA listing of the black-tailed prairie dog would put an immediate stop to both unregulated shooting and poisoning. Under a designation of threatened, Fish and Wildlife officials would have great flexibility to allow population control and other activities on private land to resume, if needed, as long as conservation objectives can be met and the species can eventually expand its populations across the West. Building or development on private lands with large tracts of prairie dog habitat would require a permit. But the flexibility of a *threatened* designation would give officials latitude in allowing most plans to proceed, and in creating incentives for expanded habitat conservation by private landowners.

Finally, the focus on public lands will be shifted to how to rebuild populations, especially in areas where large tracts of short-grass prairie can be restored. This can make public lands the foundation for an expanding base of functioning short-grass prairie and for the comeback of the black-tailed prairie dog. Rapid population growth is expected as long as adequate protections are in place.

“A listing will stop some of the senseless behavior that threatens this species, but it’s not going to shut down development or reasonable population control,” said Van Putten. “With a threatened designation there’s plenty of flexibility in the Endangered Species Act to address the needs of economic growth and the concerns of local communities.”

Still, the issue is potentially explosive with developers, ranchers and others who fear possible restrictions on use of public or private land. NWF will be contacting governors of affected states, along with wildlife agencies and landowners’ groups in hopes of shaping recovery plans that meet the needs of both wildlife and local people.

“If we all work together to make common sense changes now, we can head off real problems later,” said Van Putten, who noted that without immediate action the species’ eventual decline into *endangered* status would carry with it far greater restrictions and economic costs. “Anyone who tries to turn this into a political football by stirring up fear and opposition is not looking out for the long-term welfare of this ecosystem or the people who depend on it,” Van Putten added.

Under the ESA, the U.S. Fish and Wildlife Service has 90 days to respond to the listing petition. If the agency decides the petition has merit, but does not issue an emergency listing, it has an additional year to decide whether the species should be protected under the ESA.

“We’ve seen with the wolf and the bald eagle that the Endangered Species Act does work, and it can work in this case too,” said Van Putten. “It can give us back healthy grasslands and all the life that comes with them.”

The nation's largest member-supported conservation group, the National Wildlife Federation unites people from all walks of life to protect nature, wildlife and the world we all share. NWF has educated and inspired families to uphold America's conservation tradition since 1936. Its common-sense approach to environmental protection brings individuals, organizations and governments together to ensure a brighter future for people and wildlife.

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**Additional information, including the NWF listing petition, is available  
on the Internet at [www.nwf.org](http://www.nwf.org)**