



# NORTH DAKOTA SPORTFISHING CONGRESS

## Meeting

Friday, December 7, 2018 • 1:00 p.m.

AMVETS Club, Bismarck ND [2402 Railway Ave]

## MINUTES

Attendees: President Rich Brueckner, Vice President Ken Cumber, Past President Duaine Ash; Board Members Ed Dosch, Jeff Herman and Don Schick; Club Members Chad Engels, Terry Fleck, Blair Ihmels, Rick Mohan, Tony Splonskowski, and Doug Vannurden; Game & Fish Representatives Terry Steinwand and Greg Power; and Secretary Marie Hoerner. Guests: Lance Gaebe and Jack Dwyer with North Dakota Water

President Rich Brueckner called the meeting to order and thanked everyone for coming.

A motion to approve the September 22, 2018 minutes was made by Duaine Ash, seconded by Ed Dosch and passed unanimously.

On behalf of Treasurer Rick Eagleson, Chairman Brueckner presented the Treasurer's report, which showed the balance as of 12-7-18, as well as the income and expenses from the last five fundraiser. A motion to approve the Treasurer's report was made by Ed Dosch, seconded by Don Schick and passed unanimously.

### Report from Game & Fish, including proposed legislative action and status:

- Greg Power said the Game & Fish just finished their advisory and staff meetings this week. Greg mentioned that NDSU Ag Econ does an expenditure study for the G&F every 5-8 years on fishing and hunting spending in the state. Direct fishing expenditures increased to \$788M on fishing alone and the gross business volume of North Dakota fishing totals nearly \$1.7 billion annually.
- Greg said that Jessica Howell, ANS Coordinator, put together a short paper what the G&F is currently doing regarding watercraft inspections (see attached "ANS Program Implementation Levels"). Blair Ihmels with Friends of Sakakawea said we need to secure ANS buy-in/funding from other areas (power/utility companies, public, Water Commission), those using surface water. It was mentioned that the Missouri River Advisory Council is made up of industry groups (ND Petroleum Council, municipalities, etc.) are almost ready to release their website. Rich Brueckner said at this meeting we would like to identify how to get everyone on board with any evasive species, not just ANS that attacks our natural resources (air, water, land). Greg said the new ANS management plan is on the Governor's desk right now.
- Terry Steinwand – received legislation from Rep. Dobervich of Fargo who plans to present legislation for another attempt at a life-time fishing license.

### Approval of proposed, Aquatic Nuisance Species and Fisheries Development Programs --

Rich Brueckner distributed the "Need/Justification for additional funding for the ANS and Fisheries Development Program" (included with minutes), which could come out of the Highway Distribution Fund (need is an additional \$1,170,000 annually). Terry Fleck said maybe we should get in line on the Legacy Fund or other sources. Lance Gaebe said congratulations to the NDSFC for taking a lead on this funding issues. Organizations such as Motor Vehicle, Farm Bureau, Association of General Contractors and other producers, who are looking at maintaining the highways for their industry, are also going after the Highway tax funds. Rich Brueckner said that maybe everyone buying a hunting/fishing license also needs to purchase a general license (\$20), as an additional source of G&F funds.

Greg Power said the Governor's budget for G&F (and many other state agencies) was officially announced and did not include the cuts many other agencies may face. However, the Legislature session hasn't started so

nothing will be known for sure until April 2019. When talking about fee structure, Lance Gaebe said that one legislature cannot obligate another legislature in a difference session.

A motion was made by Duaine Ash to approve presentation of “Need/Justification for Additional Funding for the ANS and Fisheries Development Programs” as drafted and proposed. The motion was seconded by Rick Mohan and unanimously passed. However, there is now a need to find supportive legislators to submit this legislation during the session and then lobbyists to help advance the bill. Lance said the Governor's budget is the starting point.

Approval of revised wording to NDCC 20.1-02-16 (Boater Gas Tax) Motorboat Programs and Safety account – use and transfer from Highway Tax Distribution Fund (DOT) – Terry Steinwand said he talked to Dave Oehlke about the Boat Gas Tax. G&F's concern is that it could require a significant amount of administration and funding into the program and the DOT already oversees the program for this purpose. That would be a redundant effort. We need to find legislators to support 20.1-02-16.5 Motorboat programs and safety account-Use.

#### Issue of \$2.50 Boat Tax –

- Greg Power said the \$2.50 boat gas tax for registered boats, currently generates about \$150,000 annually and it would need to be raised to about \$16 to meet the request of \$1,170,000 that Sportfishing Congress supports. Rich Brueckner said we need dollars to cover both North Dakota and out-of-state boats. Based on the 2016 Highway Distribution Fund (\$190,010,419), Doug made a motion to request 1% of the Highway Distribution Fund.
- The motion was seconded by Terry Fleck to replace the \$2.50 current gas tax and allow the executive board to provide language to supplement the fund by 1 percent to be associated with licensing fees. An amendment to the motion was made by Rick Mohan to support funding to possibly include the following sources dedicated to ANS prevention programs – transfer to up to 1 percent from the Highway Distribution reflective of the fuel taxes paid by boat users; surcharge on sportsmen/women licenses fee; and other state funding sources. The motion and amendment was seconded by Doug Vandurden and passed unanimously.
- Chad Engels asked about getting funding from the Water Resources Fund, instead of the Highway Tax Distribution Fund. Heritage Fund consists of dollars from the Extraction Oil and Gas. It was noted that Al Carlson was considering pursuing some sort of an excise tax on boat sales.

ANS Fee– This agenda item was discussion only and no action was taken.

- Adding an ANS fee to the ND 2020 Fishing License fees was mentioned. Terry Fleck recommends that we consider asking an additional \$1.00 of every household water bill to pay for education outreach and enforcement of ANS/evasive species. There were comments that the people on a tight budget would not be able to afford \$1 here and there. Don Schick said that it may be better to increase the license fees to fishing licenses fees. Terry Steinwand said that any fees that are charged to licenses need to go through the Legislature.

#### Lobbyist Proposal –

- A proposal from Clearwater Communications was addressed at the September 22, 2018 meeting. Terry Fleck of Friends said they would be interested in sharing a lobbyist but wanted the NDSFC representatives to make a recommendation before disclosing what Friends is proposing.
- Lance Gaebe provided background of the three levels (tracking, lobbying, initiate advocacy) of Clearwater’s proposal to provide legislative relations services for the NDSFC for the 2019 legislative session. Lance works with the Dwyer Law Group to provide these services. Jack Dwyer is an attorney working on water project and real estate development projects. He would team up with Lance on lobbying efforts for the Congress. Lance said there are bill deadlines by early January, so they would need to start drafting bills immediately. Terry Fleck asked if their proposal was a template for all clients

or a proposal just for the NDSFC and Gaebe said it was for our group. It was noted that Senator Mike Dwyer (Jack's father) felt he should not be as visible as a sponsor of the ANS legislation, due to his connection with the Water Users Association.

- Rick Mohan said their club would be willing to financially support the lobbying efforts but did not know at what level. Terry Fleck said that Friends would commit up to \$6,000 for legislative efforts. Terry said maybe we need to ask the state chambers, tourism, boat and fishing dealers, etc. to financially support our legislative efforts. There were other members present that felt their clubs may be able to provide some amount of financial support, while others may want someone from the NDSFC to come to one of their meetings to explain the request for financial support. Financial support could also come from other businesses that would benefit from sales of their products.
- Following discussion, a motion was made by Rich Mohan that we engage Clearwater Communications at the "Initiate Advocacy" level at \$20,000 for the session. The motion was seconded by Terry Fleck and unanimously passed. A separate checking account will be opened at the same bank as the NDSFC account.
- Lance Gaebe suggested working with state Senator Dave Oehlke to draft legislation. Rich Brueckner will try to contact Dave this weekend to begin the process.

#### Proposed Motorboat Titling Legislation (this legislation would be administered by DOT)

- This topic was for discussion only and representatives should take this back to their local clubs and no action was taken.

Legislative Action Committee – Terry Fleck/Mike Gunsch, Rich Brueckner, Rich Mohan and Duaine Ash volunteered to be a part of the committee. Chad Engels will assist in various areas.

#### Annual Meeting & Fundraiser • Saturday April 27, 2019 at Bismarck AMVETS

- Meeting is scheduled for 9:30 a.m. at the AMVETS, with setup for the fundraiser following the meeting.
- Fundraiser – Social 5:30 p.m.; Dinner 7:00 p.m.
- Cost of Banquet Ticket – With the rising costs of prizes and the meal, a motion was made by Ken Cumber to raise the cost of the banquet ticket to \$30. The motion was seconded by Doug Vannurden and passed unanimously. We will offer kids' meals for \$10 (chicken strips) for those asking, but it will not be advertised.
- \$5 Raffle Ticket – the cost will remain the same.
- Dakota Country Magazine ad – It was agreed to again advertise in the February-March issue.
- Distribution of raffle and banquet tickets – Mid to Late-January.
- Rich Brueckner would like to invite the legislators to participate.

The next meeting of the NDSFC is scheduled for Saturday, April 27, 2019 at 9:30 a.m. at the Bismarck AMVETS.

There being no further discussion, the meeting was adjourned around 4:45 p.m.

Date Submitted: December 9, 2018

Submitted By: Marie Hoerner

## AQUATIC NUISANCE SPECIES PROGRAM IMPLEMENTATION LEVELS

This document is intended to serve as a summary of varying levels for the implementation of an aquatic nuisance species (ANS) program by the North Dakota Game and Fish Department (Department). Although the Department is currently implementing an ANS program, there have been external requests for additional efforts. These requests include such actions such as increased outreach and the implementation of mandatory watercraft inspections and decontamination (WID). In this document, there are three varying levels of implementation: 1) current ANS program, 2) enhanced ANS program, and 3) mandatory (WID) program. A brief overview of each level of implementation follows, along with a summary table and a recommendations section.

### **Current ANS Program**

The Department currently spends approximately \$320,000 on ANS program implementation annually, which includes staff time across divisions, one dedicated full-time employee (FTE), and grants to hire four seasonal employees and completed additional work. ANS efforts are spread among coordination of statewide and regional activities, outreach and education of North Dakota water users, enforcement of regulations (funding estimates were not available for enforcement efforts and are thus not included), sampling of uninfested waters, monitoring of existing ANS populations, and control of ANS where possible. To assist the Department in these areas, two grants are provided.

The first grant totals approximately \$90,000 and is awarded based on grantees qualifications and a proposal that enhances ANS information/education efforts. This grant expands the Department's efforts to provide information on ANS and ways to prevent the introduction and spread of unwanted species. Grant funds are used to develop and place advertisements in radio, print, and online media; act as a spokesperson; and deliver messaging through social media.

The second grant totals approximately \$50,000 and is awarded to Valley City State University (VCSU). VCSU staff sample a select number of uninfested waters for the presence of zebra mussel larvae as part of the grant and hire four seasonal staff to be trained and supervised by the Department. *The seasonal staff implement a voluntary inspection program for the Department.* Two crews, based in Devils Lake and Valley City, travel across the state to educate boaters about aquatic nuisance species (ANS), gain information about the current state of boater knowledge, and conduct voluntary inspections of watercraft for any potential ANS risks.

### **Enhanced ANS Program**

If increased resources became available, the Department would expand ANS efforts in several areas. An increase of approximately \$450,000 would be used to hire one FTE, hire nine additional seasonal staff, install three permanent wash stations, and increase lab and research capabilities. This approach would strengthen and expand current ANS efforts across many pathways.

A new FTE would act as an Assistant ANS Coordinator, overseeing seasonal staff and assisting with program implementation. With benefits, indirect costs and depending on experience, it is estimated that this position would cost approximately \$80,000 annually. Another \$120,000 would be used in grants to contract time-consuming lab work and research. In the past, the Department has contracted research into limiting factors of ANS establishment in North Dakota as well as statewide crayfish surveys, where crayfish identification is difficult and often requires a specialist. Similar research and surveys could be funded for high-priority needs annually.

The remaining \$250,000 would go towards installing (\$100,000) and staffing (\$150,000) permanent wash stations at high traffic locations in the state. Watercraft inspections would still be voluntary, but the use of wash stations at Devils Lake, Lake Sakakawea, and the Bismarck area would be highly publicized and encouraged. These high-traffic areas were chosen over the zebra mussel-infested Red River because they would likely receive more use by boaters that frequent infested waters outside of North Dakota.

Given safety concerns of hot water pressure washers, the Department would either hire or contract nine seasonal staff to be trained in the usage and to conduct the cleaning of watercraft at these wash stations. These additional staff would also help increase the number of inspections across the state. The goal of the wash stations would be to reduce the risk of moving ANS into North Dakota by using hot water to kill any organisms present attached to the watercraft, on vegetation, or in standing water. It would not be used as part of any certification of being “ANS-free” or “decontaminated” by other jurisdictions, and no paperwork would be provided for boaters to use for neighboring mandatory watercraft inspection programs.

**Mandatory WID Program**

If the Department decided to implement a mandatory WID program statewide, it would cost approximately \$16M the first year and around \$13M in subsequent years. These estimates would include establishing at least 77 and up to 87 inspection stations statewide; initial purchases of decontamination units and equipment for each station; and hiring 522 seasonal inspectors, 18 FTE regional supervisors, 1 FTE Assistant ANS Coordinator, and 12 FTE wardens. Prerequisites for establishing a WID program would include: garnering public support, establishing new Department authorities through legislation, and establishing a stable and sufficient funding mechanism. This effort would address the recreational watercraft pathway but would not increase other ANS efforts.

A mandatory WID program in North Dakota would mean that every watercraft (from a kayak to a house boat and everything between) would need to pass inspection prior to every launch. Thus, a large number of inspection stations must be available statewide to accommodate resident and non-resident traffic. It also means that boats will need to be sealed and given a receipt with inspection details that must be kept for enforcement purposes. Decontaminations will be completed on-site as needed to further reduce the risk of spreading ANS through standing water, attached vegetation, excessive mud or scum, or attached organisms.

Stations will need to be adequately staffed during the boating season and daylight hours, which will require a number of supervisors to train and oversee seasonal staff and equipment, including a single FTE to oversee the WID program as a whole. Current law enforcement is not equipped to take on significant additions to workload, so more game wardens will be required to enforce this effort.

**Summary Table**

|             | Current program   | Enhanced program   | Mandatory WID program |
|-------------|-------------------|--------------------|-----------------------|
| Annual cost | \$320,000         | \$770,000          | >\$13 M annual        |
| Staff       | 1 FTE, 4 seasonal | 2 FTE, 13 seasonal | 32 FTE, 522 seasonal  |
| Feasibility | High              | Medium             | Low                   |

**Recommendation**

At this time, the Department feels that North Dakota’s resources are better spent on educating water users and enforcing current regulations to reduce the risk of ANS spread. Any increases in resources should be aimed at expanding an integrated ANS program that targets multiple pathways of ANS spread, including recreational watercraft, boat docks/lifts, animal and plant trades, hunting and angling guides and outfitters, seaplanes, oil and gas development, fire suppression activities, scientific research, and wildlife management activities. By continuing to expand educational and management efforts across pathways, the risk associated with each pathway will decrease. This targets available resources within a feasible framework of a multitude of high-risk pathways.

# Need/Justification for Additional Funding for the Aquatic Nuisance Species and Fisheries Development Programs

## AQUATIC NUISANCE SPECIES

One of the biggest threats currently facing our aquatic resources is the introduction and spread of aquatic nuisance species (ANS), such as zebra mussels, Asian carp, and Eurasian watermilfoil. ANS cost the United States billions of dollars annually, impact recreation, and harm our natural resources. When the Department took on the responsibility of managing ANS, there was no additional funding to support management activities. Limited federal funding (<\$30,000 per year) became available in 2005 with the signing of the statewide ANS management plan, which was later increased to just under \$50,000 per year. However, providing basic ANS management currently cost the department just over \$320,000 in 2017, which was funded through a combination of fisheries program funding (approximately \$180,000) and federal grants (approximately \$138,000).

To become more proactive in the fight against ANS, increased funding is needed. In particular, establishing three permanent wash stations at high traffic locations (Devils Lake, Sakakawea, and Bismarck) with knowledgeable staff (seasonal technicians) would greatly improve the public’s ability to prevent the introduction and spread of ANS and comply with current regulations. An additional full-time position would train and oversee the wash station technicians and assist the ANS Coordinator to expand ANS detection sampling, outreach efforts, and equipment inspections. Expanded lab capabilities are needed to accommodate increases in sampling, which would likely be in a grant form, as would any research into better methods for decontaminating agency and public equipment.

### IMMEDIATE ANS BUDGET NEEDS

|                          |   |                  |
|--------------------------|---|------------------|
| Full time position       | At least one additional FTE (includes all indirect) | \$90,000         |
| Seasonal positions       | Nine seasonal wash station technicians (six-month)  | \$150,000        |
| Operating / Capitol Imp. | Construction and operation of three wash stations   | \$100,000        |
| Grants                   | ANS research and expanded lab capabilities          | \$120,000        |
|                          | <b>Additional Funding Needs =</b>                   | <b>\$460,000</b> |

## DEVELOPMENT

Compared to a few decades ago, we have observed a remarkable increase in the number of new fishing lakes (200% increase since 1998), licensed anglers (99% increase since 1992), registered motorboats (76% increase since 1991) and boating facilities (from a few hundred to more than 2000). Despite these dramatic increases, the funding level in the Departments Fisheries Development Program (which is an important component in connecting our more than 150,000 resident anglers (plus another ~60,000 non-resident anglers) to the states fishing waters) has remained relatively constant (Figure 1).

Increases in North Dakota’s fishing and boating population has created a huge demand for additional public access and recreational facilities. To further exasperate the problem facing the Development program is the fact that local support and maintenance “buy-in” for these facilities has decreased due citizen aging which has eroded rural community leadership/involvement. In addition to trying to keep up with the growth and demand, there is a huge need for reconstructing and renovating existing facilities that have deteriorated and outlived their useful life.

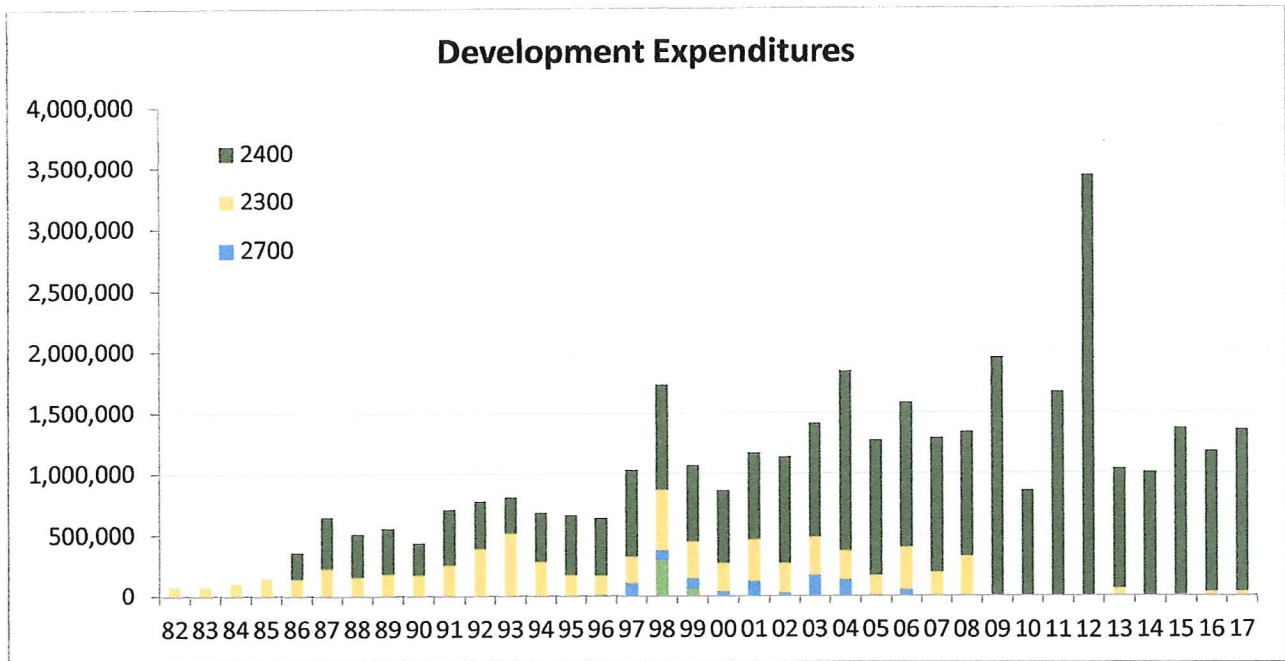


Figure 1. Fisheries Division Development Program Annual Expenditures. Note – 2700 (in blue) is money used from the boat fuel tax utilized by the Development program

In order to keep up and maintain an acceptable level of access and maintenance of these facilities, the Department's Fisheries Development Program needs to be expanded and funding levels increased. A minimum of one additional FTE is required along with additional funding for equipment, operating, new construction, and maintenance of boat ramps, courtesy docks, fish cleaning stations, vault toilets, access roads, parking areas, etc. Additional grant, operating and capital improvement monies are also required to keep up with the demand for replacing, renovating and constructing new boating facilities. Providing grants to local entities for construction and maintenance would likely stimulate interest and cooperation that has fallen off in recent years.

The Department has also seen a shift away from landowners providing easements without compensation. To gain access to some of these valuable fisheries, the department may have to consider compensating landowners to acquire easements and develop public access facilities.

**IMMEDIATE DEVELOPMENT BUDGET NEEDS**

|                          |  |           |
|--------------------------|--|-----------|
| Full time position       | At least one additional FTE (includes all indirect)                      | \$90,000  |
| Operating / Capitol Imp. | Construction, renovation and upgrading of boating and fishing facilities | \$100,000 |
| Grants                   | Construction, renovation and upgrading of boating & fishing facilities   | \$100,000 |

|             |   |                  |
|-------------|---|------------------|
| Maintenance | O/M grants for maintenance of Department facilities | \$100,000        |
| Equipment   | Fisheries Development Program related equipment     | \$ 50,000        |
|             | <b>Additional Funding Needs =</b>                   | <b>\$440,000</b> |

**TWO GAME WARDENS**

***IMMEDIATE ANS BUDGET NEEDS***

|                          |  |                  |
|--------------------------|--|------------------|
| Full time position       | Two additional FTE (includes all indirect) | \$190,000        |
| Operating / Capitol Imp. |  | \$80,000         |
|                          |  |                  |
|                          | <b>Additional Funding Needs =</b>          | <b>\$270,000</b> |

**TOTALS - \$1,170,000 per year to support four new Department positions and enhance the ANS and Development programs**