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# Senate

State of Minnesota

## **S.F. No. 1434 - Aquatic Invasive Species Management Funding**

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**Prepared by:** Carol E. Baker, Senate Counsel (651/296-4395) *CEB*

**Date:** March 23, 2005

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**Section 1 [Aquatic Invasive Species Account.]** creates an aquatic invasive species account in the Natural Resources Fund. Decal fees and watercraft surcharges described in sections 2 and 3 of this bill are credited to the account. Money in the account must be used for prevention and management of aquatic invasive species. This section requires a portion of the account to be used for a cost-share grant program to local governments, lake associations, and conservation organizations.

**Section 2 [Aquatic Invasive Species Decal.]** prohibits a person from operating a motorized watercraft in public waters unless an aquatic invasive species decal is affixed to the watercraft. The decal will cost \$10, and is valid for one year.

**Section 3 [Watercraft Surcharge.]** expands the uses for which the \$5 watercraft surcharge may be used to include management, training, and watercraft inspection related to aquatic invasive species. The surcharge money must be credited to the aquatic invasive species account.

**Section 4 [Appropriation.]** appropriates an undetermined amount from the aquatic invasive species account to the Commissioner of Natural Resources for aquatic invasive species control and management.

**Section 5 [Effective Date.]** makes sections 1 and 3 effective the day following final enactment, and section effective January 1, 2006.

CEB:rdr

Senators Olson, Chaudhary, Ruud and Marty introduced--

S.F. No. 1434: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to natural resources; providing for aquatic  
3 invasive species management funding; creating an  
4 account; requiring a watercraft decal; modifying  
5 disposition of watercraft surcharge; appropriating  
6 money; amending Minnesota Statutes 2004, section  
7 86B.415, subdivision 7; proposing coding for new law  
8 in Minnesota Statutes, chapters 84D; 86B.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

10 Section 1. [84D.025] [AQUATIC INVASIVE SPECIES ACCOUNT.]

11 (a) An aquatic invasive species account is created in the  
12 natural resources fund. Decal fees under section 86B.402 and  
13 the watercraft surcharge under section 86B.415, subdivision 7,  
14 are credited to the account.

15 (b) The aquatic invasive species account is dedicated to  
16 preventing the spread of invasive species of aquatic plants and  
17 wild animals into uninfested waters, controlling and managing  
18 aquatic invasive species, and reestablishing biological  
19 integrity in Minnesota's lakes and rivers.

20 (c) A portion of the account must be used for a cost-share  
21 grant program to local governments, lake associations, and  
22 conservation organizations. Eligible prevention and management  
23 activities for cost-share grants include, but are not limited to:

- 24 (1) developing prevention plans;  
25 (2) aquatic invasive species surveys and monitoring;  
26 (3) public education and training programs;  
27 (4) conducting watercraft inspection programs or boat

1 washing at public and private accesses;

2 (5) management and control activities in lake vegetation  
3 management plans or other specific aquatic invasive species  
4 prevention or mitigation plans; and

5 (6) demonstration projects approved by the commissioner.

6 Sec. 2. [86B.402] [AQUATIC INVASIVE SPECIES DECAL.]

7 Subdivision 1. [DECAL REQUIRED; FEE.] A person may not  
8 operate a motorized watercraft in public waters unless an  
9 aquatic invasive species decal is affixed to the watercraft.  
10 The commissioner shall issue an aquatic invasive species decal  
11 upon application and payment of a \$10 fee. The decal is valid  
12 for one year following the year it is issued. Fees collected  
13 under this section shall be deposited in the state treasury and  
14 credited to the aquatic invasive species account in the natural  
15 resources fund under section 84D.025.

16 Subd. 2. [PLACEMENT OF DECAL.] The aquatic invasive  
17 species decal must be permanently affixed to the forward half of  
18 the watercraft directly above or below the registration decal.

19 Subd. 3. [LICENSING AGENTS.] The commissioner shall sell  
20 aquatic invasive species decals through a similar process  
21 established under section 84.8205.

22 Sec. 3. Minnesota Statutes 2004, section 86B.415,  
23 subdivision 7, is amended to read:

24 Subd. 7. [WATERCRAFT SURCHARGE.] (a) A \$5 surcharge is  
25 placed on each watercraft licensed under subdivisions 1 to 5 for  
26 management, control, public awareness, law enforcement,  
27 training, watercraft inspection, monitoring, and research of  
28 aquatic invasive species such-as, including, but not limited to,  
29 zebra mussel, purple-loosestrife curly leaf pondweed, and  
30 Eurasian water milfoil, in public waters and public wetlands.

31 (b) Notwithstanding subdivision 9, the surcharge money must  
32 be deposited in the state treasury, credited to the aquatic  
33 invasive species account under section 84D.025, and used for the  
34 purposes specified in that section.

35 Sec. 4. [APPROPRIATION.]

36 \$..... is appropriated from the aquatic invasive species

1 account in the natural resources fund to the commissioner of  
2 natural resources for aquatic invasive species control and  
3 management. The appropriation is available for the biennium  
4 ending June 30, 2007.

5 Sec. 5. [EFFECTIVE DATE.]

6 (a) Sections 1 and 3 are effective the day following final  
7 enactment.

8 (b) Section 2 is effective January 1, 2006.

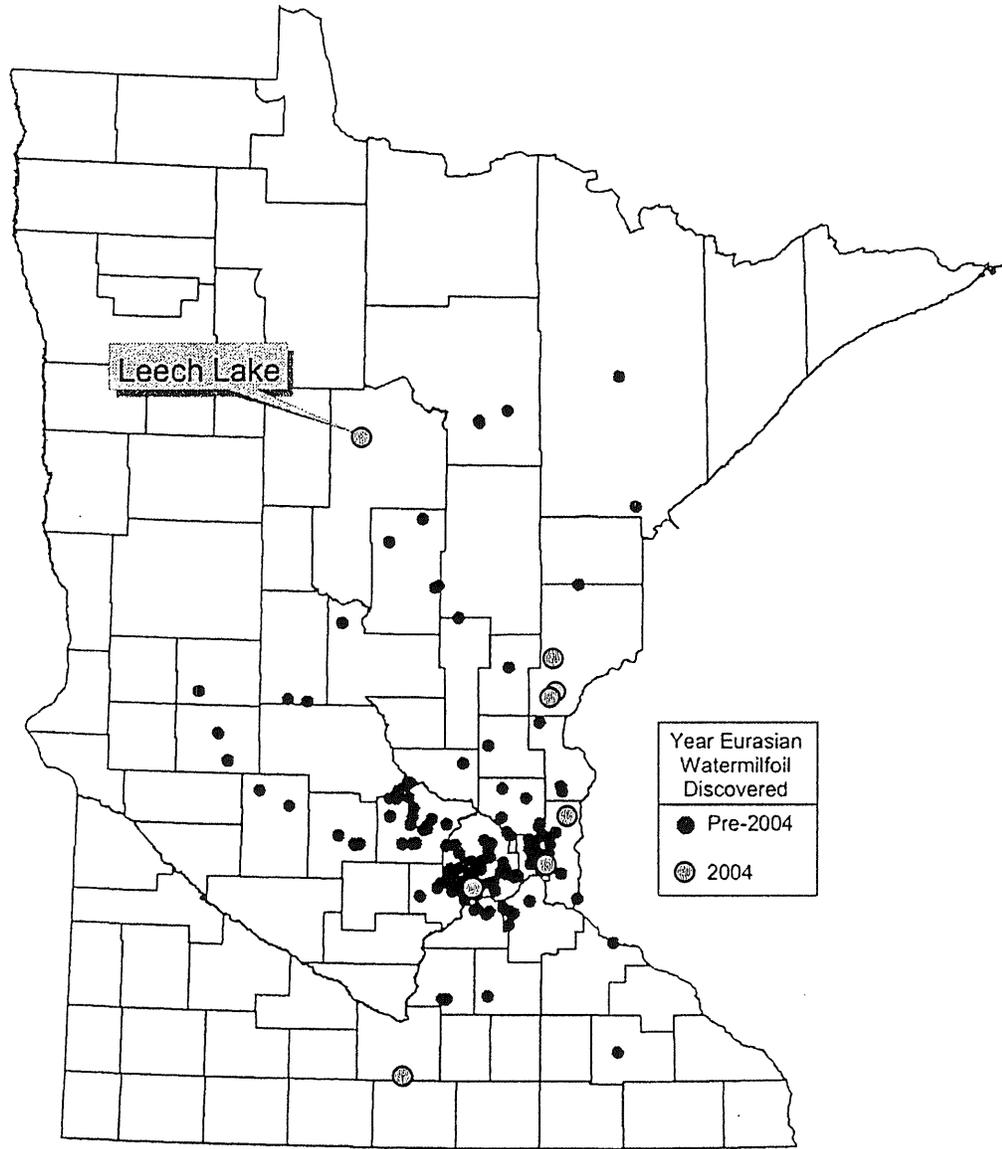
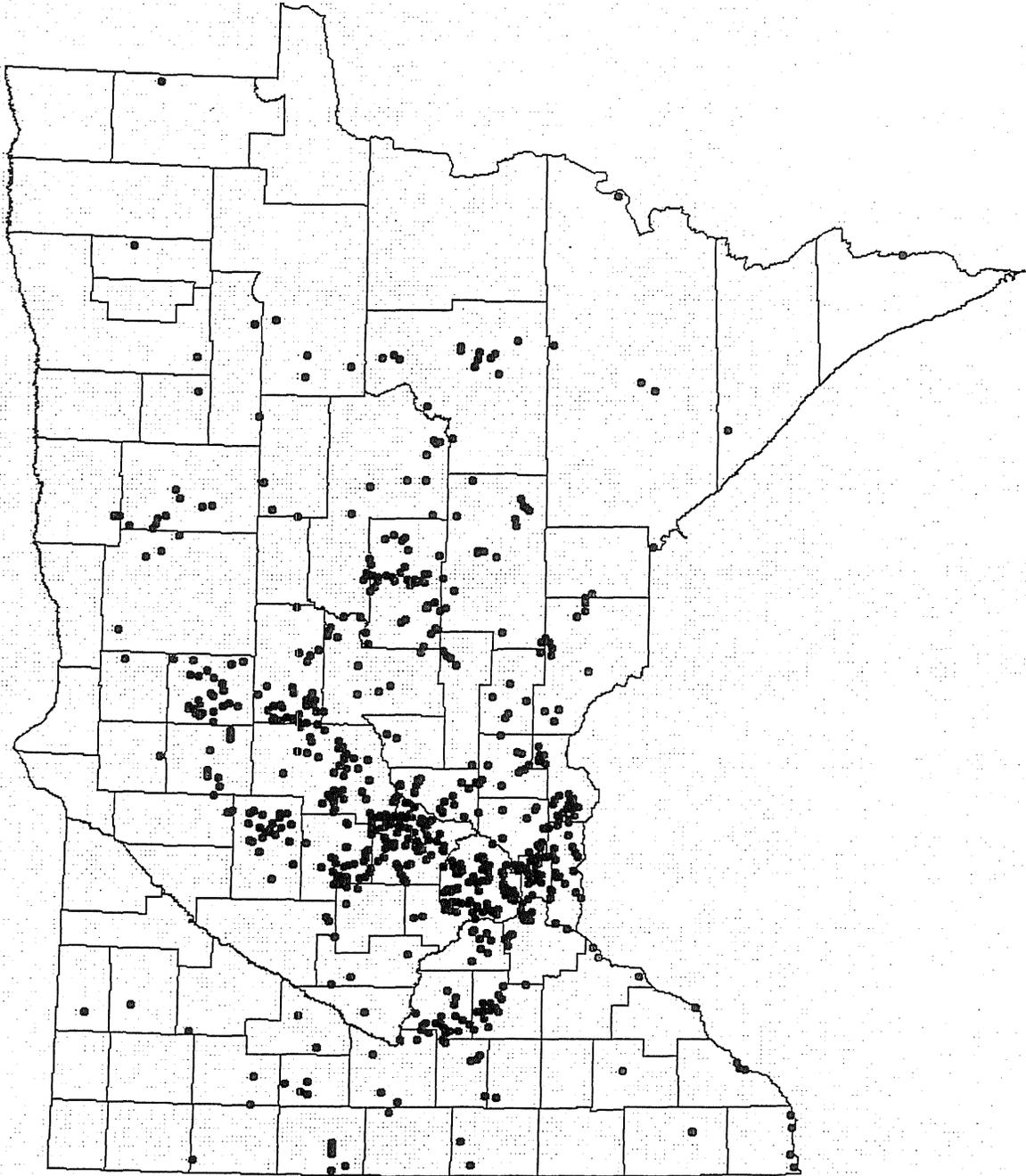


Figure 1. Eurasian watermilfoil infestations in Minnesota

Water bodies known to have curly-leaf pondweed in Minnesota (702 known locations). Data source: Minnesota Department of Natural Resources Fisheries, Wildlife, and Ecological Services staff.



Exotic Species Testimony for Medicine Lake, March 23, 2005-

My name is Terrie Christian. I am the Vice President of the Association of Medicine Lake Area Citizens, and I serve on the Aquatic Vegetation Management Group for the City of Plymouth as well as the Environmental Quality Commission.

Medicine Lake is the 2<sup>nd</sup> largest lake in Hennepin County at just under 1,000 acres. French Regional Park, part of the Three Rivers Parks District system is one of their most visited parks, and gives public access to Medicine Lake.

In 2003, a plant survey by local scientists found 300 acres of curly leaf pondweed growing in the lake. This plant has an unusual growing cycle and has been documented by scientists and the army corps of engineers to be one of the most damaging exotics to water quality. 300 acres is close to 100% of the littoral zone of the lake, where plants can grow. This was between 30 to 40% of the entire lake.

As the crop of 300 acres of curly leaf pondweed dies, the rotting vegetation releases phosphorus and uses up the available oxygen at the bottom of the lake, which then allows the phosphorus bound to sediment also to be released. The estimated phosphorus load released from this cycle was approximately 1,000 pounds. This has been causing blue-green algae blooms in the lake. One pound of phosphorus can grow 300 pounds of algae. Blue green algae is toxic to animals and humans and deaths have been reported after ingestion.

Curly leaf pondweed out-competes native aquatic vegetation and it has also been reported in the scientific journals that when exotics are removed, re-establishing native plant communities can be difficult.

The Aquatic Vegetation Management Group with the help of the DNR, Three Rivers Parks District Limnologists and another local scientist recommended a whole lake treatment for curly leaf pondweed. Because of the severity of the consequences of this plant, the DNR granted a variance to treat the whole lake. Normally only 15% of the littoral zone can be treated with chemicals. This is the first treatment of its kind in the state, and the DNR is hoping that this will help us learn what to do in other state lakes infected with this plant. The granted variance is for 3 consecutive years of treatment, to eliminate the plants, and the turions that spread it. Each year, the cost is \$105,000 for a total estimated cost of \$315,000.

Payment for this treatment is funded by an ad valorem tax collected by Bassett Creek Watershed Management Commission. This is a property tax on all residents that live in the 9 member city watershed. Many residents on the lake never trailer their boat to other lakes, and do not infest the lake with exotics but once a lake is infected all boaters spread the plants to new sites. Public access is a source to carry the plants from lake to lake. In the Bassett Creek Watershed, many of the residents that live in these 9 member cities do not own a boat. It is unfair for them to carry the burden of paying for such treatments.

The law proposed by the Minnesota Lakes Association would collect money from all boaters to pay for these costs. This would be a much fairer way to pay and would spread the burden of payment to boaters outside of the watershed area.

Our lake association has worked with the watershed, and the city to fund and implement the Aquatic Vegetation Management plan. I will submit the written document of this testimony, as well as the Feasibility Report dated February 2005 from the City of Plymouth.

*Scientific Review in No Wake Proposal of PAVM*

AMLAC - 1/3 1/3 1/3 -

Phases -

Weeds vs

Water Plants

**No Wake Proposal for the Entry of the North Arm  
As Part of the Aquatic Vegetation Management  
Of Medicine Lake**

Summary by Terrie Christian

Two Small macrophyte (aquatic plant) sites have been proposed as protection sites in the entry to the North Arm of Medicine Lake. This summary is to give background to the decision makers about the thought process and science of this proposal. The plan was recommended by the Aquatic Vegetation Management Group (AVM) in October 2002, reviewed by the Environmental Quality Commission (EQC) in November 2002 and approved by the Plymouth City Council March 2003. The plan and maps are available on the city website. The above approval by the city is of the concept, or preliminary plan. Each individual component of the plan has to be re-approved after the proposed implementation of the plan

As part of the Aquatic Vegetation Management recommendations made by the AVM group, the plan has 3 parts: **Control** of invasive and exotic species, **Restoration** of native plants and **Protection** of sites that have native plants already established.

In 2004, as part of the Control phase, a plant survey of the lake found that Curley Leaf Pondweed was growing extensively in the lake's littoral zone. This includes the North Arm. Curley Leaf Pondweed (CLP) out-competes native plants. The members of the AVM hope that once the CLP is controlled that native plants will re-establish themselves. Near the entrance of the North Arm there is extensive nuisance growth condition of CLP and typically, CLP was the dominant plant in this area. The two areas designated for protection on either side of the entrance had CLP, but also had a fairly healthy diversity of other desirable native plants growing. By protecting this diversity at the entrance, it is hoped that this diversity can spread from there to help repopulate the rest of the North Arm with desirable plants. Scientific studies have shown that it is sometimes difficult to re-establish native plants after invasives are no longer growing there. (Asplund, Cook, 1997) reports "Eurasian Water milfoil invaded Lake Ripley in the early 1980's reaching a peak of coverage of 40% in 1989. A sharp decline of milfoil occurred in the early 1990's (for unknown reasons) but native species have not recolonized areas that were left open. Some areas of Lake Ripley are completely devoid of plants, despite shallow depths and adequate light availability. Thus continual scouring and shifting sediments by boats in shallow areas may reduce survival of plants and prohibit colonization, particularly in the early summer as plants are just developing." Because of this knowledge, and other scientific data that supports harm to plants from boat traffic, John Barten, Limnologist, Three Rivers Parks District, Steve McComas of Blue Water Science and Dave McCormick of the Minnesota DNR, who served as technical advisory staff, advised the group that it would be wise to protect the entrance to the North Arm from further loss of desirable native plants. It was also decided to designate the remainder of the area in the North Arm as a study site.

During the discussions of the protection sites, the AVM considered the needs of a healthy lake, and the desires of our citizens using the lake. We took into account that Medicine Lake is listed as an Impaired Waterbody by the State of Minnesota, and that healthy plant diversity is essential to help the lake recover. We also were operating under the goals of the original Medicine Lake Plan. We covered fishing, ski enthusiasts, recreational boaters and jet skiers. Originally, we hoped for a distance of 150 feet from the plants, but opted for 100 feet to accommodate as much surface activity as possible for recreational use. To clarify, as you look at the proposed map, the bouys will be place 100 feet from where desirable native plants were growing. CLP was growing out further into the bay, so the bouys will be placed closer to shore than the CLP map showed, allowing more space for recreation. This is a distance of approximately 500 feet. ( See Maps below.)

Our technical advisors talked to the AVM Group about the difference between boat wakes and wind. This question came up during the Public Hearing of the Plymouth Environmental Quality Committee. The following is taken from a nationally recognized expert on this question:

Saint

1st yr. implementation -

\$ - Value

***Effect of Boat Wakes vs. Wind (Asplund, 2000)***

*Wave heights depend upon speed, size and draft of boat, but can reach heights of 40-50 cm (15-20 in.) equivalent to storm-induced waves. However, wave heights dissipate rapidly as they move away from the boat, while wind waves increase with larger distances. Therefore, river systems, channels connecting lakes, and small lakes are likely to be most influenced by boat-induced waves, as boats may operate relatively close to shore and wind-induced waves are reduced. Shoreline erosion has been documented in river systems and has been attributed to frequency and proximity of boat traffic.*

At the AMLAC Annual Meeting on February 16, 2005 a member of the Medicine Lake City Council asked me about physical barriers as a solution. The following is the information I could find:

***Barriers as a solution (Asplund 2000)***

*Many lake communities have established no-wake ordinances at 100 feet from shore or more. Seawalls and riprap have been used extensively in lakes and rivers to prevent shoreline erosion; however, these engineering approaches have little wildlife value and are expensive.*

A question was asked by the Medicine Lake City Council Member about using scrap tree branches as a barrier. Brian Vlach, Limnologist, from Three Rivers Parks District made the following observation: A similar method was used on Lake Minnetonka (to protect shoreline from erosion). Both snow fence and silt fence were used to dissipate wave action created from boats. The attempt to dissipate boat waves required a significant amount of maintenance that ultimately was unsuccessful. Brian also commented on other barriers such as the one used at French Park Beach. The cost of that barrier was about \$20,000, and there is also some maintenance cost associated with it.

Brian went on to say that barriers also present a hazard to water skiers and that the DNR does not commonly approve such barriers, but that DNR does approve bouys on many Minnesota lakes. The purpose of these particular bouys is to prohibit high speed boating through the vegetative areas extending out 100 feet from the edge of the plant beds. A concern was raised about confusion for people using the lake in this area for recreation. Part of the AVM plan is to put up signs explaining the reason that protecting the plants is so important, thus helping to educate our citizens about healthy lake ecology. It would be simple to include a sign at the entrance to the North Arm which includes a map and explanation that boats and skiers may go full speed in the area between the bouys, but that no wakes may be made in the plant beds and 100 feet out from their edge.

A criticism of the plan to create the proposed protection areas by the water ski enthusiast asserts that a no wake zone would not protect the plants because boats would still be able to go slow through the area. (Asplund, Cook 1997) addresses this concern as follows: *"Turbulence from boat propellers has been shown to impinge upon the sediment surface depending upon boat speed, engine size and hull dimensions. Re-suspended sediments may reduce photosynthetic rates, either by increasing light attenuation in the water column or by direct deposition on leaf surfaces. They go on to say that "aquatic vegetation is an integral part of the lake ecosystem, and provides important habitat and food source for fish, macroinvertebrates and waterfowl. However, encouraging the protection of native plant communities often conflicts with the view that plants are a nuisance to be controlled. It may be appropriate to locate no-wake zones in areas with particularly sensitive plant communities."*

The following paragraphs are from the Asplund report 3/17/2000 regarding Aquatic Ecosystems:

***D. Aquatic Macrophytes (Plant communities)***

***Introduction:***

***What do we mean by "aquatic macrophytes?"***

*Aquatic macrophytes are large rooted plants that inhabit the littoral (shallow water) zone of most lakes and rivers. They are usually divided into three categories: submerged, emergent, and floating-leafed species. Common species include coontail, milfoil, elodea, pondweeds (submerged species), bulrushes, reeds, sedges, wild rice, and cattails (emergent), and water lilies, spatterdock, and lotus (floating).*

***Why are aquatic macrophytes important in aquatic ecosystems?***

*Aquatic plants perform many important ecosystem functions, including habitat for fish, wildlife, and invertebrates; stabilization of lake-bottom sediments and shorelines; cycling of nutrients; and food for many organisms. In some lakes, submerged plants grow in abundance, yet they also may compete with algae for nutrients and help maintain better water clarity. Emergent and floating-leaved species may be valued for their aesthetic qualities and help provide a more "natural" buffer between a developed shoreline and the open water.*

***What factors affect aquatic macrophytes?***

*There is considerable variability in plant communities, both within the same lake or river and among similar bodies of water. Macrophyte growth is limited by a number of factors, including light availability, nutrients, wave stress, bottom type, water level fluctuations, and water temperature. The shallow water extent of submerged plant growth is usually limited by bottom conditions and wave stress, while the deep water limit is usually dependent upon light availability. Eutrophication, boat traffic, controlled or raised water levels, shoreline development, invasive species, and rough fish can all have an impact upon aquatic plants, either through changes in abundance or species composition.*

***How might boats affect aquatic macrophytes?***

*Boats may impact macrophytes either directly, through contact with the propeller and boat hull, or indirectly through turbidity and wave damage. Propellers can chop off plant shoots and uproot whole plants if operated in shallow water. Increased turbidity from boat activity may limit the light available for plants and limit where plants can grow. Increased waves may limit growth of emergent species. Finally, boats may transport non-native species, such as Eurasian water milfoil, from one body of water to another.*

***Conclusions:***

***What do we know?***

*Several researchers have documented a negative relationship between boat traffic and submerged aquatic plant biomass in a variety of situations. The primary mechanism appears to be direct cutting of plants, as many have noted floating plants in the water following heavy boat use. Other researchers have determined that scouring of the sediment, uprooting of plants, and increased wave activity may also be factors. Where frequent boat use has created channels or tracks, it was noted that these scoured areas persist for several years.*

***What can we do about it?***

*No-wake zones and restricted motor areas effectively reduce the impact of boats on aquatic plants (Asplund and Cook 1999). Limiting boat traffic in areas with sensitive species or where a large proportion of the plant material is floating or emergent may be a good way to guide boat activity to more appropriate parts of a waterbody. While no-wake zones do not prevent all impacts, they do serve to reduce the overall amount of boat activity in a given area. Basing no-wake zones on water depth or the maximum depth of plant growth may be more useful than those based upon fixed distances from shore.*

Also, Asplund 1997 reported that boat traffic can impact the diversity of plants. Native plants with narrow leaves fared better than those with wide leaves. The theory presented on this finding was that the sediments stirred up by boats settled on the broader leaves, thus providing less light to the broad leaf varieties for photosynthesis.

At the Annual AMLAC Meeting February 16, 2005 President, Jon Eklin asked the membership to raise their hands so we could see membership support For, Against, or Undecided, on passing the change to the wake law to protect the plants. There were about 50 members present at the meeting, and the hands raised for each choice were about equally divided.

A criticism of the EQC meeting that was heard at the AMLAC Annual Meeting was that so many citizens showed up to speak against the no wake law and the EQC passed it anyway and did not listen to the citizens. It was clear to me as a member of AVM, AMLAC board and EQC, that the citizen representation at the EQC meeting was mostly water skiers who are a small special interest group of lake users. The mix

at the AMLAC meeting is a better cross section of all interest groups. I did not see this as different than the special interest group of sailors who came to AMLAC asking us to support them getting their own marina space on the lake. AMLAC did not support the special interest of the sailors to the exclusion of others using the lake. It was interesting that the water-skiers brought this to the attention of the EQC, and were resentful that Three Rivers Parks District built the sailboat marina.

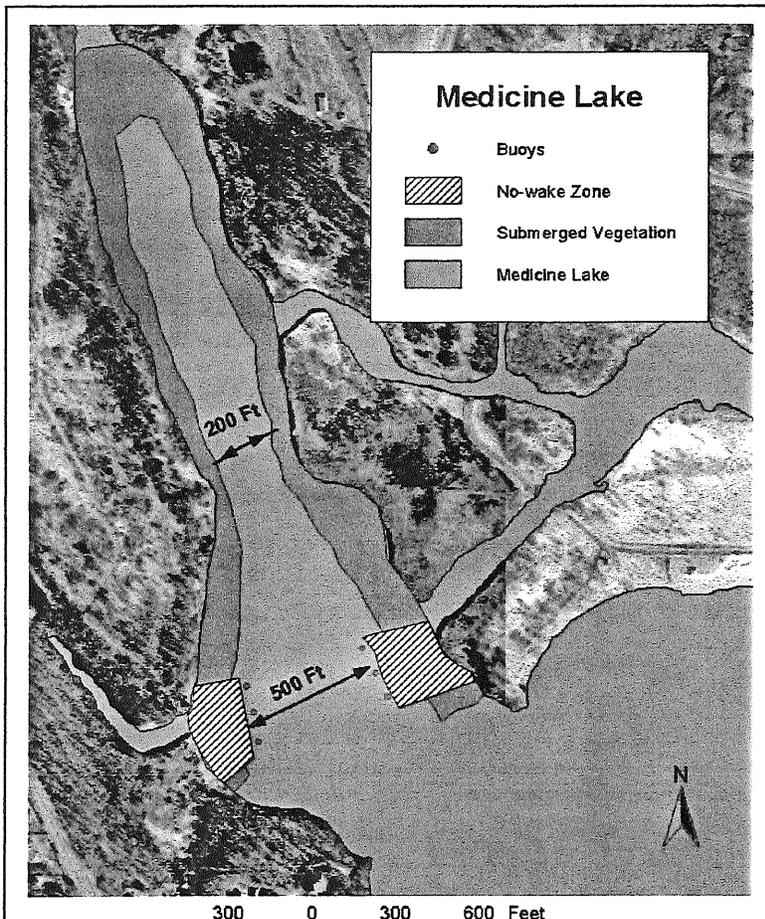
In an article in the February 23, 2005 Star Tribune, Bruce Larson was quoted as saying that the water-skiers avoid the plant beds anyway. Some of the skiers at the EQC meeting made the same point. A question the decision makers might ask then, is why the water ski group is so against protecting the beds that have been recommended for no wake zones when an accommodation has been made for them that provides adequate space for them to continue to ski in the North Arm? See the attached map of the North Arm that measures the area between the protection sites where boats may go full speed. The span is 500feet. The map also indicates further north into the arm where the plant beds narrow down to 200 feet wide.

Hopefully, the decision to protect the healthier plant community that still exists in Medicine Lake will be based on the science and recommendations by the expert water quality specialists that advised us. The other parts of the AVM plan, Control and Restoration have been well accepted by the community. The goal is a healthy lake eco-system.

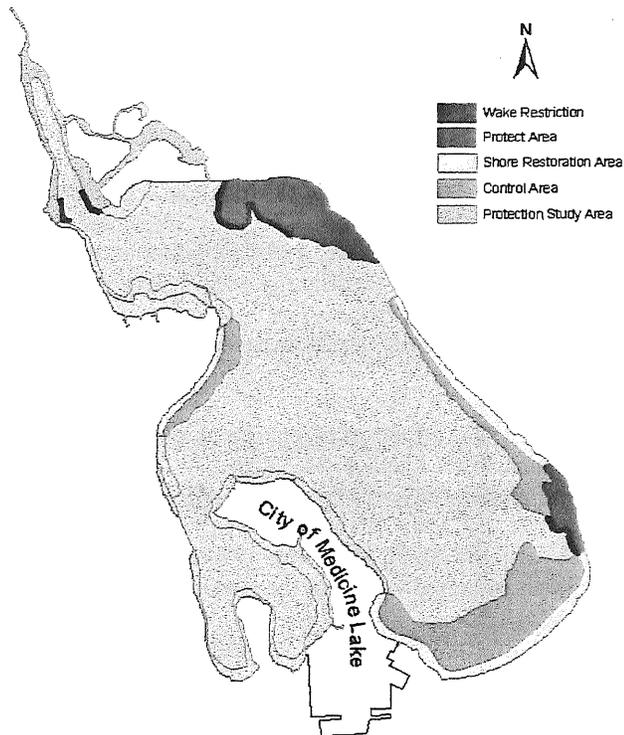
Below are maps of the North Arm Proposed No Wake Zones in Detail, and A Map of the entire lake with all Proposed No Wake Zone Areas.

At the end you will find a bibliography from **The Effects of Motorized Watercraft on Aquatic Ecosystems** by Timothy R. Asplund, March 17, 2000. Wisconsin DNR Bureau of Integrated Science Services and University of Wisconsin Water Chemistry Program PUBL-SS-948-00, which lists all sources used for your further reference.

I would like to thank Brian Vlach and John Barten for their editorial oversight on this summary.



**Medicine Lake  
Aquatic Vegetation Management Plan  
1st Year Implementation**



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# FEASIBILITY REPORT

Medicine Lake Curlyleaf Pondweed  
Control Project  
Plymouth, Minnesota  
City Project No. 4109

February 2005

## EXECUTIVE SUMMARY

Medicine Lake curlyleaf pondweed control project was initiated in 2003, soon after the approval of the Medicine Lake Aquatic Vegetation Management Plan by City of Plymouth and City of Medicine Lake. The objective of the curlyleaf pondweed control in Medicine Lake was to establish a long term management approach to improve the lake's water quality by significantly reducing curlyleaf pondweed. The Minnesota Department of Natural Resources (MN DNR) approved the project for chemical control of curlyleaf pondweed in more than 300 acres of the lake. The first treatment of the three-year program was completed in 2004 and proved very effective. The pre and post treatment surveys have shown an 87% reduction in curlyleaf pondweed. Plan is underway to conduct the second curlyleaf pondweed treatment in the spring of 2005.

Conclusions drawn from studies and investigations are:

1. The continuation of the curlyleaf pondweed three-year control project is feasible, necessary, and cost effective.
2. Curlyleaf pondweed, an invasive aquatic plant specie, requires careful monitoring and control to prevent its excessive growth:
  - a. The first year Curlyleaf Pondweed Control Project has proved very effective in preventing it reaching nuisance growth conditions, as documented in the January 2005 report: Curlyleaf Pondweed Density and Biomass Before and After a 2004 Herbicide Treatment on Medicine Lake
  - b. The treatment also improves Medicine Lake's water quality by reducing curlyleaf pondweed as documented in the January 2005 report: Medicine Lake Endothall Treatment to Control Curlyleaf Pondweed in 2004.
3. If curlyleaf pondweed population in Medicine Lake is not aggressively controlled, it has the potential to reach a nuisance level that could cover most of the shoreline and up to 40% of the total surface area of the lake, inhibiting lake's water quality and recreational use.

Based on these reports and their conclusions, we recommend:

1. Implement the second and the third year curlyleaf pondweed control in Medicine Lake.

## BACKGROUND

Medicine Lake is an important resource within the City of Plymouth that receives a considerable amount of recreational use. The City of Plymouth developed a Water Resources Management Plan in 2000 that identified Medicine Lake as a high priority resource that requires water quality improvements and determined that curlyleaf pondweed is a significant factor degrading the in-lake water quality. Curlyleaf pondweed is an exotic species that typically competes with other native plant species because of its unique life cycle. According to preliminary aquatic plant surveys in the spring, Medicine Lake has approximately 30% to 40% surface area coverage of curlyleaf pondweed with nuisance growth conditions.

The plant germinates from turions (seed structures) in early fall when most native plants have died back. It then grows slowly during the winter months, rapidly in early Spring, reaches maturity in early June, and it begins to die-off (called senescence) after the completion of turion production by the end of June or early July. The senescence of curlyleaf pondweed releases nutrients that can frequently promote algae blooms. The senescence of curlyleaf pondweed exacerbates the eutrophication process by causing poor water quality conditions earlier in the season.

The aquatic vegetation monitoring and inventories conducted by Three Rivers Park District, Blue Water Science, and the US Army Corps of Engineers have all concluded that the first year treatment has been very effective in controlling the curlyleaf pondweed growth. The 2004 pre and post treatment surveys show an 87% reduction in curlyleaf pondweed. The 2004 Medicine Lake water quality monitoring conducted by the Three Rivers Park District also shows that the annual curlyleaf pondweed die-off can degrade the water quality by releasing more than 1,000 lbs of phosphorus into the lake.

## DESIGN OPTIONS

A primary initiative of the Medicine Lake subcommittee was the formation of a Medicine Lake Aquatic Vegetation Management Group (AVM). The group consisted of members from the City of Plymouth Engineering Department, Three Rivers Park District, Minnesota Department of Natural Resources (MN DNR), Bassett Creek Watershed District, Association of Medicine Lake Area Citizens (AMLAC), City of Medicine Lake, and several lakeshore residents. The AVM group developed an aquatic plant management plan to control exotic species and promote the growth of native species as an effort to improve water quality conditions for Medicine Lake.

The curlyleaf pondweed control plan was developed by the Aquatic Vegetation Management Group. The plan to chemically treat the entire littoral zone (shallow vegetative areas) of the lake with an aquatic herbicide (Endothall) had not been previously considered as a viable management approach because State rules and regulations limit herbicide applications to 15% of the lake littoral area. Monitoring data (water quality data and aquatic plant vegetation surveys) was provided to demonstrate the potential impact curlyleaf pondweed has on Medicine Lake water quality. The data was used to request a variance from the MN DNR to allow for an herbicide application for the entire littoral area. The MN DNR approved the project and granted a three-year variance (April 5, 2004) to the City of Plymouth for chemical control of curlyleaf pondweed in an area greater than 15% of the littoral area for Medicine Lake.

The treatment of curlyleaf in the entire lake's littoral zone has not been done before. This project is being closely monitored and it is hoped to establish guidelines for future efforts on other lakes. Historically, curlyleaf pondweed management strategies have been primarily short-term approaches that temporarily control nuisance growth conditions to increase recreational use. Very few projects have considered a long-term management approach to control curlyleaf pondweed.

The objective of this long-term management approach is to improve water quality conditions by reducing the amount of curlyleaf pondweed. Reducing the internal nutrient loading from curlyleaf pondweed senescence can improve water clarity conditions that encourage native plant growth. Establishing a diverse native plant community can potentially inhibit the growth of curlyleaf pondweed and extend the longevity of the control programs. The curlyleaf pondweed treatment is anticipated to lower the in-lake summer average phosphorus concentration from the existing estimated 50 ppm to the mid 40's. This reduction will be a significant move toward the in-lake summer average phosphorus concentration goal of 38 ppm for Medicine Lake.

#### PROPOSED IMPROVEMENTS:

The application will follow all of MN DNR's guidelines for herbicide application and will install all necessary signage throughout the project area and public access areas. The contractor will use Global Positioning System (GPS) technology to record all treated areas (about 325 acres). The herbicide treatment must take place when the lake water temperature is between 50 and 60 degrees Fahrenheit. The herbicide treatment, if feasible, will be conducted during mid-week (Tuesday-Thursday) to minimize impact on lake users. Once the herbicide application has begun, it must be completed within seven days.

All property owners with riparian rights have been contacted to give permission for this project. The contractor must clearly mark and identify all those properties consistent with MN DNR guidelines that are not participating in this project to prevent any misapplications

#### ESTIMATED COST

The cost of the herbicide application in 2004 was \$104,835.73. The plan requires the same areas of the lake to be chemically treated and controlled for three years. Therefore, the cost of herbicide treatment for 2005 and 2006 is also estimated to be about \$105,000 for each year. The total cost of the curlyleaf pondweed control project for the three years is estimated to be about \$315,000.

#### PROJECT FINANCING

The 2004 herbicide application was funded through the Water Resources Fund as part of the Medicine Lake Implementation and Management Plan. Bassett Creek Watershed Management Commission (BCWMC) included this project in their implementation program. The BCWMC will hold a public hearing on March 17, 2005 which is required before they can order the project. If BCWMC orders the project the City will be reimbursed for project costs when the funds become available in 2006 and 2007.

# The excerpt below is taken from the Medicine Lake Endothall Treatment to Control Curlyleaf Pondweed in 2004 – Status Report

The primary objective of the long-term management approach to controlling curlyleaf pondweed is improving in-lake water quality conditions. Medicine Lake was monitored bi-weekly to determine seasonal changes in water quality. Typically, Medicine Lake has a characteristic total phosphorus spike that coincides with curlyleaf pondweed senescence (end of June and beginning of July). However, the water quality data in 2004 indicated that there was an increase in phosphorus concentration corresponding to the time period of the treatment (Figure 2). To estimate the amount of phosphorus released from the die-off of curlyleaf pondweed due to the herbicide treatment, the Three Rivers Park District performed phosphorus analysis on the biomass samples collected from the aquatic macrophyte quadrant survey (Table 4). Based on the phosphorus analysis from biomass samples, the die-off of curlyleaf pondweed released approximately 1050 pounds of phosphorus as a consequence of the herbicide treatment (Table 4).

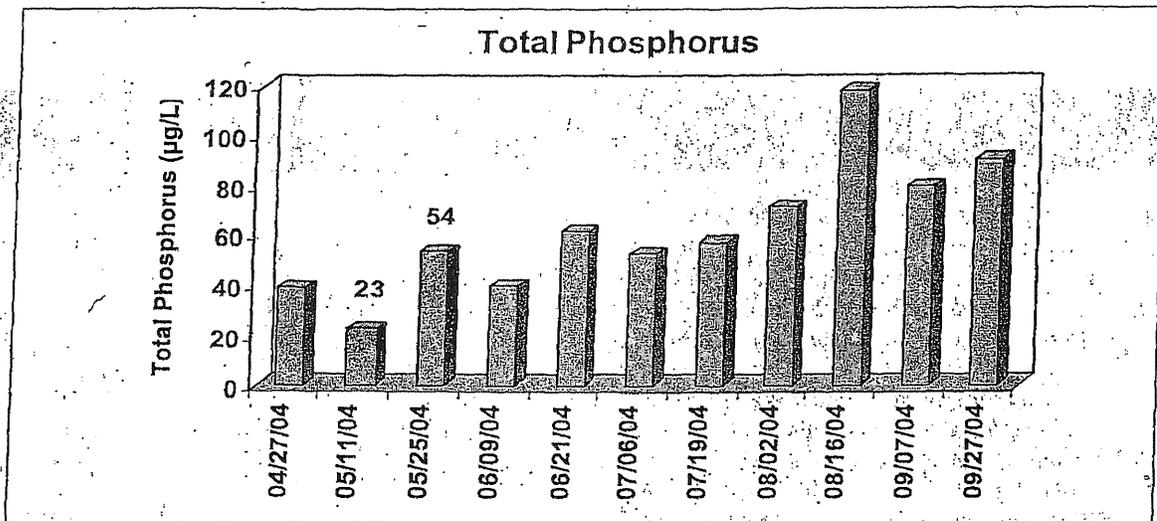


Figure 2: Seasonal changes in total phosphorus concentration for Medicine Lake in 2004.

Table 4: Medicine Lake estimated total phosphorus loading from curlyleaf pondweed in 2004.

Site	Acreage	Average Biomass (g dry wt/m <sup>2</sup> )	Average TP Conc. (mg/g dry wt)	Average (lbs TP/Acre)	TP Loading (pounds)
1	147.3	83.4	4.80	3.19	469.8
2	42.2	92.1	2.29	1.86	78.4
3	136.3	92.8	3.73	3.08	419.7
4	50.0	38.6	4.91	1.65	82.6
Total					1050

The nutrients released from the die-off of curlyleaf pondweed are in a soluble form that is readily available for algae uptake. Typically, Medicine Lake has an algae bloom following curlyleaf pondweed senescence at the end of June or beginning of July. However, the conditions during the early spring treatment were not conducive for the development of an algae bloom. The water temperatures were also relatively cool for several weeks following the treatment inhibiting the growth of algae. Consequently, algae blooms did not develop until early summer when water temperatures were warmer (Figure 3). Water quality conditions after the algae blooms did not improve significantly throughout the remaining portion of the summer due to the high amount of nutrients within the lake. However, it is anticipated that the water quality conditions will improve with the continued efforts to reduce curlyleaf pondweed densities and establish a diverse native plant community.

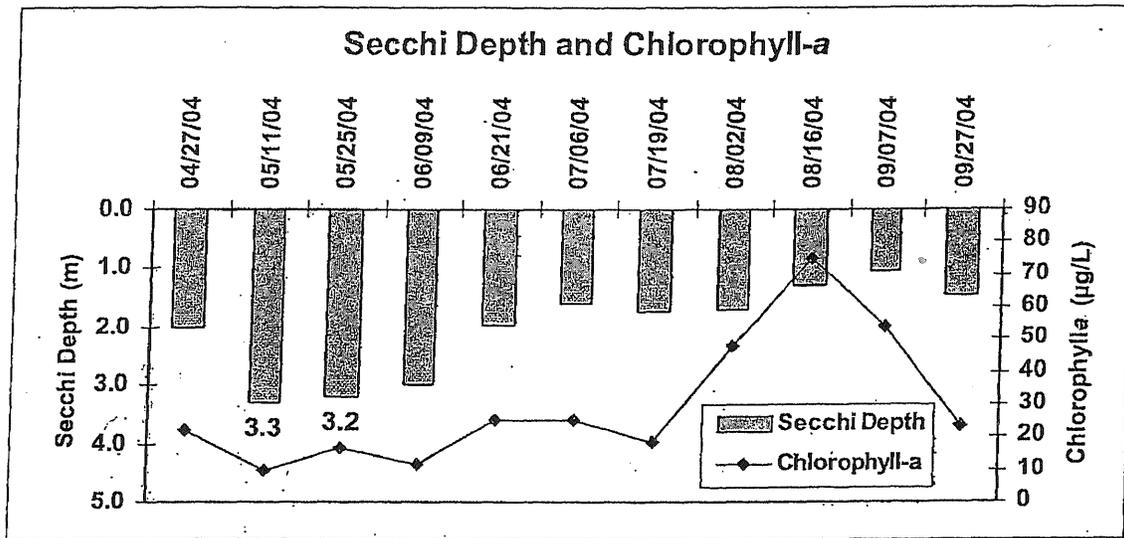


Figure 3: Seasonal changes in secchi depth and chlorophyll-a concentrations for Medicine Lake in

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and Fiscal Analysis**

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# Senate

State of Minnesota

## **S.F. No. 896, Delete-Subcommittee Report-Omnibus Lands Bill**

**Author:** Senator Thomas Bakk

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**Date:** March 23, 2005

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**Section 1 [Scientific and Natural Areas; County Approval]** provides that county approval of scientific and natural areas (SNAs) either at the time they are acquired or when the land is designated. If the land is acquired as a SNA and county approval was obtained, then county approval of the designation is not required. If the land was not acquired as a SNA and county approval was not obtained for the acquisition, then county approval is required for designation. This is from S.F. No. 709 (Bakk), as amended by subcommittee.

**Section 2 [Hunting Trapping, and Fishing; SNAs]** authorizes the Commissioner of Natural Resources to allow hunting, trapping, or fishing in a SNA at the time of designation. This is from S.F. No. 709 (Bakk).

**Section 3 [Amendment to Private Sales of Surplus Land; Scott County]** amends a 2003 private sale of certain state surplus land in Scott County by narrowing the specific wetland restrictions to a specific wetland. This is from S.F. No. 1773 (Robling).

**Section 4 [Private Sale of Con-Con Land; Aitkin County]** allows the Commissioner of Natural Resources to sell certain consolidate conservation (Con-Con) land by private sale. This is from S.F. No. 846 (Saxhaug), as amended by subcommittee.

**Section 5 [Private Sale of Tax-Forfeited Land; Beltrami County]** allows Beltrami County to sell certain tax-forfeited land by private sale. This is from S.F. No. 1527 (Skoe).

**Sections 6 to 9 [Conveyance of Tax-Forfeited Lands Bordering Public Water; Hennepin County]** allows Hennepin County to sell or convey for public use, by cities, certain parcels of tax-forfeited land that border public waters. These sections are from S.F. No. 1508 (Olson).

**Section 10 [Private Sale of Surplus State Land; Hubbard County]** allows the Commissioner of Natural Resources to sell certain state land in Hubbard County by private sale. This is from S.F. No. 896 (Bakk).

**Section 11 [County Environmental Trust Fund; Itasca County]** allows Itasca County to use money in their county environmental trust fund to acquire specific parcels for public access purposes. This is from S.F. No. 845 (Saxhaug), as amended by subcommittee.

**Section 12 [Private Sale of Tax-Forfeited Land Bordering Public Water; Itasca County]** allows Itasca County to sell certain tax-forfeited land bordering public water by private sale. This is from S.F. No. 1188 (Saxhaug).

**Section 13 [Public Sale of Tax-Forfeited Land Bordering Public Water; Itasca County]** allows Itasca County to sell certain tax-forfeited land bordering public water. This is from S.F. No. 1102 (Saxhaug).

**Section 14 [Private Sale of Surplus State Land; Lake County]** allows the Commissioner of Natural Resources to sell certain state land in Lake County by private sale. This is from S.F. No. 896 (Bakk).

**Section 15 [Private Sale of Surplus State Land Bordering Public Water; Roseau County]** allows the Commissioner of Natural Resources to sell certain state land in Roseau County bordering public water by private sale. This is from a subcommittee amendment.

**Section 16 [Public Sale of Tax-Forfeited Land Bordering Public Water; St. Louis County]** allows St. Louis County to sell certain tax-forfeited land bordering public water. This is from S.F. No. 1633 (Bakk).

**Section 17 [Private Sale of Tax-Forfeited Land; St. Louis County]** allows St. Louis County to sell certain tax-forfeited land by private sale. This is from S.F. No. 1633 (Bakk).

**Section 18 [Public Sale of Surplus State Land Bordering Public Water; St. Louis County]** allows the Commissioner of Natural Resources to sell certain state land in St. Louis County bordering public water. This is from a subcommittee amendment.

**Section 19 [Private Sale of Surplus State Land; Wabasha County]** allows the Commissioner of Natural Resources to sell certain state land in Wabasha County by private sale. This is from S.F. No. 896 (Bakk), as amended by subcommittee.

**Section 20 [Private Sale of Tax-Forfeited Land; Washington County]** allows Washington County to sell certain tax-forfeited land by private sale. This is from S.F. No. 1105 (Bachmann).

**Section 21 [Easement on State Land Bordering Public Water; Washington County]** directs the Commissioner of Natural Resources to convey an easement to a specific parcel of land bordering public water in Washington County to certain landowners who acquired land subject to an easement to the land. The easement will allow for one dock to be placed on the land and will expire when the landowner of qualifying land conveys the land to another.

**Section 22 [Repealer]** repeals the current provision requiring county approval of all SNAs prior to designation.

GK:dv

1 To: Senator Marty, Chair

2 Committee on Environment and Natural Resources

3 Senator Saxhaug,

4 Chair of the Subcommittee on Public Lands and Waters, to  
5 which was referred

6 S.F. No. 896: A bill for an act relating to state lands;  
7 authorizing private sale of certain surplus land in Hubbard,  
8 Lake, and Wabasha Counties.

9 Reports the same back with the recommendation that the bill  
10 be amended as follows:

11 Delete everything after the enacting clause and insert:

12 "Section 1. Minnesota Statutes 2004, section 84.033, is  
13 amended by adding a subdivision to read:

14 Subd. 3. [COUNTY APPROVAL.] The commissioner must follow  
15 the procedures under section 97A.145, subdivision 2, when:

16 (1) acquiring land for designation as a scientific and  
17 natural area under this section; and

18 (2) designating land that was not acquired under this  
19 section as a scientific and natural area.

20 Sec. 2. Minnesota Statutes 2004, section 97A.093, is  
21 amended to read:

22 97A.093 [HUNTING, TRAPPING, AND FISHING IN SCIENTIFIC AND  
23 NATURAL AREAS.]

24 Except as otherwise provided by law, scientific and natural  
25 areas are closed to hunting, trapping, and fishing unless:

26 ~~(1) for scientific and natural areas designated before May~~  
27 ~~15, 1992,~~ the designating document allows hunting, trapping, or  
28 fishing; or

29 ~~(2) for other scientific and natural areas,~~ the  
30 commissioner allows hunting, trapping, or fishing in accordance  
31 with the procedure in section 86A.05, subdivision 5, paragraph  
32 (d).

33 Sec. 3. Laws 2003, First Special Session chapter 13,  
34 section 25, is amended to read:

35 Sec. 25. [PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC  
36 WATERS; SCOTT COUNTY.]

37 (a) Notwithstanding Minnesota Statutes, sections 92.45;  
38 94.09; 94.10; 97A.135, subdivision 2a; and 103F.535, the

1 commissioner of natural resources shall sell by private sale the  
2 surplus land bordering public waters that is described in  
3 paragraph (e).

4 (b) The conveyance shall be in a form approved by the  
5 attorney general for consideration of no less than the appraised  
6 value of the land.

7 (c) The deed must contain a restrictive covenant that  
8 prohibits altering, disturbing vegetation in, draining, filling,  
9 or placing any material or structure of any kind on or in the  
10 existing wetland area located on the land; prohibits any  
11 increase in run-off rate or volume from the land or future  
12 buildings into said wetland; and prohibits diverting or  
13 appropriating water from said wetland. This restriction applies  
14 only to the public waters wetland on the land identified on the  
15 public waters inventory map as 70-148W. Other wetlands on the  
16 land are subject to Minnesota Statutes, sections 103G.221 to  
17 103G.2372.

18 (d) The consideration received for the conveyance shall be  
19 deposited in the state treasury and credited to the wildlife  
20 acquisition account in the game and fish fund. The money is  
21 appropriated to the commissioner of natural resources for  
22 wildlife land acquisition purposes.

23 (e) The land that may be sold is in the Prior Lake wildlife  
24 management area in Scott county and is described as:

25 The East 1200 feet of the South 800 feet of the Southwest  
26 Quarter of the Southeast Quarter of Section 22, Township  
27 115 North, Range 22 West. Including the abandoned  
28 right-of-way of the Chicago, Milwaukee, St. Paul and  
29 Pacific Railroad Company (formerly the Hastings and Dakota  
30 Railway Company). Containing 22 acres, more or less.

31 (f) This land no longer fits into the state wildlife  
32 management area system because of hunting limitations, its small  
33 size, and future development planned for the area. Proceeds  
34 from the sale will be used to purchase lands more suitable for  
35 wildlife management and public use.

36 [EFFECTIVE DATE.] This section is effective the day

1 following final enactment.

2 Sec. 4. [PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND;  
3 AITKIN COUNTY.]

4 (a) Notwithstanding the classification and public sale  
5 provisions of Minnesota Statutes, chapters 84A and 282, or other  
6 law to the contrary, the commissioner of natural resources may  
7 sell the consolidated conservation land described in paragraph  
8 (c) to Aitkin County under the remaining provisions of Minnesota  
9 Statutes, chapters 84A and 282.

10 (b) The conveyance must be in a form approved by the  
11 attorney general. The consideration for the conveyance must be  
12 for no less than the appraised value of the land and timber, and  
13 any survey costs. Proceeds shall be disposed of according to  
14 Minnesota Statutes, chapter 84A.

15 (c) The land to be sold is in Aitkin County and is  
16 described as: the North 400 feet of the West 800 feet of the  
17 Northwest Quarter of the Northeast Quarter, Section 22, Township  
18 51, Range 26.

19 Sec. 5. [PRIVATE SALE OF TAX-FORFEITED LAND; BELTRAMI  
20 COUNTY.]

21 (a) Notwithstanding the public sale provisions of Minnesota  
22 Statutes, chapter 282, or other law to the contrary, Beltrami  
23 County may sell by private sale the tax-forfeited land described  
24 in paragraph (c).

25 (b) The conveyance must be in a form approved by the  
26 attorney general. The attorney general may make necessary  
27 changes to the legal description to correct errors and ensure  
28 accuracy.

29 (c) The land to be sold is located in Beltrami County,  
30 contains 4.87 acres more or less, and is described as: a parcel  
31 of land located north of the north right-of-way line of State  
32 Highway 71 in the extreme northeasterly corner of the Northwest  
33 Quarter of the Northeast Quarter, Section 32, Township 148  
34 North, Range 32 West.

35 (d) The county has determined that the county's land  
36 management interests would best be served if the lands were

1 returned to private ownership.

2 Sec. 6. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
3 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

4 Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
5 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
6 subdivision 1, Hennepin County may sell or convey for public use  
7 without monetary consideration to the city of Brooklyn Park, a  
8 governmental subdivision, for an authorized public use for Storm  
9 Water Retention Area, the parcel of tax-forfeited land bordering  
10 public water or natural wetlands containing in excess of 150  
11 feet of frontage on Shingle Creek, that is described in  
12 subdivision 2, under the remaining provisions of Minnesota  
13 Statutes, chapter 282.

14 (b) Any such conveyance shall be subject to restrictions  
15 imposed by the commissioner of the Department of Natural  
16 Resources and subject to the clause for reversion to the state  
17 for failure to use, or abandonment of use for which the  
18 tax-forfeited lands were acquired in Minnesota Statutes, section  
19 282.01.

20 (c) The conveyance must be in a form approved by the  
21 attorney general.

22 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
23 may be conveyed is described as: Unplatted, Section 30,  
24 Township 119, Range 21, the East 187.1 feet of the West 1,182.6  
25 feet of the South 597 feet of the Southwest 1/4 of the Northeast  
26 1/4. Also that part of the Southwest 1/4 of the Northeast 1/4  
27 lying East of the West 1,182.6 feet thereof and lying  
28 southwesterly of Registered Land Survey No. 304.

29 (b) The land described must be sold under the sale  
30 provisions in Minnesota Statutes, section 282.01.

31 (c) Hennepin County has determined that the county's land  
32 management interests would best be served if the lands were  
33 returned to private ownership or conveyed to a governmental  
34 subdivision for an authorized public use.

35 [EFFECTIVE DATE.] This section is effective the day  
36 following final enactment.

1           Sec. 7. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
2 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

3           Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
4 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
5 subdivision 1, Hennepin County may sell or convey for public use  
6 without monetary consideration to the city of Minnetrista, a  
7 governmental subdivision, for an authorized public use for  
8 Preservation of Wetlands and Wildlife, the parcel of  
9 tax-forfeited land bordering public water or natural wetlands  
10 containing in excess of 150 feet of frontage on Painter Creek  
11 and Jennings Bay on Lake Minnetonka, that is described in  
12 subdivision 2, under the remaining provisions of Minnesota  
13 Statutes, chapter 282.

14           (b) Any such conveyance shall be subject to restrictions  
15 imposed by the commissioner of the Department of Natural  
16 Resources and subject to the clause for reversion to the state  
17 for failure to use, or abandonment of use for which the  
18 tax-forfeited lands were acquired as provided in Minnesota  
19 Statutes, section 282.01.

20           (c) The conveyance must be in a form approved by the  
21 attorney general.

22           Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
23 may be conveyed is described as: Outlot 2, Sun Valley.

24           (b) The land described must be sold under the sale  
25 provisions in Minnesota Statutes, section 282.01.

26           (c) Hennepin County has determined that the county's land  
27 management interests would best be served if the lands were  
28 returned to private ownership or conveyed to a governmental  
29 subdivision for an authorized public use.

30           [EFFECTIVE DATE.] This section is effective the day  
31 following final enactment.

32           Sec. 8. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
33 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

34           Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
35 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
36 subdivision 1, Hennepin County may sell or convey to the city of

1 Eden Prairie, a governmental subdivision, for an authorized  
2 public use for wetland purposes, the parcel of tax-forfeited  
3 land bordering public water or natural wetlands containing in  
4 excess of 150 feet of frontage on Lake Idlewild (27-74P), that  
5 is described in subdivision 2, under the remaining provisions of  
6 Minnesota Statutes, chapter 282.

7 (b) Any such conveyance shall be subject to restrictions  
8 imposed by the commissioner of the Department of Natural  
9 Resources and subject to the clause for reversion to the state  
10 for failure to use, or abandonment of use for which the  
11 tax-forfeited lands were acquired as provided in Minnesota  
12 Statutes, section 282.01.

13 (c) The conveyance must be in a form approved by the  
14 attorney general.

15 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
16 may be conveyed is described as Lot 21 except parts platted as  
17 Registered Land Survey No. 895 and Idlewood Lake Addition and  
18 Anderson Idlewild Addition and Anderson's Idleview, Auditor's  
19 Subdivision No. 335, Hennepin County, Minnesota.

20 (b) The land described must be sold under the sale  
21 provisions in Minnesota Statutes, section 282.01.

22 (c) Hennepin County has determined that the county's land  
23 management interests would best be served if the lands were  
24 returned to private ownership or conveyed to a governmental  
25 subdivision for an authorized public use.

26 [EFFECTIVE DATE.] This section is effective the day  
27 following final enactment.

28 Sec. 9. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
29 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

30 Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
31 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
32 subdivision 1, Hennepin County may sell or convey to the city of  
33 Eden Prairie, a governmental subdivision, for an authorized  
34 public use of wetland purposes, the parcel of tax-forfeited land  
35 bordering public water or natural wetlands containing in excess  
36 of 150 feet of frontage on Lake Idlewild (27-74P) or the

1 majority of the parcel under water, that is described in  
2 subdivision 2, under the remaining provisions of Minnesota  
3 Statutes, chapter 282.

4 (b) Any such conveyance shall be subject to restrictions  
5 imposed by the commissioner of the Department of Natural  
6 Resources and subject to the clause for reversion to the state  
7 for failure to use, or abandonment of use for which the  
8 tax-forfeited lands were acquired as provided in Minnesota  
9 Statutes, section 282.01.

10 (c) The conveyance must be in a form approved by the  
11 attorney general.

12 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
13 may be conveyed is described as Outlot A, Anderson Idlewild  
14 Addition.

15 (b) The land described must be sold under the sale  
16 provisions in Minnesota Statutes, section 282.01.

17 (c) Hennepin County has determined that the county's land  
18 management interests would best be served if the lands were  
19 returned to private ownership or conveyed to a governmental  
20 subdivision for an authorized public use.

21 [EFFECTIVE DATE.] This section is effective the day  
22 following final enactment.

23 Sec. 10. [PRIVATE SALE OF SURPLUS STATE LAND; HUBBARD  
24 COUNTY.]

25 (a) Notwithstanding Minnesota Statutes, sections 94.09 and  
26 94.10, the commissioner of natural resources may sell by private  
27 sale the surplus state land that is described in paragraph (c).

28 (b) The conveyance must be in a form approved by the  
29 attorney general. The attorney general may make necessary  
30 changes to the legal description to correct errors and ensure  
31 accuracy.

32 (c) The land that may be sold is located in Hubbard County  
33 and is described as follows:

34 That part of the Northwest Quarter of the Northwest Quarter  
35 of Section 22, Township 142 North, Range 33 West, Hubbard  
36 County, Minnesota, described as follows:

1 Beginning at the northeast corner of said Northwest Quarter  
2 of the Northwest Quarter, being a 3/4 inch rebar with  
3 plastic cap stamped "MN DNR LS 17005" (DNR Monument);  
4 thence on a bearing based on the Hubbard County Coordinate  
5 System of 1983 of North 88 degrees 51 minutes 21 seconds  
6 West, along the north line of said Northwest Quarter of the  
7 Northwest Quarter 253.67 feet to a DNR Monument; thence  
8 South 04 degrees 03 minutes 57 seconds East 132.71 feet to  
9 a DNR Monument; thence South 79 degrees 15 minutes 13  
10 seconds East 248.33 feet to the east line of said Northwest  
11 Quarter of the Northwest Quarter and a DNR Monument; thence  
12 North 00 degrees 05 minutes 06 seconds East along the east  
13 line of said Northwest Quarter of the Northwest Quarter  
14 173.61 feet to the point of beginning, containing 0.87  
15 acres.

16 (d) The sale would resolve a long-standing unintentional  
17 trespass.

18 Sec. 11. [COUNTY ENVIRONMENTAL TRUST FUND; ITASCA COUNTY.]

19 (a) Notwithstanding Laws 1998, chapter 389, article 16,  
20 section 31, subdivision 4, as amended, Itasca County may spend  
21 money in the Itasca County environmental trust fund to acquire  
22 the land described in paragraph (b) for public access purposes.

23 (b) The land to be acquired by Itasca County is described  
24 as:

- 25 (1) parcel number 91-017-1105; and  
26 (2) parcel number 91-017-1102.

27 Sec. 12. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING  
28 PUBLIC WATER; ITASCA COUNTY.]

29 (a) Notwithstanding Minnesota Statutes, sections 92.45 and  
30 282.018, subdivision 1, and the public sale requirements of  
31 Minnesota Statutes, chapter 282, Itasca County may sell by  
32 private sale the tax-forfeited land bordering public water that  
33 is described in paragraph (c), under Minnesota Statutes, section  
34 282.01, subdivision 7.

35 (b) The conveyance must be in a form approved by the  
36 attorney general for the appraised value of the land and include

1 conditions that the existing structures must be removed within  
2 one year of the sale and a conservation easement be retained on  
3 the parcel.

4 (c) The land to be sold is located in Itasca County and is  
5 described as: Government Lot 9, Section 19, Township 60 North,  
6 Range 26 West.

7 (d) The county has determined that the county's land  
8 management interests would be best served if the lands were  
9 returned to private ownership.

10 Sec. 13. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING  
11 PUBLIC WATER; ITASCA COUNTY.]

12 (a) Notwithstanding Minnesota Statutes, sections 92.45 and  
13 282.018, subdivision 1, Itasca County may sell the tax-forfeited  
14 land described in paragraph (c) by public sale, under the  
15 remaining provisions of Minnesota Statutes, chapter 282.

16 (b) The conveyance must be in a form approved by the  
17 attorney general for the appraised value of the land.

18 (c) The land to be sold is located in Itasca County and is  
19 described as:

20 (1) that part lying west of Highway 65 of the Northwest  
21 Quarter of the Northeast Quarter, Section 13, Township 53 North,  
22 Range 23 West;

23 (2) the undivided 1/24th interest in the Northeast Quarter  
24 of the Southwest Quarter, Section 13, Township 56 North, Range  
25 25 West;

26 (3) the undivided 1/24th interest in the Northwest Quarter  
27 of the Northwest Quarter, Section 13, Township 56 North, Range  
28 25 West; and

29 (4) the West 200 feet of the East Half of Government Lot 4,  
30 Section 23, Township 58 North, Range 24 West.

31 (d) The county has determined that the county's land  
32 management interests would be best served if the lands were  
33 returned to private ownership.

34 Sec. 14. [PRIVATE SALE OF SURPLUS STATE LAND BORDERING  
35 PUBLIC WATER; LAKE COUNTY.]

36 (a) Notwithstanding Minnesota Statutes, sections 92.45,

1 94.09, and 94.10, the commissioner of natural resources may sell  
2 by private sale the surplus state land bordering public water  
3 that is described in paragraph (c).

4 (b) The conveyance must be in a form approved by the  
5 attorney general. The conveyance shall reserve a conservation  
6 easement to ensure protection of the fish and wildlife shoreline  
7 habitat. The attorney general may make necessary changes to the  
8 legal description to correct errors and ensure accuracy.

9 (c) The land that may be sold is located in Lake County and  
10 is described as follows: an undivided 1/16th interest in  
11 Government Lot 7, Section 31, Township 63 North, Range 11 West.

12 (d) The sale would allow the combination of the 1/16  
13 interest with the remaining 15/16 interest.

14 Sec. 15. [PRIVATE SALE OF SURPLUS STATE LAND BORDERING  
15 PUBLIC WATER; ROSEAU COUNTY.]

16 (a) Notwithstanding Minnesota Statutes, sections 92.45,  
17 94.09, 94.10, and 97A.135, subdivision 2a, the commissioner of  
18 natural resources may sell by private sale the surplus state  
19 land bordering public waters that is described in paragraph (c).

20 (b) The conveyance must be in a form approved by the  
21 attorney general. The attorney general may make necessary  
22 changes to the legal description to correct errors and ensure  
23 accuracy.

24 (c) The land that may be sold is located in Roseau County  
25 and is described as: The southerly 396 feet, south of the south  
26 bank of the Roseau River, of the Southwest Quarter of the  
27 Northeast Quarter of Section 32, in Township 163 North, Range 40  
28 West of the Fifth Principal Meridian in Roseau County,  
29 Minnesota. Said tract of land contains 9.29 acres, more or less.

30 (d) The department has determined that the public interest  
31 is best served if the property were to be conveyed to the Roseau  
32 River Watershed District to allow for completion of the  
33 district's flood control management plan.

34 Sec. 16. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING  
35 PUBLIC WATER; ST. LOUIS COUNTY.]

36 (a) Notwithstanding Minnesota Statutes, sections 92.45 and

1 282.018, subdivision 1, St. Louis County may sell the  
2 tax-forfeited lands bordering public water that are described in  
3 paragraphs (c) to (g), under the remaining provisions of  
4 Minnesota Statutes, chapter 282.

5 (b) The conveyances must be in a form approved by the  
6 attorney general. The attorney general may make necessary  
7 changes to legal descriptions to correct errors and ensure  
8 accuracy.

9 (c) The land to be sold is located in St. Louis County and  
10 is described as:

11 (1) the westerly 400 feet of the easterly 800 feet of Lot  
12 4, Section 13, Township 54 North, Range 17 West; and

13 (2) the West Half of the Northwest Quarter of the Southwest  
14 Quarter, Section 33, Township 51 North, Range 16 West.

15 (d) The conveyances of land under this paragraph must  
16 retain for the state a 150-foot trout stream easement lying 75  
17 feet on each side of the centerline of the stream. The land to  
18 be sold is located in St. Louis County and is described as:

19 (1) the Northeast Quarter of the Northeast Quarter, Section  
20 7, Township 50 North, Range 18 West;

21 (2) the North Half of the Northeast Quarter and the North  
22 Half of the Northwest Quarter, Section 8, Township 50 North,  
23 Range 18 West;

24 (3) the Northwest Quarter of the Northeast Quarter, except  
25 the North Half, and that part of the West 10 acres of the  
26 Northeast Quarter of the Northeast Quarter lying south of Lester  
27 River and the West 10 acres of the Northeast Quarter of the  
28 Northeast Quarter lying north of Lester River, except the North  
29 5 acres, Section 17, Township 51 North, Range 13 West;

30 (4) the Northwest Quarter of the Southeast Quarter, except  
31 the West Half, and the East 165 feet of the West Half of the  
32 Northwest Quarter of the Southeast Quarter, Section 5, Township  
33 51 North, Range 13 West;

34 (5) the East Half of the Southeast Quarter of the Southeast  
35 Quarter, Section 34, Township 58 North, Range 20 West; and

36 (6) Government Lot 2, Section 17, Township 51 North, Range

1 12 West, Wonderland 1st Addition to the town of Duluth, Lot 22,  
2 Block 1.

3 (e) The conveyance of land under this paragraph must  
4 contain a deed restriction that is 75 feet in width along the  
5 shoreline, excluding a 15-foot access strip. The land to be  
6 sold is located in St. Louis County and is described as: Lot 6,  
7 Lot 7, and Lot 8, except the easterly 50 feet, Erickson's Beach,  
8 town of Fayal, Section 27, Township 57 North, Range 17 West.

9 (f) The conveyance of land under this paragraph must  
10 contain a deed restriction that is 75 feet in width along the  
11 shoreline. The land to be sold is located in St. Louis County  
12 and is described as: Lots 64 and 65, Vermilion Dells, 1st  
13 Addition Greenwood, Section 2, Township 62 North, Range 16 West.

14 (g) The conveyances of land under this paragraph must  
15 retain for the state a 150-foot conservation easement lying 75  
16 feet on each side of the centerline of the stream. The land to  
17 be sold is located in St. Louis County and is described as:

18 (1) the Northeast Quarter of the Southeast Quarter, Section  
19 31, Township 52 North, Range 14 West;

20 (2) the Northeast Quarter of the Southwest Quarter, Section  
21 31, Township 52 North, Range 14 West; and

22 (3) the South Half of the Southwest Quarter of the  
23 Southwest Quarter, except the westerly 15 acres, Section 31,  
24 Township 52 North, Range 14 West.

25 (h) The county has determined that the county's land  
26 management interests would best be served if the lands were  
27 returned to private ownership.

28 Sec. 17. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS  
29 COUNTY.]

30 (a) Notwithstanding the public sale provisions of Minnesota  
31 Statutes, chapter 282, or other law to the contrary, St. Louis  
32 County may sell by private sale the tax-forfeited land described  
33 in paragraph (c).

34 (b) The conveyances must be in a form approved by the  
35 attorney general and, except for the parcel under paragraph (c),  
36 clause (4), require the buyers to pay an administration fee to

1 cover expenses incurred by the county. The attorney general may  
2 make necessary changes to legal descriptions to correct errors  
3 and ensure accuracy.

4 (c) The land to be sold is located in St. Louis County and  
5 is described as:

6 (1) the West 335 feet of the South 130 feet of the  
7 Northwest Quarter of the Northeast Quarter, Section 12, Township  
8 63 North, Range 12 West. This parcel contains 1.0 acres more or  
9 less;

10 (2) the westerly 165.00 feet of the southerly 80.00 feet of  
11 the easterly 490.00 feet of the Southeast Quarter of the  
12 Southeast Quarter, Section 14, Township 51 North, Range 14  
13 West. This parcel contains 0.3 acres;

14 (3) Lot 17, Block 5, Lyman Park Division of Duluth;

15 (4) the West 220 feet of the Southwest Quarter of the  
16 Northeast Quarter, Section 11, Township 54 North, Range 15 West;

17 (5) the West 115 feet of the Southeast Quarter of the  
18 Northeast Quarter of Section 32, Township 63 North, Range 12  
19 West, lying north of the centerline of State Trunk Highway 169  
20 and subject to highway right-of-way easement. This parcel  
21 contains 1.2 acres more or less; and

22 (6) the West 115 feet of the Southeast Quarter of the  
23 Northeast Quarter of Section 32, Township 63 North, Range 12  
24 West, lying south of the centerline of State Trunk Highway 169  
25 and subject to highway right-of-way easement. This parcel  
26 contains 2.5 acres more or less.

27 (d) The sales under this section resolve unintentional  
28 occupancy trespasses.

29 Sec. 18. [PUBLIC SALE OF SURPLUS STATE LAND BORDERING  
30 PUBLIC WATER; ST. LOUIS COUNTY.]

31 (a) Notwithstanding Minnesota Statutes, section 92.45, the  
32 commissioner of natural resources may sell by public sale the  
33 surplus land bordering public water that is described in  
34 paragraph (c).

35 (b) The sale must be in a form approved by the attorney  
36 general for consideration no less than the estimated market

1 value of the land. The attorney general may make necessary  
2 changes in the legal description to correct errors and ensure  
3 accuracy.

4 (c) The land to be sold is located in St. Louis County and  
5 described as: the North 10 feet of the Northeast Quarter of the  
6 Northwest Quarter, Section 16, Township 57 North, Range 17 West,  
7 lying east of St. Mary's Lake.

8 (d) The parcel described in paragraph (c) has been under  
9 lease since 1969 in order for the adjoining owner to meet county  
10 zoning standards and the parcel is no longer needed for natural  
11 resources purposes.

12 Sec. 19. [PRIVATE SALE OF SURPLUS STATE LAND; WABASHA  
13 COUNTY.]

14 (a) Notwithstanding Minnesota Statutes, sections 94.09 and  
15 94.10, the commissioner of natural resources may sell by private  
16 sale the surplus state land that is described in paragraph (c).

17 (b) The conveyance must be in a form approved by the  
18 attorney general. The attorney general may make necessary  
19 changes to the legal description to correct errors and ensure  
20 accuracy. Notwithstanding Minnesota Statutes, section 94.10,  
21 the consideration for the conveyance is the estimated value for  
22 the land described in paragraph (c) as of January 1976, adjusted  
23 for inflation using the implicit price deflator for government  
24 consumption expenditures and gross investment for state and  
25 local governments prepared by the Bureau of Economic Analysis of  
26 the United States Department of Commerce for the period starting  
27 with January of 1976 and ending with January of 2005.

28 (c) The land that may be sold is located in Wabasha County  
29 and is described as follows:

30 That part of the South Half of the Southwest Quarter of  
31 Section 14, Township 109 North, Range 10 West, Wabasha County,  
32 Minnesota, lying southerly of the following described center  
33 line:

34 Commencing at the southwest corner of said South Half of  
35 the Southwest Quarter from which the southeast corner of  
36 said South Half of the Southwest Quarter bears East,

1 assumed bearing; thence South 88 degrees 44 minutes East  
2 69.69 feet to the point of beginning; thence North 62  
3 degrees East 72.46 feet; thence North 64 degrees East 48.05  
4 feet; thence East 77.19 feet; thence South 86 degrees East  
5 73.98 feet; thence North 76 degrees East 72.83 feet; thence  
6 North 64 degrees East 75.07 feet; thence North 77 degrees  
7 East 76.52 feet; thence North 85 degrees East 13.74 feet;  
8 thence North 47 degrees East 63.99 feet; thence North 72  
9 degrees East 76.61 feet; thence North 69 degrees East 72.57  
10 feet; thence North 39 degrees East 56.12 feet; thence South  
11 66 degrees East 80.17 feet; thence South 82 degrees East  
12 48.68 feet; thence North 82 degrees East 69.30 feet; thence  
13 South 31 degrees East 81.99 feet; thence South 10 degrees  
14 East 39.39 feet; thence South 12 degrees East 74.13 feet;  
15 thence South 22 degrees East 51.75 feet; thence South 43  
16 degrees East 18.47 feet; thence South 83 degrees East 71.42  
17 feet; thence North 89 degrees East 53.56 feet; thence North  
18 28 degrees East 70.36 feet; thence North 31 degrees East  
19 74.57 feet; thence North 22 degrees East 73.19 feet; thence  
20 North 06 degrees East 52.91 feet; thence North 07 degrees  
21 East 68.58 feet; thence North 14 degrees East 75.72 feet;  
22 thence North 17 degrees East 72.04 feet; thence South 76  
23 degrees East 84.66 feet; thence South 51 degrees East 75.23  
24 feet; thence South 73 degrees East 72.96 feet; thence South  
25 79 degrees East 81.25 feet; thence South 01 degree East  
26 82.11 feet; thence South 05 degrees West 73.45 feet; thence  
27 South 22 degrees East 69.17 feet; thence South 72 degrees  
28 East 70.65 feet; thence South 79 degrees East 56.89 feet;  
29 thence North 79 degrees East 54.55 feet; thence South 37  
30 degrees East 80.95 feet; thence South 26 degrees East 49.79  
31 feet, more or less, to the south line of said South Half of  
32 the Southwest Quarter and there terminating, containing 6.4  
33 acres, more or less.

34 (d) The sale would correct an error in a prior land  
35 acquisition that cut off the existing access route to the  
36 remainder of the adjacent landowner's property.

1           Sec. 20. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING  
2 PUBLIC WATER; WASHINGTON COUNTY.]

3           (a) Notwithstanding Minnesota Statutes, sections 92.45 and  
4 282.018, subdivision 1, and the public sale provisions of  
5 Minnesota Statutes, chapter 282, Washington County may sell the  
6 tax-forfeited land described in paragraph (c) by private sale,  
7 under the remaining provisions of Minnesota Statutes, chapter  
8 282.

9           (b) The conveyance must be in a form approved by the  
10 attorney general for the appraised value of the land.

11           (c) The land to be sold is property ID number  
12 22.032.21.12.0001, located in Washington County, and described  
13 as: the Northwest Quarter of the Northeast Quarter of Section  
14 22, Township 32 North, Range 21 West of the 4th Principal  
15 Meridian, except the following: that part platted as GREEN  
16 VALLEY-2ND PLAT according to the recorded plat thereof. And  
17 also except the South 220 feet of the West 40 feet of said  
18 Northwest Quarter of the Northeast Quarter. And also except the  
19 East 300 feet of the West 750.41 feet of said Northwest Quarter  
20 of the Northeast Quarter. And also except commencing at the  
21 northwest corner of Lot 4, GREEN VALLEY according to the  
22 recorded plat thereof, which point is on the north line of said  
23 Section 22; thence East (North 90 degrees 00 minutes East) along  
24 the north line of said GREEN VALLEY and said north line of  
25 Section 22 a distance of 418 feet to the northeast corner of Lot  
26 7 of said GREEN VALLEY and the point of beginning; thence South  
27 00 degrees 03 minutes East, along the easterly line of said Lot  
28 7, a distance of 295.6 feet to the southeast corner of said Lot  
29 7 and the north line of GREEN VALLEY-2ND PLAT, according to the  
30 recorded plat thereof; thence South 76 degrees 49 minutes East,  
31 along said north line of GREEN VALLEY-2ND PLAT, a distance of  
32 872.7 feet; thence North 54 degrees 37 minutes 30 seconds East a  
33 distance of 202.8 feet; thence North 78 degrees 04 minutes 30  
34 seconds East a distance of 505 feet, more or less, to the shore  
35 of Shields Lake; thence northerly, along the shore of Shields  
36 Lake, a distance of 280 feet, more or less, to said north line

1 of Section 22; thence West along said north line a distance of  
2 1573.16 feet, more or less, to the point of beginning.

3 (d) The county has determined that the county's land  
4 management interests would be best served if the lands were  
5 returned to private ownership.

6 Sec. 21. [EASEMENT ON STATE LAND BORDERING PUBLIC WATER;  
7 WASHINGTON COUNTY.]

8 (a) Notwithstanding Minnesota Statutes, sections 92.45,  
9 94.09, and 94.10, the commissioner of natural resources shall  
10 convey an easement on land bordering public water that is  
11 described in paragraph (c). The easement shall be issued to the  
12 current owners of land who purchased land subject to an easement  
13 on the property described in paragraph (c), and shall allow one  
14 dock on the property for use by the easement holders.

15 (b) The conveyance must be in a form approved by the  
16 attorney general for consideration of the easement preparation  
17 and filing costs, and provide that the easement to a property  
18 owner expires when the current owner conveys to another person  
19 the property that qualified the person for the easement under  
20 paragraph (a). The attorney general may make necessary changes  
21 to the legal description to correct errors and ensure accuracy.

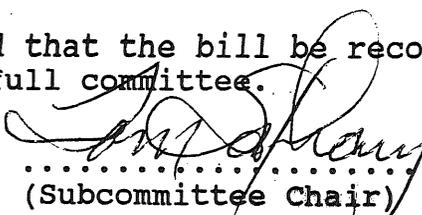
22 (c) The land for which an easement is conveyed is located  
23 in Washington County and is described as:  
24 part of Government Lot 6, Section 5, Township 29, Range 21,  
25 being the South 45 feet lying east of the road, subject to  
26 an easement (lot ID# 05.029.21.41.0001).

27 Sec. 22. [REPEALER.]  
28 Minnesota Statutes 2004, section 84.033, subdivision 2, is  
29 repealed."

30 Delete the title and insert:

31 "A bill for an act relating to natural resources; state  
32 lands; modifying requirements for designation of scientific and  
33 natural areas; authorizing the private sale of certain surplus  
34 state lands; authorizing the public and private sale of certain  
35 tax-forfeited lands bordering public waters; providing for an  
36 easement on state land bordering a public water; amending  
37 Minnesota Statutes 2004, sections 84.033, by adding a  
38 subdivision; 97A.093; Laws 2003, First Special Session chapter  
39 13, section 25; repealing Minnesota Statutes 2004, section  
40 84.033, subdivision 2."

41 And when so amended that the bill be recommended to pass  
42 and be referred to the full committee.

  
.....  
(Subcommittee Chair)

March 21, 2005.....  
(Date of Subcommittee action)

Senators Bakk, Senjem, Saxhaug and Ruud introduced--

S.F. No. 896: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to state lands; authorizing private sale of  
3 certain surplus land in Hubbard, Lake, and Wabasha  
4 Counties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. [PRIVATE SALE OF SURPLUS STATE LAND; HUBBARD  
7 COUNTY.]

8 (a) Notwithstanding Minnesota Statutes, sections 94.09 and  
9 94.10, the commissioner of natural resources may sell by private  
10 sale the surplus state land that is described in paragraph (c).

11 (b) The conveyance must be in a form approved by the  
12 attorney general. The attorney general may make necessary  
13 changes to the legal description to correct errors and ensure  
14 accuracy.

15 (c) The land that may be sold is located in Hubbard County  
16 and is described as follows:

17 That part of the Northwest Quarter of the Northwest Quarter  
18 of Section 22, Township 142 North, Range 33 West, Hubbard  
19 County, Minnesota, described as follows:

20 Beginning at the northeast corner of said Northwest Quarter  
21 of the Northwest Quarter, being a 3/4 inch rebar with  
22 plastic cap stamped "MN DNR LS 17005" (DNR Monument);  
23 thence on a bearing based on the Hubbard County Coordinate  
24 System of 1983 of North 88 degrees 51 minutes 21 seconds  
25 West, along the north line of said Northwest Quarter of the

1 Northwest Quarter 253.67 feet to a DNR Monument; thence  
2 South 04 degrees 03 minutes 57 seconds East 132.71 feet to  
3 a DNR Monument; thence South 79 degrees 15 minutes 13  
4 seconds East 248.33 feet to the east line of said Northwest  
5 Quarter of the Northwest Quarter and a DNR Monument; thence  
6 North 00 degrees 05 minutes 06 seconds East along the east  
7 line of said Northwest Quarter of the Northwest Quarter  
8 173.61 feet to the point of beginning, containing 0.87  
9 acres.

10 (d) The sale would resolve a long-standing unintentional  
11 trespass.

12 Sec. 2. [PRIVATE SALE OF SURPLUS STATE LAND BORDERING  
13 PUBLIC WATER; LAKE COUNTY.]

14 (a) Notwithstanding Minnesota Statutes, sections 92.45,  
15 94.09, and 94.10, the commissioner of natural resources may sell  
16 by private sale the surplus state land bordering public water  
17 that is described in paragraph (c).

18 (b) The conveyance must be in a form approved by the  
19 attorney general. The conveyance shall reserve a conservation  
20 easement to ensure protection of the fish and wildlife shoreline  
21 habitat. The attorney general may make necessary changes to the  
22 legal description to correct errors and ensure accuracy.

23 (c) The land that may be sold is located in Lake County and  
24 is described as follows: an undivided 1/16th interest in  
25 Government Lot 7, Section 31, Township 63 North, Range 11 West.

26 (d) The sale would allow the combination of the 1/16  
27 interest with the remaining 15/16 interest.

28 Sec. 3. [PRIVATE SALE OF SURPLUS STATE LAND; WABASHA  
29 COUNTY.]

30 (a) Notwithstanding Minnesota Statutes, sections 94.09 and  
31 94.10, the commissioner of natural resources may sell by private  
32 sale the surplus state land that is described in paragraph (c).

33 (b) The conveyance must be in a form approved by the  
34 attorney general. The attorney general may make necessary  
35 changes to the legal description to correct errors and ensure  
36 accuracy.

1       (c) The land that may be sold is located in Wabasha County  
2 and is described as follows:

3       That part of the South Half of the Southwest Quarter of  
4 Section 14, Township 109 North, Range 10 West, Wabasha County,  
5 Minnesota, lying southerly of the following described center  
6 line:

7       Commencing at the southwest corner of said South Half of  
8 the Southwest Quarter from which the southeast corner of  
9 said South Half of the Southwest Quarter bears East,  
10 assumed bearing; thence South 88 degrees 44 minutes East  
11 69.69 feet to the point of beginning; thence North 62  
12 degrees East 72.46 feet; thence North 64 degrees East 48.05  
13 feet; thence East 77.19 feet; thence South 86 degrees East  
14 73.98 feet; thence North 76 degrees East 72.83 feet; thence  
15 North 64 degrees East 75.07 feet; thence North 77 degrees  
16 East 76.52 feet; thence North 85 degrees East 13.74 feet;  
17 thence North 47 degrees East 63.99 feet; thence North 72  
18 degrees East 76.61 feet; thence North 69 degrees East 72.57  
19 feet; thence North 39 degrees East 56.12 feet; thence South  
20 66 degrees East 80.17 feet; thence South 82 degrees East  
21 48.68 feet; thence North 82 degrees East 69.30 feet; thence  
22 South 31 degrees East 81.99 feet; thence South 10 degrees  
23 East 39.39 feet; thence South 12 degrees East 74.13 feet;  
24 thence South 22 degrees East 51.75 feet; thence South 43  
25 degrees East 18.47 feet; thence South 83 degrees East 71.42  
26 feet; thence North 89 degrees East 53.56 feet; thence North  
27 28 degrees East 70.36 feet; thence North 31 degrees East  
28 74.57 feet; thence North 22 degrees East 73.19 feet; thence  
29 North 06 degrees East 52.91 feet; thence North 07 degrees  
30 East 68.58 feet; thence North 14 degrees East 75.72 feet;  
31 thence North 17 degrees East 72.04 feet; thence South 76  
32 degrees East 84.66 feet; thence South 51 degrees East 75.23  
33 feet; thence South 73 degrees East 72.96 feet; thence South  
34 79 degrees East 81.25 feet; thence South 01 degree East  
35 82.11 feet; thence South 05 degrees West 73.45 feet; thence  
36 South 22 degrees East 69.17 feet; thence South 72 degrees

1 East 70.65 feet; thence South 79 degrees East 56.89 feet;  
2 thence North 79 degrees East 54.55 feet; thence South 37  
3 degrees East 80.95 feet; thence South 26 degrees East 49.79  
4 feet, more or less, to the south line of said South Half of  
5 the Southwest Quarter and there terminating, containing 6.4  
6 acres, more or less.

7 (d) The sale would correct an error in a prior land  
8 acquisition that cut off the existing access route to the  
9 remainder of the adjacent landowner's property.

1 Senator ..... moves to amend the Report of the Subcommittee  
2 on Environment and Natural Resources (SS0896SUB) to S.F. No. 896  
3 as follows:

4 Page 1, line 14, before "The" insert "(a)"

5 Page 1, line 15, delete the colon

6 Page 1, line 16, delete "(1)"

7 Page 1, line 17, delete "; and" and insert a period

8 Page 1, line 18, delete "(2)" and insert "(b) When"

9 Page 1, line 19, after "area" insert "the commissioner must  
10 obtain approval of the designation by resolution of the board of  
11 the county in which the land is located"

1 Senator ..... moves to amend the Report of the Subcommittee  
2 on Environment and Natural Resources (SS0896SUB) to S.F. No. 896  
3 as follows:

4 Page 10, after line 13, insert:

5 "Sec. 15. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING  
6 PUBLIC WATERS; RICE COUNTY.]

7 (a) Notwithstanding Minnesota Statutes, sections 92.45 and  
8 282.018, subdivision 1, and the public sale provisions of  
9 Minnesota Statutes, chapter 282, Rice County may sell by private  
10 sale the tax-forfeited land bordering public waters described in  
11 paragraph (c), under the remaining provisions of Minnesota  
12 Statutes, chapter 282.

13 (b) The sale must be in a form approved by the attorney  
14 general.

15 (c) The land to be sold is located in Rice County and is  
16 described as: Lots 3, 4, and 5, Block 2, original plat of  
17 Morristown (parcel #20.0331.000).

18 (d) The county has determined that the county's land  
19 management interests would best be served if the lands were  
20 returned to private ownership."

21 Renumber the sections in sequence and correct the internal  
22 references

23 Amend the title accordingly

Senate Counsel, Research,  
and Fiscal Analysis

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# Senate

State of Minnesota

## S.F. No. 789 - Subcommittee Report - Game and Fish

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**Date:** March 11, 2005

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S.F. No. 789 contains a number of changes to the game and fish laws.

**Section 1 [Game and Fish Rules; Tagging and Registration of Fish]** adds the tagging and registration of fish as a purpose for use of the expedited rule process.

**Section 2 [Minnow Definition]** adds willow cats and stonecats to the definition of minnows for the purpose of the game and fish laws.

**Section 3 [Undressed Bird Definition; Turkey]** adds turkey to the birds that may be transported with one leg and foot, fully feathered head, or wing intact.

**Section 4 [Wild Animal Dens, Nests, Houses, or Dams; Commissioner's Authority]** allows the Commissioner of Natural Resources to destroy undesirable or predatory wild animal dens, nests, houses, or dams.

**Sections 5 and 6 [Stamp and Surcharge Revenue; Statutory Appropriations]** appropriate, by statute, game and fish license stamp and surcharge revenue for:

- (1) the small game license surcharge;
- (2) deer and bear license surcharges;
- (3) the migratory waterfowl stamp;
- (4) the trout and salmon stamp;

(5) the pheasant stamp; and

(6) the turkey stamp.

**Section 6, subdivision 3**, also expands the purposes for spending of the trout and salmon stamp revenue.

**Section 7 [Wild Animal Dens, Nests, Houses, or Dams; Permits]** allows the Commissioner of Natural Resources to issue a permit to destroy the dens, nests, houses, or dams of wild animals causing damage to property.

**Section 8 [Replacement Deer Licenses]** broadens the authority for the Commissioner of Natural Resources to provide replacement deer licenses. The replacement license may be issued only when the applicant has not used any tags for the license. The Commissioner may issue the replacement licenses when:

(1) the season for the license has not yet opened;

(2) the person is upgrading from a regular firearms or archery deer license to a deer license that is valid in multiple zones; or

(3) as otherwise prescribed by rule of the Commissioner.

**Section 9 [Resident License Requirements]** specifies that to obtain a resident license a person age 21 and older must possess a current Minnesota driver's license, possess a current Minnesota identification card, or show other evidence of residency when the license or identification card would violate the Religious Freedom Restoration Act of 1993.

**Section 10 [License Period; Nonresidents from Certain States]** makes licenses from certain states invalid for the first two weeks of the fishing season. The restriction does not apply to a licensee who is staying at a hotel, motel, or resort within Minnesota. This section also directs the Commissioner of Natural Resources to specify various fishing zones for nonresident fishing licenses. (Effective the day following final enactment)

**Section 11 [Turkey Hunting; Under Age 12]** allows a person under the age of twelve to hunt turkey if the person is within an arm's reach of their parent or guardian.

**Section 12 [Free Deer License for Tenants; Agricultural Land]** provides that the free deer for tenant of agricultural land may hunt only on the land leased for agricultural purposes.

**Section 13 [Trapping; Turkey Hunting Minimum Age]** specifies that the minimum age for trapping fisher, otter, bobcat, or pine marten is eight. This section also allows a resident

under the age of 12 to apply for a turkey license if they hunt within an arm's reach of their parent or guardian.

**Section 14 [Nonresident under age 16]** requires nonresidents under the age of 16 who fish without a separate license to be accompanied by a parent who has a license. This section also allows nonresidents under age 16 who fish without a license to keep a separate limit of fish when accompanied by a licensed parent. (Effective: March 1, 2006)

**Section 15 [Preference to Service Members]** allows a person, who has served in the active service during the last 24 months, first preference in the selection for hunting and fishing licenses and permits. This preference does not apply to licenses for taking moose, elk, or prairie chicken. (Effective the day following final enactment.)

**Section 16 [Nonresident Licenses]** makes the nonresident family fishing license apply only to a married couple. (Effective: March 1, 2006) This section also requires nonresidents from certain states to purchase the seven-day license to take fish, unless the nonresident is staying at a hotel, motel, or resort within Minnesota.

**Section 17 [Nonresident Fishing Boats]** requires nonresidents from certain states to pay \$250 for a seven-day license for use of inland waters. The fee does not apply to a nonresident who is staying at a hotel, motel, or resort within Minnesota.

**Section 18 [Tagging and Registration of Fish]** allows the Commissioner of Natural Resources to require, by rule, the tagging and registration for taking, possessing, and transporting of certain fish species.

**Section 19 [Permits for Use of Live Ammunition on Birds]** specifies that permits for field trials for use of live ammunition on birds will be issued to organizations. Permits for training hunting dogs will be issued to individuals. This section also specifies the markings that need to be on the birds for use in the field trials or training.

**Section 20 [Trappers Association Certificate]** requires the trappers association providing training to issue a certificate.

**Section 21 [Trapper Education Requirement]** requires persons born after December 31, 1989, and who have not been issued a previous trapping license to have a trapper education certificate to obtain a trapping license.

**Section 22 [M-1 Carbine]** allows a person to use an M-1 carbine to take big game.

**Section 23 [Scopes; Muzzleloaders]** allows scopes to be used on muzzleloaders during the muzzleloader season.

**Section 24 [Laser Sights]** allows a person who is totally blind to use laser sights when participating in an assisted hunting opportunity.

**Sections 25 and 26 [Permit to Snare]** eliminates the special permit requirement for snaring lynx, bobcat, and fox. Snares may be used only as prescribed by the Commissioner of Natural Resources.

**Section 27 [Wild Animal Dens, Nests, Houses, or Dams; Permits]** allows the Commissioner of Natural Resources to issue a permit to destroy the dens, nests, houses, or dams of wild animals causing damage to property.

**Section 28 [Upland Game Bird Season]** allows the Commissioner of Natural Resources to extend upland game bird seasons to January 3.

**Section 29 [Duck Season]** prohibits the opening of regular duck season before the Saturday nearest October 1.

**Section 30 [Restrictions on Waterfowl Hunting on Public Waters]** eliminates the restrictions on taking migratory waterfowl, coots, and rails on open water on rivers and streams that are no more than 100 yards wide.

**Section 31 [Motorized Decoy Ban]** expands the motorized decoy ban to include any motorized device to attract migratory birds, including geese. This section also extends the motorized decoy ban to wildlife management areas for the entire duck season and allows the Commissioner of Natural Resources to close specific public waters to use of motorized decoys at any time during the duck season.

**Section 32 [Tagging Fish]** exempts special fish management tags from the prohibition on marking fish.

**Section 33 [Special Fish Management Tags]** specifies the process for applying for a \$5 fish management tag when a fish management tag is required, by rule.

**Section 34 [Disposal of State Hatchery Products]** expands the provision on disposal of state fish hatchery eggs and fry to include all hatchery products and expands on how the products can be exchanged. Under the changes, hatchery products can be:

- (1) exchanged with other government agencies for any fish and wildlife resources of equal value;
- (2) transferred to colleges or universities for research purposes; or
- (3) sold to a school, museum, or commercial enterprise for education or display purposes, as long as the fair market value of the sales is \$25 or less.

**Section 35 [Fish Measurement]** provides that fish measurement is from the tip of the nose or jaw, whichever longer, to the farthest tip of the tail.

**Section 36 [Bow Fishing or Spearing Rough Fish]** allows a person to use artificial lights to take rough fish by bow or spear. This exception does not apply from April 1 to the opening of walleye season.

**Section 37 [Fishing Season]** extends the end of the fishing season to the last Sunday in February.

**Section 38 [Walleye Limits]** provides that only one walleye over 20 inches may be part of the daily limit.

**Section 39 [Net Limits for Lake of the Woods and Rainy Lake]** eliminates obsolete language on commercial fishing restrictions for Lake of the Woods and Rainy Lake.

**Section 40 [Rules; Conforming Changes]** allows the Commissioner of Natural Resources to use the good cause exemption to amend rules relating to fish length measurement and the end of the fishing season.

**Section 41 [Repealer]** repeals statutory provisions relating to brook trout fishing in forest fire hazard areas, use of live raccoons for dog training, use of all-terrain vehicles and snowmobiles by beaver and otter trappers, Mississippi River fish refuge authorities, and obsolete commercial fishing restrictions on Lake of the Woods and Rainy Lake. This section also repeals agency rules on snare permits.

GK:dv



1 areas, to close seasons and areas, to select hunters for areas,  
2 to provide for tagging and registration of game and fish, to  
3 prohibit or allow taking of wild animals to protect a species,  
4 to prevent or control wildlife disease, and to prohibit or allow  
5 importation, transportation, or possession of a wild animal;

6 (2) sections 84.093, 84.15, and 84.152 to set seasons for  
7 harvesting wild ginseng roots and wild rice and to restrict or  
8 prohibit harvesting in designated areas; and

9 (3) section 84D.12 to designate prohibited invasive  
10 species, regulated invasive species, unregulated nonnative  
11 species, and infested waters.

12 (b) If conditions exist that do not allow the commissioner  
13 to comply with sections 97A.0451 to 97A.0459, the commissioner  
14 may adopt a rule under this subdivision by submitting the rule  
15 to the attorney general for review under section 97A.0455,  
16 publishing a notice in the State Register and filing the rule  
17 with the secretary of state and the Legislative Coordinating  
18 Commission, and complying with section 97A.0459, and including a  
19 statement of the emergency conditions and a copy of the rule in  
20 the notice. The notice may be published after it is received  
21 from the attorney general or five business days after it is  
22 submitted to the attorney general, whichever is earlier.

23 (c) Rules adopted under paragraph (b) are effective upon  
24 publishing in the State Register and may be effective up to  
25 seven days before publishing and filing under paragraph (b), if:

26 (1) the commissioner of natural resources determines that  
27 an emergency exists;

28 (2) the attorney general approves the rule; and

29 (3) for a rule that affects more than three counties the  
30 commissioner publishes the rule once in a legal newspaper  
31 published in Minneapolis, St. Paul, and Duluth, or for a rule  
32 that affects three or fewer counties the commissioner publishes  
33 the rule once in a legal newspaper in each of the affected  
34 counties.

35 (d) Except as provided in paragraph (e), a rule published  
36 under paragraph (c), clause (3), may not be effective earlier

1 than seven days after publication.

2 (e) A rule published under paragraph (c), clause (3), may  
3 be effective the day the rule is published if the commissioner  
4 gives notice and holds a public hearing on the rule within 15  
5 days before publication.

6 (f) The commissioner shall attempt to notify persons or  
7 groups of persons affected by rules adopted under paragraphs (b)  
8 and (c) by public announcements, posting, and other appropriate  
9 means as determined by the commissioner.

10 (g) Notwithstanding section 97A.0458, a rule adopted under  
11 this subdivision is effective for the period stated in the  
12 notice but not longer than 18 months after the rule is adopted.

13 Sec. 2. Minnesota Statutes 2004, section 97A.015,  
14 subdivision 29, is amended to read:

15 Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the  
16 minnow family, Cyprinidae, except carp and goldfish; (2) members  
17 of the mudminnow family, Umbridae; (3) members of the sucker  
18 family, Catostomidae, not over 12 inches in length; (4)  
19 bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not  
20 over seven inches long; and (5) leeches; and (6) tadpole madtoms  
21 (willow cats) and stonecats.

22 [EFFECTIVE DATE.] This section is effective the day  
23 following final enactment.

24 Sec. 3. Minnesota Statutes 2004, section 97A.015,  
25 subdivision 49, is amended to read:

26 Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

27 (1) a bird, excluding migratory waterfowl, pheasant,  
28 Hungarian partridge, turkey, or grouse, with feet and feathered  
29 head intact;

30 (2) a migratory waterfowl, excluding geese, with a fully  
31 feathered wing and head attached;

32 (3) a pheasant, Hungarian partridge, turkey, or grouse with  
33 one leg and foot or the fully feathered head or wing intact; or

34 (4) a goose with a fully feathered wing attached.

35 Sec. 4. Minnesota Statutes 2004, section 97A.045,  
36 subdivision 1, is amended to read:

1 Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall  
2 do all things the commissioner determines are necessary to  
3 preserve, protect, and propagate desirable species of wild  
4 animals. The commissioner shall make special provisions for the  
5 management of fish and wildlife to ensure recreational  
6 opportunities for anglers and hunters. The commissioner shall  
7 acquire wild animals for breeding or stocking and may dispose of  
8 or destroy undesirable or predatory wild animals and their dens,  
9 nests, houses, or dams.

10 Sec. 5. Minnesota Statutes 2004, section 97A.071,  
11 subdivision 2, is amended to read:

12 Subd. 2. [REVENUE FROM SMALL GAME LICENSE SURCHARGE AND  
13 LIFETIME LICENSES.] Revenue from the small game surcharge and  
14 \$6.50 annually from the lifetime fish and wildlife trust fund,  
15 established in section 97A.4742, for each license issued under  
16 sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision  
17 3, shall be credited to the wildlife acquisition account and the  
18 money in the account ~~shall-be-used-by~~ is annually appropriated  
19 to the commissioner only for the purposes of this section, and  
20 acquisition and development of wildlife lands under section  
21 97A.145 and maintenance of the lands, ~~in-accordance-with~~  
22 ~~appropriations-made-by-the-legislature.~~

23 Sec. 6. Minnesota Statutes 2004, section 97A.075, is  
24 amended to read:

25 97A.075 [USE OF LICENSE REVENUES.]

26 Subdivision 1. [DEER, BEAR, AND LIFETIME LICENSES.] (a)  
27 For purposes of this subdivision, "deer license" means a license  
28 issued under section 97A.475, subdivisions 2, clauses (4), (5),  
29 (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and  
30 licenses issued under section 97B.301, subdivision 4.

31 (b) ~~At-least~~ \$2 from each annual deer license and \$2  
32 annually from the lifetime fish and wildlife trust fund,  
33 established in section 97A.4742, for each license issued under  
34 section 97A.473, subdivision 4, ~~shall-be-used~~ is annually  
35 appropriated to the commissioner for deer habitat improvement or  
36 deer management programs.

1 (c) ~~At least~~ \$1 from each annual deer license and each bear  
2 license and \$1 annually from the lifetime fish and wildlife  
3 trust fund, established in section 97A.4742, for each license  
4 issued under section 97A.473, subdivision 4, ~~shall be used~~ is  
5 annually appropriated to the commissioner for deer and bear  
6 management programs, including a computerized licensing system.  
7 Fifty cents from each deer license is appropriated for emergency  
8 deer feeding and wild cervidae health management. Money  
9 appropriated for emergency deer feeding and wild cervidae health  
10 management is available until expended. When the unencumbered  
11 balance in the appropriation for emergency deer feeding and wild  
12 cervidae health management at the end of a fiscal year exceeds  
13 \$2,500,000 for the first time, \$750,000 is canceled to the  
14 unappropriated balance of the game and fish fund. The  
15 commissioner must inform the legislative chairs of the natural  
16 resources finance committees every two years on how the money  
17 for emergency deer feeding and wild cervidae health management  
18 has been spent.

19 Thereafter, when the unencumbered balance in the  
20 appropriation for emergency deer feeding and wild cervidae  
21 health management exceeds \$2,500,000 at the end of a fiscal  
22 year, the unencumbered balance in excess of \$2,500,000 is  
23 canceled and available for deer and bear management programs and  
24 computerized licensing.

25 Subd. 2. [MINNESOTA MIGRATORY WATERFOWL STAMP.] (a) Ninety  
26 percent of the revenue from the Minnesota migratory waterfowl  
27 stamps must be credited to the waterfowl habitat improvement  
28 account. Money in the account ~~may be used~~ is annually  
29 appropriated to the commissioner only for:

30 (1) development of wetlands and lakes in the state and  
31 designated waterfowl management lakes for maximum migratory  
32 waterfowl production including habitat evaluation, the  
33 construction of dikes, water control structures and  
34 impoundments, nest cover, rough fish barriers, acquisition of  
35 sites and facilities necessary for development and management of  
36 existing migratory waterfowl habitat and the designation of

1 waters under section 97A.101;

2 (2) management of migratory waterfowl;

3 (3) development, restoration, maintenance, or preservation  
4 of migratory waterfowl habitat;

5 (4) acquisition of and access to structure sites; and

6 (5) the promotion of waterfowl habitat development and  
7 maintenance, including promotion and evaluation of government  
8 farm program benefits for waterfowl habitat.

9 (b) Money in the account may not be used for costs unless  
10 they are directly related to a specific parcel of land or body  
11 of water under paragraph (a), clause (1), (3), (4), or (5), or  
12 to specific management activities under paragraph (a), clause  
13 (2).

14 Subd. 3. [TROUT AND SALMON STAMP.] (a) Ninety percent of  
15 the revenue from trout and salmon stamps must be credited to the  
16 trout and salmon management account. Money in the account may  
17 be-used is annually appropriated to the commissioner only for:

18 (1) the development, restoration, maintenance, improvement,  
19 protection, and preservation of habitat for trout and salmon in  
20 trout streams and lakes, including, but not limited to,  
21 evaluating habitat; stabilizing eroding stream banks; adding  
22 fish cover; modifying stream channels; managing vegetation to  
23 protect, shade, or reduce runoff on stream banks; and purchasing  
24 equipment to accomplish these tasks;

25 (2) rearing of trout and salmon and, including utility and  
26 service costs associated with coldwater hatchery buildings and  
27 systems; stocking of trout and salmon in streams and lakes and  
28 Lake Superior; and monitoring and evaluating stocked trout and  
29 salmon;

30 (3) acquisition of easements and fee title along trout  
31 waters;

32 (4) identifying easement and fee title areas along trout  
33 waters; and

34 (5) research and special management projects on trout  
35 streams, trout lakes, and Lake Superior and the-anadromous  
36 portions of its tributaries.

1 (b) Money in the account may not be used for costs unless  
2 they are directly related to a specific parcel of land or body  
3 of water under paragraph (a) ~~or~~, to specific fish rearing  
4 activities under paragraph (a), clause (2), or for costs  
5 associated with supplies and equipment to implement trout and  
6 salmon management activities under paragraph (a).

7 Subd. 4. [PHEASANT STAMP.] (a) Ninety percent of the  
8 revenue from pheasant stamps must be credited to the pheasant  
9 habitat improvement account. Money in the account ~~may-be-used~~  
10 is annually appropriated to the commissioner only for:

11 (1) the development, restoration, and maintenance of  
12 suitable habitat for ringnecked pheasants on public and private  
13 land including the establishment of nesting cover, winter cover,  
14 and reliable food sources;

15 (2) reimbursement of landowners for setting aside lands for  
16 pheasant habitat;

17 (3) reimbursement of expenditures to provide pheasant  
18 habitat on public and private land;

19 (4) the promotion of pheasant habitat development and  
20 maintenance, including promotion and evaluation of government  
21 farm program benefits for pheasant habitat; and

22 (5) the acquisition of lands suitable for pheasant habitat  
23 management and public hunting.

24 (b) Money in the account may not be used for:

25 (1) costs unless they are directly related to a specific  
26 parcel of land under paragraph (a), clause (1), (3), or (5), or  
27 to specific promotional or evaluative activities under paragraph  
28 (a), clause (4); or

29 (2) any personnel costs, except that prior to July 1, 2009,  
30 personnel may be hired to provide technical and promotional  
31 assistance for private landowners to implement conservation  
32 provisions of state and federal programs.

33 Subd. 5. [TURKEY STAMPS.] (a) Ninety percent of the  
34 revenue from turkey stamps must be credited to the wild turkey  
35 management account. Money in the account ~~may-be-used~~ is  
36 annually appropriated to the commissioner only for:

1 (1) the development, restoration, and maintenance of  
2 suitable habitat for wild turkeys on public and private land  
3 including forest stand improvement and establishment of nesting  
4 cover, winter roost area, and reliable food sources;

5 (2) acquisitions of, or easements on, critical wild turkey  
6 habitat;

7 (3) reimbursement of expenditures to provide wild turkey  
8 habitat on public and private land;

9 (4) trapping and transplantation of wild turkeys; and

10 (5) the promotion of turkey habitat development and  
11 maintenance, population surveys and monitoring, and research.

12 (b) Money in the account may not be used for:

13 (1) costs unless they are directly related to a specific  
14 parcel of land under paragraph (a), clauses (1) to (3), a  
15 specific trap and transplant project under paragraph (a), clause  
16 (4), or to specific promotional or evaluative activities under  
17 paragraph (a), clause (5); or

18 (2) any permanent personnel costs.

19 Sec. 7. Minnesota Statutes 2004, section 97A.401,  
20 subdivision 5, is amended to read:

21 Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits  
22 may be issued with or without a fee to take protected wild  
23 animals that are damaging property or to remove or destroy their  
24 dens, nests, houses, or dams. A special permit issued under  
25 this subdivision to take beaver must state the number to be  
26 taken.

27 Sec. 8. Minnesota Statutes 2004, section 97A.405,  
28 subdivision 4, is amended to read:

29 Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may  
30 permit licensed firearms deer hunters to change zone, license,  
31 or season options ~~before-the-regular-firearms-deer-season~~  
32 begins. The commissioner may issue a replacement license if the  
33 applicant submits the original firearms deer license and unused  
34 tags that ~~is~~ are being replaced and the applicant pays any  
35 increase in cost between the original and the replacement  
36 license.

1 (b) A replacement license may be issued only if the  
2 applicant has not used any tag from the original license and  
3 meets the conditions of paragraph (c). The original license and  
4 all unused tags for that license must be submitted to the  
5 issuing agent at the time the replacement license is issued.

6 (c) A replacement license may be issued under the following  
7 conditions, or as otherwise prescribed by rule of the  
8 commissioner:

9 (1) when the season for the license being surrendered has  
10 not yet opened; or

11 (2) when the person is upgrading from a regular firearms or  
12 archery deer license to a deer license that is valid in multiple  
13 zones.

14 (d) Notwithstanding section 97A.411, subdivision 3, a  
15 replacement license is valid immediately upon issuance if the  
16 license being surrendered is valid at that time.

17 Sec. 9. Minnesota Statutes 2004, section 97A.405, is  
18 amended by adding a subdivision to read:

19 Subd. 5. [RESIDENT LICENSES.] To obtain a resident  
20 license, a resident 21 years of age or older must:

21 (1) possess a current Minnesota driver's license;

22 (2) possess a current identification card issued by the  
23 commissioner of public safety; or

24 (3) present evidence showing proof of residency in cases  
25 when clause (1) or (2) would violate the Religious Freedom  
26 Restoration Act of 1993, Public Law 103-141.

27 Sec. 10. Minnesota Statutes 2004, section 97A.441,  
28 subdivision 7, is amended to read:

29 Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The  
30 commissioner may issue, without a fee, a license to take an  
31 antlerless deer to a person who is an owner or tenant and is  
32 living and actively farming on at least 80 acres of agricultural  
33 land, as defined in section 97B.001, in deer permit areas that  
34 have deer archery licenses to take additional deer under section  
35 97B.301, subdivision 4. A person may receive only one license  
36 per year under this subdivision. For properties with co-owners

1 or cotenants, only one co-owner or cotenant may receive a  
2 license under this subdivision per year. The license issued  
3 under this subdivision is restricted to the land owned-or leased  
4 for agricultural purposes or owned by the holder of the license  
5 within the permit area where the qualifying land is located.  
6 The holder of the license may transfer the license to the  
7 holder's spouse or dependent. Notwithstanding sections 97A.415,  
8 subdivision 1, and 97B.301, subdivision 2, the holder of the  
9 license may purchase an additional license for taking deer and  
10 may take an additional deer under that license.

11 (b) A person who obtains a license under paragraph (a) must  
12 allow public deer hunting on their land during that deer hunting  
13 season, with the exception of the first Saturday and Sunday  
14 during the deer hunting season applicable to the license issued  
15 under section 97A.475, subdivision 2, clauses (4) and (13).

16 Sec. 11. Minnesota Statutes 2004, section 97A.451,  
17 subdivision 3, is amended to read:

18 Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A  
19 resident under age 16 may not obtain a small game license but  
20 may take small game by firearms or bow and arrow without a  
21 license if the resident is:

22 (1) age 14 or 15 and possesses a firearms safety  
23 certificate;

24 (2) age 13, possesses a firearms safety certificate, and is  
25 accompanied by a parent or guardian; or

26 (3) age 12 or under and is accompanied by a parent or  
27 guardian.

28 (b) A resident under age 16 may take small game by trapping  
29 without a small game license, but a resident 13 years of age or  
30 older must have a trapping license. A resident under age 13 may  
31 trap without a trapping license, but may not trap fisher, otter,  
32 bobcat, or pine marten unless the resident is at least age 8.

33 Sec. 12. Minnesota Statutes 2004, section 97A.451,  
34 subdivision 5, is amended to read:

35 Subd. 5. [NONRESIDENTS UNDER AGE 16.] (a) A nonresident  
36 under the age of 16 may take fish by angling without a license

1 if accompanied by a parent or guardian who has a fishing license.  
 2 ~~Fish-taken-by-a-nonresident-under-the-age-of-16-without-a~~  
 3 ~~license-must-be-included-in-the-limit-of-the-parent-or-guardian-~~

4 (b) A nonresident under age 16 may purchase a nonresident  
 5 fishing license, take fish by angling, and possess a limit of  
 6 fish.

7 [EFFECTIVE DATE.] This section is effective March 1, 2006.

8 Sec. 13. Minnesota Statutes 2004, section 97A.475,  
 9 subdivision 7, is amended to read:

10 Subd. 7. [NONRESIDENT FISHING.] Fees for the following  
 11 licenses, to be issued to nonresidents, are:

12 (1) to take fish by angling, \$34;

13 (2) to take fish by angling limited to seven consecutive  
 14 days selected by the licensee, \$24;

15 (3) to take fish by angling for a 72-hour period selected  
 16 by the licensee, \$20;

17 (4) to take fish by angling for a combined license for a  
 18 family married couple, \$46;

19 (5) to take fish by angling for a 24-hour period selected  
 20 by the licensee, \$8.50; and

21 (6) to take fish by angling for a combined license for a  
 22 married couple, limited to 14 consecutive days selected by one  
 23 of the licensees, \$35.

24 [EFFECTIVE DATE.] This section is effective March 1, 2006.

25 Sec. 14. Minnesota Statutes 2004, section 97A.551, is  
 26 amended by adding a subdivision to read:

27 Subd. 6. [TAGGING AND REGISTRATION.] The commissioner may,  
 28 by rule, require persons taking, possessing, and transporting  
 29 certain species of fish to tag the fish with a special fish  
 30 management tag and may require registration of tagged fish. A  
 31 person may not possess or transport a fish species taken in the  
 32 state for which a special fish management tag is required unless  
 33 a tag is attached to the fish in a manner prescribed by the  
 34 commissioner. The commissioner shall prescribe the manner of  
 35 issuance and the type of tag as authorized under section  
 36 97C.087. The tag must be attached to the fish as prescribed by

1 the commissioner immediately upon reducing the fish to  
 2 possession and must remain attached to the fish until the fish  
 3 is processed or consumed. Species for which a special fish  
 4 management tag is required must be transported undressed.

5 Sec. 15. Minnesota Statutes 2004, section 97B.005,  
 6 subdivision 1, is amended to read:

7 Subdivision 1. [~~FIELD TRAINING; PERMIT-REQUIRED-FOR~~  
 8 ~~CERTAIN-PERIOD.~~] A person may not train hunting dogs afield on  
 9 public lands from April 16 to July 14 ~~except-by-special-permit.~~  
 10 ~~The-commissioner-may-issue-a-special-permit, without-a-fee, to~~  
 11 ~~train-hunting-dogs-afield-on-land-owned-by-the-trainer-or-on~~  
 12 ~~land-that-the-owner-provides-written-permission. The-written~~  
 13 ~~permission-must-be-carried-in-personal-possession-of-the-trainer~~  
 14 ~~while-training-the-dogs.~~

15 Sec. 16. Minnesota Statutes 2004, section 97B.005,  
 16 subdivision 3, is amended to read:

17 Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE  
 18 GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special  
 19 permits, without a fee, ~~to-organizations-and-individuals~~ to use  
 20 firearms and live ammunition on domesticated birds or banded  
 21 game birds from game farms.

22 (b) Permits for holding field trials and may be issued to  
 23 organizations. The permit shall specify the dates and locations  
 24 of the field trial. The commissioner may limit the number of  
 25 dates approved for any organization.

26 (c) Permits for training hunting dogs may be issued to an  
 27 individual.

28 (d) Domesticated birds, other than pigeons, and game farm  
 29 birds used for trials or training under this section must be  
 30 clearly marked with dye or a streamer attached to a leg in a  
 31 manner that makes them visually identifiable prior to being  
 32 taken.

33 Sec. 17. Minnesota Statutes 2004, section 97B.031,  
 34 subdivision 5, is amended to read:

35 Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a)  
 36 Notwithstanding any other law to the contrary, the commissioner

1 may issue a special permit, without a fee, to use a muzzleloader  
 2 with a scope to take deer during the muzzleloader season to a  
 3 person who obtains the required licenses and who has a visual  
 4 impairment. The scope may not have magnification capabilities.

5 (b) The visual impairment must be such that the applicant  
 6 is unable to identify targets and the rifle sights at the same  
 7 time without a scope. The visual impairment and specific  
 8 conditions must be established by medical evidence verified in  
 9 writing by a licensed physician, ophthalmologist, or  
 10 optometrist. The commissioner may request additional  
 11 information from the physician if needed to verify the  
 12 applicant's eligibility for the permit. ~~Notwithstanding section~~  
 13 ~~97A.4187, the commissioner may, in consultation with appropriate~~  
 14 ~~advocacy groups, establish reasonable minimum standards for~~  
 15 ~~permits to be issued under this subdivision.~~

16 (c) A permit issued under this subdivision may be valid for  
 17 up to five years, based on the permanence of the visual  
 18 impairment as determined by the licensed physician,  
 19 ophthalmologist, or optometrist.

20 (d) The permit must be in the immediate possession of the  
 21 permittee when hunting under the special permit.

22 (e) The commissioner may deny, modify, suspend, or revoke a  
 23 permit issued under this subdivision for cause, including a  
 24 violation of the game and fish laws or rules.

25 ~~(e)~~ (f) A person who knowingly makes a false application or  
 26 assists another in making a false application for a permit under  
 27 this subdivision is guilty of a misdemeanor. A physician,  
 28 ophthalmologist, or optometrist who fraudulently certifies to  
 29 the commissioner that a person is visually impaired as described  
 30 in this subdivision is guilty of a misdemeanor.

31 Sec. 18. Minnesota Statutes 2004, section 97B.621,  
 32 subdivision 2, is amended to read:

33 Subd. 2. [PERIOD FOR TREEING RACCOONS.] Notwithstanding  
 34 subdivision 1 and section 97B.005, subdivision 1, a person may  
 35 use dogs to pursue and tree raccoons without killing or  
 36 capturing the raccoons.

1 ~~(1) from January 1 to April 15 and from July 15 to October~~  
2 ~~14, and~~

3 ~~(2) from April 16 to July 14 in raccoon dog field trials~~  
4 ~~under special permit issued by the commissioner under section~~  
5 ~~97B.005, subdivision 1 during the closed season and a license is~~  
6 ~~not required.~~

7 Sec. 19. Minnesota Statutes 2004, section 97B.655,  
8 subdivision 2, is amended to read:

9 Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD  
10 ANIMALS.] The commissioner may issue special permits under  
11 section 97A.401, subdivision 5, to take protected wild animals  
12 that are damaging property or to remove or destroy their dens,  
13 nests, houses, or dams.

14 Sec. 20. Minnesota Statutes 2004, section 97B.805,  
15 subdivision 1, is amended to read:

16 Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person  
17 may not take migratory waterfowl, coots, or rails in open water  
18 unless the person is:

19 (1) within a natural growth of vegetation sufficient to  
20 partially conceal the person or boat; or

21 (2) on a river or stream that is not more than 100 yards in  
22 width; or

23 (3) pursuing or shooting wounded birds.

24 (b) A person may not take migratory waterfowl, coots, or  
25 rails in public waters from a permanent artificial blind or sink  
26 box.

27 Sec. 21. Minnesota Statutes 2004, section 97B.811,  
28 subdivision 3, is amended to read:

29 Subd. 3. [RESTRICTIONS ON LEAVING DECOYS  
30 OVERNIGHT UNATTENDED.] During the open season for waterfowl, a  
31 person may not leave decoys in public waters between sunset and  
32 one hour before lawful shooting hours or leave decoys unattended  
33 during other times for more than two consecutive hours unless:

34 (1) the decoys are in waters adjacent to private land under  
35 the control of the hunter; and

36 (2) there is not natural vegetation growing in water

1 sufficient to partially conceal a hunter.

2 Sec. 22. Minnesota Statutes 2004, section 97B.811,  
3 subdivision 4a, is amended to read:

4 Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From  
5 the opening day of the duck season through the Saturday nearest  
6 October 8, a person may not use a motorized decoy ~~on public~~  
7 ~~waters with visible, moving parts that are above the water~~  
8 surface, or other motorized device designed to attract migratory  
9 birds, to take migratory waterfowl, other than geese. During  
10 the remainder of the duck season, the commissioner may, by rule,  
11 designate all or any portion of a wetland or lake closed to the  
12 use of motorized decoys or motorized devices designed to attract  
13 migratory birds. On water bodies and lands fully contained  
14 within wildlife management area boundaries, a person may not use  
15 motorized decoys or motorized devices designed to attract  
16 migratory birds at any time during the duck season.

17 Sec. 23. Minnesota Statutes 2004, section 97C.085, is  
18 amended to read:

19 97C.085 [PERMIT REQUIRED FOR TAGGING FISH.]

20 A person may not tag or otherwise mark a live fish for  
21 identification without a permit from the commissioner, except  
22 for special fish management tags as authorized under section  
23 97A.551.

24 Sec. 24. [97C.087] [SPECIAL FISH MANAGEMENT TAGS.]

25 Subdivision 1. [TAGS TO BE ISSUED.] If the commissioner  
26 determines it is necessary to require that a species of fish be  
27 tagged with a special fish management tag, the commissioner  
28 shall prescribe, by rule, the species to be tagged, tagging  
29 procedures, and eligibility requirements.

30 Subd. 2. [APPLICATION FOR TAG.] Application for special  
31 fish management tags must be accompanied by a \$5, nonrefundable  
32 application fee for each tag. A person may not make more than  
33 one tag application each year. If a person makes more than one  
34 application, the person is ineligible for a special fish  
35 management tag for that season after determination by the  
36 commissioner, without a hearing.

1 Sec. 25. Minnesota Statutes 2004, section 97C.203, is  
2 amended to read:

3 97C.203 [~~DISPOSAL OF STATE HATCHERY EGGS-OR-FRY~~ PRODUCTS.]

4 The commissioner shall dispose of ~~game-fish-eggs-and-fry~~  
5 fish hatchery products according to the following order of  
6 priorities:

7 (1) distribution of fish eggs and fry to state hatcheries  
8 to hatch fry or raise fingerlings for stocking waters of the  
9 state for recreational fishing;

10 (2) transfer to other government agencies in exchange for  
11 fish or wildlife resources of equal value or private fish  
12 hatcheries in exchange for fish to be stocked in waters of the  
13 state for recreational fishing;

14 (3) ~~sale of-fish-eggs-and-fry~~ to private fish hatcheries or  
15 licensed aquatic farms at a price not less than the fair  
16 wholesale market value, established as the average price charged  
17 at the state's private hatcheries and contiguous states per  
18 volume rates; and

19 (4) transfer to other government agencies, colleges, or  
20 universities for cooperative fish management and research  
21 purposes; and

22 (5) sale of not more than \$25 fair market value to any  
23 school, museum, or commercial enterprise for curriculum  
24 implementation, educational programs, public exhibition, or  
25 cooperative displays.

26 [EFFECTIVE DATE.] This section is effective the day  
27 following final enactment.

28 Sec. 26. Minnesota Statutes 2004, section 97C.327, is  
29 amended to read:

30 97C.327 [MEASUREMENT OF FISH LENGTH.]

31 For the purpose of determining compliance with size limits  
32 for fish in this chapter or in rules of the commissioner, the  
33 length of a fish must be measured from the tip of the nose or  
34 jaw, whichever is longer, to the farthest tip of the tail when  
35 fully extended.

36 Sec. 27. Minnesota Statutes 2004, section 97C.401,

1 subdivision 2, is amended to read:

2 Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided  
3 in paragraphs paragraph (b) and ~~(c)~~, a person may take no more  
4 than one walleye larger than ~~24~~ 20 inches and one northern pike  
5 larger than 30 inches daily.

6 (b) The restrictions in paragraph (a) do not apply to  
7 boundary waters.

8 ~~(c) On Lake of the Woods, a person may take no more than~~  
9 ~~one walleye larger than 19.5 inches and one northern pike larger~~  
10 ~~than 36 inches daily.~~

11 [EFFECTIVE DATE.] This section is effective March 1, 2006.

12 Sec. 28. Minnesota Statutes 2004, section 97C.825,  
13 subdivision 5, is amended to read:

14 Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY  
15 LAKE.] (a) The maximum amount of nets permitted to be licensed  
16 shall be:

17 ~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000-feet-of~~  
18 ~~gill-nets-or 160 submerged trap nets, and 80 fyke or staked trap~~  
19 ~~nets.--licenses-for-submerged-trap-nets-may-be-issued-instead-of~~  
20 ~~licenses-for-gill-nets-in-the-ratio-of-not-more-than-one~~  
21 ~~submerged-trap-net-per-500-feet-of-gill-net,-and-the-maximum~~  
22 ~~permissible-amount-of-gill-nets-shall-be-reduced-by-500-feet-for~~  
23 ~~each-submerged-trap-net-licensed-; and~~

24 ~~(b) (2) in Rainy Lake, 20-pound nets and 20,000-feet-of~~  
25 ~~gill-nets.~~

26 ~~(c) When a licensee has had a license revoked or~~  
27 ~~surrendered, the commissioner shall not be required to issue~~  
28 ~~licenses for the amount of netting previously authorized under~~  
29 ~~the revoked or surrendered license.~~

30 ~~(d) (b) Commercial fishing may be prohibited in the~~  
31 ~~Minnesota portions of international waters when it is prohibited~~  
32 ~~in the international waters by Canadian authorities.~~

33 ~~(e) The commissioner may adopt rules to limit the total~~  
34 ~~amount of game fish taken by commercial fishing operators in~~  
35 ~~Lake of the Woods in any one season and shall apportion the~~  
36 ~~amount to each licensee in accordance with the number and length~~

1 ~~of-nets-licensed.~~

2 Sec. 29. [CONFORMING CHANGES; RULES.]

3 The commissioner may use the good cause exemption under  
4 Minnesota Statutes, section 14.388, subdivision 1, clause (3),  
5 to amend rules to conform to section 26. Minnesota Statutes,  
6 section 14.386 does not apply to the rulemaking under this  
7 section except to the extent provided under Minnesota Statutes,  
8 section 14.388.

9 Sec. 30. [REPEALER.]

10 Minnesota Statutes 2004, sections 88.27; 97B.005,  
11 subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825,  
12 subdivisions 6, 7, 8, and 9, are repealed.

APPENDIX  
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**88.27 FISHING RESTRICTIONS; BROOK TROUT.**

When after investigation the director shall determine that conditions conducive to forest fire hazards exist at any place in the forest areas of the state in the vicinity of any waters frequented by persons taking or attempting to take brook trout and that the presence of persons attracted by the opportunities for taking brook trout in such vicinity tends to aggravate fire hazards the director may by written order with the approval of the director of game and fish, prohibit or restrict, upon such conditions as the director of lands and forestry and the director of game and fish may prescribe, the taking of brook trout in such waters during such period in any year as they may deem necessary for the purpose of reducing such fire hazards.

Every such order, together with the written approval of the director of game and fish appended thereto, shall be filed in the office of the director of lands and forestry and a duplicate thereof filed in the office of the director of game and fish. The director of lands and forestry shall cause a copy of the order and approval to be published at least once in a qualified legal newspaper published at the county seat of each county affected by the order, or in some other legal newspaper of the county, if there be none published at the county seat, and the order shall take effect and be in force in each such county from and after the date of publication therein.

After the taking effect of any such order it shall be unlawful to take or attempt to take brook trout in violation thereof and any person who shall do so shall be guilty of a misdemeanor.

Any such order may be modified or rescinded at any time.

This section shall not be deemed to supersede or repeal any existing law relating to the taking of brook trout, but shall be construed as supplementary thereto. No law relating to the taking of brook trout hereafter enacted shall be construed as inconsistent herewith unless it is expressly provided therein that this section shall be superseded, amended, modified, or repealed, in whole or in part, or unless the future law specifically relates to the subject matter of this section.

**97B.005 TRAINING DOGS.**

Subd. 4. Use of raccoons. The commissioner may issue special permits, without a fee, to possess one raccoon to train dogs for raccoon hunting.

**97B.935 USE OF VEHICLES FOR TRAPPING BEAVER AND OTTER.**

Subdivision 1. General prohibition. Except as provided in this section, a person may not use a snowmobile or an all-terrain vehicle during the open season for beaver or otter, and for two days after the open seasons end, to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts.

Subd. 2. Allowed in designated counties. The commissioner may, by rule, designate counties where snowmobiles and all-terrain vehicles may be used to transport and check beaver and otter traps and to transport beaver or otter carcasses or pelts.

Subd. 3. Special permit for disabled. The commissioner may issue a special permit, in the manner provided in section 97B.055, subdivision 3, to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps or to transport beaver or otter carcasses or pelts to a licensed trapper physically unable to walk as specified in section

APPENDIX  
Repealed Minnesota Statutes for 05-0157

97B.055, subdivision 3.

**97C.015 MISSISSIPPI RIVER FISH REFUGE.**

Subdivision 1. Establishment. The portion of the Mississippi River described in subdivision 3 is a fish refuge when the commissioner concludes a fish refuge agreement with the appropriate state authority in Wisconsin. The agreement must require that a similar fish refuge is established in the Wisconsin waters of the Mississippi River described in subdivision 3.

Subd. 2. Fishing restriction. A person may not take fish from a fish refuge after it is established under this section.

Subd. 3. Location. The location of the fish refuge is the portion of the Mississippi River downstream from lock and dam No. 3 located at milepost 796.9 above the mouth of the Ohio River, to the downstream end of Diamond Island located at milepost 794.8.

**97C.403 RAINY RIVER WALLEYE RESTRICTIONS.**

Subdivision 1. Possession limit. The possession limit for walleyes taken from the Rainy River is six per day.

Subd. 2. Size limit. (a) Except as provided in paragraph (b), only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.

(b) From March 1 until April 14, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches.

Subd. 3. Open season. The open season for walleye in the Rainy River is from May 15 until April 14.

Subd. 4. Commissioner's restrictions. The commissioner shall attempt to negotiate an agreement with the province of Ontario for walleye seasons and limits that substantially comply with subdivisions 1, 2, and 3, and make every effort to bilaterally close the Rainy River during the spawning season between March 1 and April 14. If an agreement is made, the commissioner may, by rule, set different limits and seasons for taking walleyes from the Rainy River in accordance with the agreement, provided the size limits in subdivision 2 are not exceeded.

**97C.825 LAKE OF THE WOODS AND RAINY LAKE FISHING.**

Subd. 6. Walleye limits; Lake of the Woods. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Lake of the Woods in any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	164,000
1985	150,000
1986	135,000
1987	120,000
1988	100,000
1989	80,000
1990	60,000
1991	30,000
1992	0

The allocation of walleye poundage among the licensees shall be determined by rule of the commissioner.

Subd. 7. Walleye limits; Rainy Lake. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in

APPENDIX  
Repealed Minnesota Statutes for 05-0157

any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	14,500
1985	12,500
1986	10,500
1987	8,500
1988	6,500
1989	4,500
1990	2,500
1991	1,000
1992	0

The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by rule of the commissioner.

Subd. 8. Gill nets; Lake of the Woods and Rainy Lake. Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a pound or trap net license for the netting of game fish in accordance with the quota of the licensee.

Subd. 9. Walleye quotas; sale, transfer. An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:

(1) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; and

(2) a walleye wholesale price in the round of \$1.15 per pound. A licensee may elect to receive payment for a sale to the state in a lump sum or in up to four annual installments. A quota sold to the state cancels and is not available for reallocation to another licensee. When a walleye quota is sold to the state and canceled, the gill net license of the licensee is canceled.

## Internet Hunting Bills 2005

### Alabama

S.B. 302 (Biddle) & H.B. 557 (Galliher) Prohibits hunting of tame animals, exotic animals (animals non-indigenous to the state), and the use of remote controlled or computer assisted device. SB 302-2/24/05 Reported favorably from Agriculture, Conservation and Forestry Committee. H.B. 557 - 3/1/05 referred to Natural Resources.

### California

S.B. 1028 (Bowen) makes it unlawful for any person subject to the jurisdiction of this state to take birds or mammals, located both in state and out of state, by means of computer-assisted remote hunting. The bill would also make it unlawful to establish or operate a computer-assisted remote hunting site in this state for the purpose of permitting the taking of any bird or mammal. This bill would make it unlawful to possess or confine any bird or mammal in furtherance of an activity prohibited by the bill, and would also make it unlawful to import or export any bird or mammal, or any part thereof, taken by computer-assisted remote hunting, as provided. On 2/22/05 it was introduced.

### Delaware

H.B. 83 (George) prohibits internet hunting and trapping. This Act bans internet and remote controlled hunting in Delaware. Pursuant to this Act, no person shall shoot at or kill any bird or animal in this State with any gun or other device operated by remote control or accessed via an internet connection. Accessing, regulating access to, or regulating the control of a remotely controlled gun or device capable of being operated in violation of this subsection shall be prima facie evidence of an offense under this Act. 3/17/05: Introduced.

### Hawaii

S.B. 1424 (English) makes it a class C felony to hunt by remote control of a firearm; remotely discharge, by computer or other means, any firearm; discharge a firearm that is not in the immediate presence and physical custody and control of the person discharging it; or place a firearm so that it discharges by operation of a mechanical, electronic, or other device unknowingly activated by an intruder, trespasser, or other person not intending to discharge the firearm. On 2/1/05 it was referred to the Senate Committee on Judiciary and Hawaiian Affairs.

### Maine

L.D. 50 (H.P. 46) (Carr) Ban remote-control hunting. On 1/11/05 it was referred to the Joint Committee on Inland Fisheries and Wildlife.

### New York

S. 2822 (Marcellino) Prohibits the shooting or spearing of targets or animals from a remote location over the internet. Introduced on 2/28/05.

### North Carolina

H.B. 772 (Williams) makes it a class 1 misdemeanor for a person to engage in computer-assisted remote hunting or provide or operate a facility that allows others to engage in computer-assisted remote hunting if the wild animal or wild bird being hunted or shot is located within the state. On 3/17/05 it was introduced.

### **Oregon**

S.B. 389 (Starr) prohibits taking of wildlife on private hunting preserves if weapon is remotely controlled; specifies that hunting includes any direct or indirect use of weapon, regardless of means of controlling weapon; declares emergency, effective on passage. 2/1/05: to The Senate Committee on Environment and Land use.

### **Tennessee**

H.B. 1268 (Tidwell) and S.B. 1505 (Jackson) makes it a class A misdemeanor for a person to engage in computer-assisted remote hunting or to provide or operate facilities for computer-assisted remote hunting if the wildlife being hunted is located in the state. H.B. 1268 was referred to the House Committee on Conservation. **S.B. 1505 passed the Senate.**

S.B. 1895 (Herron) prohibits hunting over the internet and prohibits any person, firm, corporation, restaurant, club or hotel from enabling or hosting, or offering to enable or host, hunting through the Internet. Each violation of this section is a Class A misdemeanor except that a violation of this section involving wildlife valued at \$500 or more is a Class E felony. A person who hunts over the internet will also be prohibited from hunting, fishing, or trapping in Tennessee for at least one year. On 2/8/05 it was referred to the Senate Committee on Environment, Conservation and Tourism.

### **Texas**

H.B. 391 (Todd Smith) Prohibits the use computer-assisted equipment for the hunting or birds or mammals from remote locations.

### **Virginia**

H.B. 2273 (Oder) & S.B. 1083 (Ticer) prohibits operating, providing, selling, or using any device or service that allows a person, not physically present, to remotely control a firearm, weapon, or device to hunt any live animal or bird, or offering to do so. Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. **Sent to governor.**

### **West Virginia**

H.B. 2890 (DeLong) makes it unlawful to hunt or conduct hunts for a fee where the hunter is not in the same physical location as the wildlife. 3/4/05 Introduced.

### **Wisconsin**

A.B. 179 (Gunderson) prohibits any hunter from shooting at a wild animal on a deer or game farm without being physically in possession of the weapon. On 3/10/05 it was introduced.

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## Ron Schara: A shot in the dark

### Ron Schara

Star Tribune

Published December 22, 2004

In the autumn of 1985, Dean Reidt, a bow hunter, was waiting along a deer trail wondering what deer hunters have wondered for generations: How many deer have used this trail when he wasn't here?

In Reidt's case, he would spend all day in a tree stand next to a buck scrape and see nothing. The next day he would see evidence the buck had revisited the scrape.

Wouldn't it be fun to know when?

But how can a bow hunter be in two places at once, in the woods and at home?

Reidt began tinkering with an idea. A 3M engineer (of dental products), Reidt placed a digital clock inside a box that could be attached to a tree. He added a string to place across the deer trail and tied the string to a switch closer connected to the clock.

"What I did was turn a digital clock into a stop watch. When a deer hit the string, the clock would stop," Reidt, 56, recalled the other day.

"So then I knew what time the deer came through and from which direction."

Reidt called his invention the Trail Timer.

Months later, Reidt found himself in the trail timing business. The first order was for 12,000 Trail Timers.

Today, Reidt is recognized as a pioneer in what has become a growing trail camera business. Instead of a string as evidence of their presence, deer and other wildlife are leaving their pictures as they mosey down a trail.

In 1988, Reidt said he initially designed an infrared monitor into a device that pushed the shutter button on a 35-millimeter camera.

"When the animal walks through the infrared beam the shutter was pushed."

Dozens of models, including Reidt's Photo Hunter and EZ-Cam, are now on the market. Most trail cameras utilize infrared technology and 35 mm cameras enclosed in waterproof cases to monitor game trail activities. Prices vary from roughly \$70 to \$300. Models with digital cameras also are being introduced ranging from \$200 to \$600. Reidt said his St. Paul company is working on a digital model but "we don't have a name for it, yet."

"Down the road, I think you'll see trail cameras with wireless transmissions," Reidt said.

Clearly, the idea of seeing what you're missing in the woods is fascinating.

But is such information also an unfair advantage? Some hunters are debating the point but Reidt contends the pictures are fun to see but offer no advantage that jeopardizes a fair-chase hunt.

"You still have to put in your time in the woods; you still have to shoot.

"It may not improve your success but it all adds a new element of excitement to the hunt," Reidt said.

Indeed, the pictures are entertaining and informative, akin to checking tracks in the snow.

This fall, a trail camera near my deer stand provided a few fascinating pictures, including the photo of a giant buck that I had killed the day before the film was developed.

Plus, holy trophy, there was a picture of an even larger whitetail still out there somewhere. Also fun was the tight shot of an inquisitive black bear who stuck his nose into the camera lens as the flash went off.

Reidt said he's seen pictures of just about every critter -- coyotes, mountain lions, bobcats, pine martens and so forth.

"The neatest picture I've seen is a jackrabbit in full stride."

The camera didn't record who was chasing the jackrabbit.

• Trail Timer Game Monitors in St. Paul can be reached by e-mail at [trailtimer@aol.com](mailto:trailtimer@aol.com) or on the phone at 651-738-0925.

*Ron Schara is at [ron@mnbound.com](mailto:ron@mnbound.com)*

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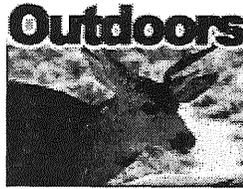
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## State lawmaker moves to ban Internet hunting here

By **Bob Frye**  
TRIBUNE-REVIEW OUTDOORS EDITOR

Thursday, February 24, 2005

John Lockwood has already had more than his 15 minutes of fame.

Now, lawmakers around the country -- including here in Pennsylvania -- are hoping to push him and his company, known as Live Shot, out of the spotlight and out of business.

Lockwood, who lives in San Antonio, Texas, has been interviewed by media outlets from as far away as Russia and Japan over the last few months. All want to know creation, a system that lets hunters, working through their computers at home, shoot at live hogs on the Locksprings ranch using the Internet.

One hunter has already used the system to bag an animal. On Jan. 29, with a German TV camera, a man sitting at a computer in San Antonio shot a feral hog weighing 200 pounds with a rifle. The hunter was hooked up to another computer on a ranch 35 miles away.

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"The hunter hit the button and, whacl gone," Lockwood said.

In the future, Lockwood hopes to allo shoot all kinds of game -- including B from Africa, blackbuck antelope from hogs -- on his ranch, either in person Internet.

Hunters will pay \$150 per hunt, plus animal, which can range as high as \$ additional fees for having someone fi butcher and ship the animal.

Lockwood, though, said his invention making money or appealing to hunte actually get outside.

While his device is open to use by able-bodied people, it was designed with the handicap

"That's what this is intended for, to bring people an opportunity to hunt who don't have an really," Lockwood said.

At least a few people around the country aren't buying that line, however.

Last week, a hacker took over the company's web site, [www.live-shot.com](http://www.live-shot.com). "This is not a reality," read the message on the since-fixed site. "Tech should never be used to kill live.

The Texas Parks and Wildlife Department approved a proposed regulations package for similar to how the Pennsylvania Game Commission sets preliminary seasons and bag limit would prohibit anyone from hunting native species via remote control, said spokesman Tr

That move has the support of the Texas Wildlife Association, the state's largest sportsme organization, which has condemned Internet hunting as unsporting.

Texas state Rep. Todd Smith, meanwhile, has proposed legislation that would prohibit us to hunt any game, native or exotic.

Legislators in Virginia, Hawaii and Maine have introduced bills to ban Internet hunting in t state Rep. Marc Gergely, an Allegheny County Democrat, has done the same thing here.

Gergely, from McKeesport, expressed concern that shooters could operate the system w perhaps be cruel to animals. He also worries that Internet hunting could tarnish the state's heritage.

"I think there are some obvious safety concerns with Internet hunting," Gergely said. "Not that I think almost any genuine outdoorsman would not consider this a legitimate hunt."

Jerry Feaser, press secretary for the Game Commission, said that while that agency has regular hunting via the Internet, he, too, worries about how it might change the way non-f sportsmen.

"Our concern is that this could erode the public's favorable perception of hunting," Feaser

Lockwood, though, said such concerns are misguided. A hunter at an off-ranch site contr true. But it can only be swiveled so far right, left, up or down. No shots or more than 100 possible.

There's always a person on site with the rifle, too. That individual has final authority on w the rifle's electronic and mechanical safeties.

Lockwood has used his live-shot system to let people fire a .22-caliber rifle at paper targe been no mishaps with that, so shooting at live animals should be no different, he said.

His second live animal hunt is scheduled for April 9. A former hunting guide who became after breaking his neck in a diving accident 17 years ago is scheduled to do a hunt from h Indiana.

Lockwood is hoping that lawmakers will let him help other disabled people the same way.

"I think a lot of people don't really understand who this is intended for and how it really w Lockwood said.

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1 Senator ..... moves to amend the Report of the Subcommittee  
2 on Environment and Natural Resources (SS0789SUB) to S.F. No. 789  
3 as follows:

4 Pages 21 and 22, delete section 36 and insert:

5 "Sec. 36. Minnesota Statutes 2004, section 97C.345,  
6 subdivision 2, is amended to read:

7 Subd. 2. [POSSESSION.] (a) Except as specifically  
8 authorized, a person may not possess a spear, fish trap, net,  
9 dip net, seine, or other device capable of taking fish on or  
10 near any waters. Possession includes personal possession and in  
11 a vehicle.

12 (b) A person may possess spears, dip nets, bows and arrows,  
13 and spear guns allowed under section 97C.381 on or near waters  
14 between sunrise and sunset from May 1 to the third Sunday in  
15 February, or as otherwise prescribed by the commissioner."

16 Renumber the sections in sequence and correct the internal  
17 references

18 Amend the title accordingly

1 Senator ..... moves to amend the Report of the Subcommittee  
2 on Environment and Natural Resources (SS0789SUB) to S.F. No. 789  
3 as follows:

4 Pages 4 to 8, delete sections 5 and 6

5 Page 14, delete section 18

6 Page 20, delete section 33

7 Renumber the sections in sequence and correct the internal  
8 references

9 Amend the title as follows:

10 Page 24, line 3, delete everything after the semicolon

11 Page 24, delete line 4

12 Page 24, line 19, delete "appropriating money;"

13 Page 24, line 21, delete "97A.071,"

14 Page 24, line 22, delete "subdivision 2; 97A.075;"

15 Page 24, line 26, delete everything after the semicolon

16 Page 24, line 27, delete everything before "97B.005"

17 Page 24, line 33, delete "chapters" and insert "chapter"

18 Page 24, line 34, delete "97C;"

1 Senator ..... moves to amend the Report of the Subcommittee  
2 on Environment and Natural Resources (SS0789SUB) to S.F. No. 789  
3 as follows:

4 Page 15, line 32, after "classroom" insert "or  
5 correspondence instruction"

1 Senator ..... moves to amend the Report of the Subcommittee  
2 on Environment and Natural Resources (SS0789SUB) to S.F. No. 789  
3 as follows:

4 Page 18, after line 10, insert:

5 "Sec. 25. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING  
6 PROHIBITION.]

7 No person shall operate, provide, sell, use or offer to  
8 operate, provide, sell or use any computer software or service  
9 that allows a person, not physically present at the site, to  
10 remotely control a weapon that could be used to take any wild  
11 animal by remote operation, including, but not limited to,  
12 weapons or devices set up to fire through the use of the  
13 Internet or through a remote control device."

14 Renumber the sections in sequence and correct the internal  
15 references

16 Amend the title accordingly