

Senators Saxhaug, Chaudhary, Pariseau, Frederickson and Bakk introduced--
S.F. No. 789: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to game and fish; modifying certain
3 definitions; providing for disposition and use of
4 certain revenue; providing for special fish management
5 tags; modifying authority to take animals causing
6 damage; modifying use of scopes by visually impaired
7 hunters; modifying certain license requirements;
8 modifying restrictions on taking waterfowl;
9 authorizing rulemaking; modifying requirements for
10 field training hunting dogs; modifying trapping
11 provisions; modifying period for treeing raccoons;
12 modifying restrictions on decoys; modifying
13 disposition of state hatchery products; modifying
14 fishing and commercial fishing provisions; repealing
15 authority for the Mississippi River Fish Refuge;
16 repealing authority to issue certain orders;
17 appropriating money; amending Minnesota Statutes 2004,
18 sections 84.027, subdivision 13; 97A.015, subdivisions
19 29, 49; 97A.045, subdivision 1; 97A.071, subdivision
20 2; 97A.075; 97A.401, subdivision 5; 97A.405,
21 subdivision 4, by adding a subdivision; 97A.441,
22 subdivision 7; 97A.451, subdivisions 3, 5; 97A.475,
23 subdivision 7; 97A.551, by adding a subdivision;
24 97B.005, subdivisions 1, 3; 97B.031, subdivision 5;
25 97B.621, subdivision 2; 97B.655, subdivision 2;
26 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a;
27 97C.085; 97C.203; 97C.327; 97C.401, subdivision 2;
28 97C.825, subdivision 5; proposing coding for new law
29 in Minnesota Statutes, chapters 97C; repealing
30 Minnesota Statutes 2004, sections 88.27; 97B.005,
31 subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825,
32 subdivisions 6, 7, 8, 9.

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

34 Section 1. Minnesota Statutes 2004, section 84.027,
35 subdivision 13, is amended to read:

36 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of
37 natural resources may adopt rules under sections 97A.0451 to
38 97A.0459 and this subdivision that are authorized under:

39 (1) chapters 97A, 97B, and 97C to set open seasons and

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.418, 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 (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-0057,-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
Repealed Minnesota Statutes for 05-0157

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.

1 Senator moves to amend S.F. No. 789 as follows:

2 Page 12, delete lines 35 and 36

3 Page 13, delete lines 1 to 30 and insert:

4 "Subd. 5. [SCOPES; VISUALLY-IMPAIRED-HUNTERS

5 MUZZLELOADERS.] (a) Notwithstanding any other law to the
6 contrary, ~~the commissioner may issue a special permit, without a~~
7 ~~fee, to~~ a person may use a muzzleloader with a scope to take
8 deer during the muzzleloader season ~~to a person who obtains the~~
9 ~~required licenses and who has a visual impairment. The scope~~
10 ~~may not have magnification capabilities.~~

11 ~~(b) The visual impairment must be established by medical~~
12 ~~evidence verified in writing by a licensed physician. The~~
13 ~~commissioner may request additional information from the~~
14 ~~physician if needed to verify the applicant's eligibility for~~
15 ~~the permit. Notwithstanding section 97A.418, the commissioner~~
16 ~~may, in consultation with appropriate advocacy groups, establish~~
17 ~~reasonable minimum standards for permits to be issued under this~~
18 ~~subdivision.~~

19 ~~(c) A permit issued under this subdivision may be valid for~~
20 ~~up to five years.~~

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

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

30 Sec. 18. Minnesota Statutes 2004, section 97B.055,
31 subdivision 3, is amended to read:

32 Subd. 3. [HUNTING FROM VEHICLE BY DISABLED HUNTERS.] (a)
33 The commissioner may issue a special permit, without a fee, to
34 discharge a firearm or bow and arrow from a stationary motor
35 vehicle to a person who obtains the required licenses and who
36 has a permanent physical disability that is more substantial

1 than discomfort from walking. The permit recipient must be:

2 (1) unable to step from a vehicle without aid of a
3 wheelchair, crutches, braces, or other mechanical support or
4 prosthetic device; or

5 (2) unable to walk any distance because of a permanent
6 lung, heart, or other internal disease that requires the person
7 to use supplemental oxygen to assist breathing.

8 (b) The commissioner may issue a special permit, without a
9 fee, to discharge a firearm or bow and arrow from a stationary
10 all-terrain vehicle, as defined under section 84.92, subdivision
11 8, to a person who obtains the required licenses and who has a
12 permanent physical disability that restricts the person's
13 ability to walk but is more substantial than discomfort from
14 walking.

15 (c) The permanent physical disability must be established
16 by medical evidence verified in writing by a licensed physician
17 or chiropractor. The commissioner may request additional
18 information from the physician or chiropractor if needed to
19 verify the applicant's eligibility for the permit.

20 Notwithstanding section 97A.418, the commissioner may, in
21 consultation with appropriate advocacy groups, establish
22 reasonable minimum standards for permits to be issued under this
23 section. In addition to providing the medical evidence of a
24 permanent disability, the applicant must possess a valid
25 disability parking certificate authorized by section 169.345 or
26 license plates issued under section 168.021.

27 ~~(e)~~ (d) A person issued a special permit under this
28 subdivision and hunting deer may take a deer of either sex,
29 except in those antlerless permit areas and seasons where no
30 antlerless permits are offered. This subdivision does not
31 authorize another member of a party to take an antlerless deer
32 under section 97B.301, subdivision 3.

33 ~~(d)~~ (e) A permit issued under this subdivision is valid for
34 five years.

35 ~~(e)~~ (f) The commissioner may deny, modify, suspend, or
36 revoke a permit issued under this section for cause, including a

1 violation of the game and fish laws or rules.

2 ~~(f)~~ (g) A person who knowingly makes a false application or
3 assists another in making a false application for a permit under
4 this section is guilty of a misdemeanor. A physician or
5 chiropractor who fraudulently certifies to the commissioner that
6 a person is permanently disabled as described in this section is
7 guilty of a misdemeanor."

8 Page 14, line 30, reinstate the stricken language and
9 delete the new language

10 Page 14, line 32, delete the new language

11 Page 14, line 33, delete the new language and strike the
12 colon

13 Page 14, line 34, strike everything before "the"

14 Page 14, line 35, strike everything after "hunter"

15 Page 14, strike line 36

16 Page 15, line 1, strike everything before the period

17 ReNUMBER the sections in sequence and correct the internal
18 references

19 Amend the title as follows:

20 Page 1, line 2, delete "game and fish" and insert "natural
21 resources"

22 Page 1, line 6, delete everything after the semicolon

23 Page 1, line 7, delete "hunters" and insert "allowing the
24 use of scopes on muzzleloaders; allowing physically disabled
25 persons to hunt from an all-terrain vehicle"

26 Page 1, line 24, after the second semicolon, insert
27 "97B.055, subdivision 3;"



Department of Natural Resources Fact Sheet



GAME AND FISH OMNIBUS BILL

Summary

This bill will:

1. Provide authority for special fish management tags for tagging harvested fish.
2. Classify willow cats and stonecats as minnows to allow them to be used for bait purposes.
3. Clarify provisions for transporting undressed wild turkey.
4. Clarify authorities for removing dens, nests, houses, or dams of animals.
5. Convert stamp and surcharge account appropriations from direct to statutory.
6. Expand and clarify uses of the trout and salmon stamp account.
7. Expand and clarify conditions for obtaining replacement deer licenses.
8. Specify proof of residency for obtaining resident licenses.
9. Clarify lands where free landowner deer licenses are valid.
10. Set a minimum age of eight years old for trapping "registered" furbearer species that have a season limit (fisher, otter, bobcat, pine marten).
11. Allow nonresident youth under age 16 to take and possess their own limit of fish if their parent or guardian is accompanying them and has a fishing license.
12. Change the nonresident family season fishing license to a nonresident married couple license.
13. Remove the permit requirement for training dogs on private lands during the "nesting season."
14. Modify and clarify conditions for permits to use live ammunition and birds for dog training and field trials.
15. Streamline the permit process for use of scopes during the muzzleloader deer season by visually impaired hunters.
16. Simplify requirements for pursuing and treeing raccoons during the "nesting season."
17. Clarify that it is legal to hunt waterfowl on narrow rivers or streams while not in emergent vegetation.
18. Prohibit leaving decoys unattended during the day in public waters for more than two hours.
19. Tighten existing early season restrictions on use of motorized waterfowl decoys; provide additional restrictions and authorities on certain public lands and waters during the remainder of the season.
20. Clarify provisions on disposition of fish hatchery products.
21. Clarify how fish length is to be legally measured.
22. Change the statewide walleye length limit from one walleye over 24 inches to one over 20 inches.
23. Repeal obsolete language related to brook trout fishing in forest fire hazard areas, use of live raccoons for dog training, use of ATVs and

snowmobiles by beaver and otter trappers, Mississippi River fish refuge authorities, Rainy River walleye restrictions; and commercial fishing provisions for Lake of the Woods and Rainy Lake.

It is needed because

- (1) **The authority for special management species fish tags** will allow improved harvest management for species such as lake sturgeon.

Background: Rulemaking will be used to implement this authority for specific species. Currently, the authority to require that harvested fish be tagged will enable better management relative to the restoration work being done for lake sturgeon on the Minnesota-Ontario border. Lake sturgeon numbers have increased in recent years, but the population is still recovering. As the sturgeon population recovery continues, angling interest has also grown. With large increases in angler numbers, management of this species has become increasingly difficult. Harvest is presently regulated with a size limit and a one fish per year bag limit. Tags will help provide additional data on this fishery. Requiring a tag to harvest certain fish species is a practice similar to that used for years for management of certain wildlife species (e.g. deer, moose, bear, elk, wild turkey, prairie chickens). The language is broad enough that it could be applied to additional species of fish should the need arise in the future.

- (2) **Defining "willow cats" as minnows** will allow continued use of this popular bait.

Background: "Willow cats," also known as tadpole madtoms and stonecats, are small members of the catfish family that are popular baits on the Mississippi and St. Croix Rivers bordering the State of Wisconsin. During the mid-1990's, the Mississippi River was designated as an infested water because of the presence of zebra mussels and the river was closed to the taking of willow cats. This change would allow the taking and transportation of willow cats from Minnesota's inland waters and provide a source for this unique bait.

- (3) **Modifying undressed bird definitions** will clarify the law on possession and transport of wild turkeys.

Background: This proposal clarifies restrictions for transporting wild turkeys.

- (4) **Authorities for removing dens, nests, houses or dams of wild animals** will clarify that authorization to remove these structures can be granted in the same situations where statutes allow taking the animals.

Background: This provision clarifies authorities for existing practices, such as permitting removal of beaver dams that are causing property damage.

- (5) **Converting stamp and surcharge appropriations from direct to statutory** would allow full use of the balances in these accounts for their dedicated purposes.

Background: Under the current system of direct appropriations, balances build up in the various surcharge and stamp accounts because of the inherent uncertainty in projecting anticipated revenues and expenditures. Those balances cannot be utilized until change requests can be approved to adjust those appropriations. As of the close of the FY 2004-05 biennium, balances are projected in each account as follows: Waterfowl Stamp \$195,000; Trout and Salmon Stamp \$291,000; Pheasant Stamp \$457,000; Wild Turkey Stamp \$120,000; Small Game Surcharge for Wildlife Management Areas \$996,000; Deer Habitat Improvement \$556,000; and Deer-Bear Management/Computerized Licensing \$226,000. If this initiative passes, these balances would be used over several years. Citizen oversight committees support using the balances in these accounts on a more timely basis.

- (6) **Expanding and clarifying uses of the trout and salmon stamp account** will provide additional options for use of trout and salmon stamp funds, consistent with citizens' oversight committee support.

Background: This change will enhance the management and propagation of trout and salmon resources in the state. Specifically, it will allow monies to be used to cover improvements and protection of habitat, purchase of equipment to accomplish habitat work, utility and service costs associated with fish propagation facilities, and

expanded monitoring, evaluation, and research. These expanded uses are supported by the citizens' oversight committee that reviews the expenditures of this account

- (7) **Expanding and clarifying conditions for obtaining replacement deer licenses** will increase options for hunters and clarify procedures for exchanging or upgrading deer licenses.

Background: Under current law, hunters may only upgrade firearms deer licenses to a different zone, season, or license option prior to the opening of the first firearms deer season. This proposal will expand this option to archery hunters and will allow all deer hunters to upgrade, even after the first firearms season opens, as long as the season for the license being surrendered has not yet opened or the person is upgrading to a multiple zone license. It also clarifies provisions for surrender of the license and unused tag that are being replaced.

- (8) **Defining proof of residency for obtaining resident licenses** will provide a consistent and fair standard for the issuance of resident licenses.

Background: DNR licensing agents, Conservation Officers, and the public have had different interpretations of proof of residency for the purposes of obtaining resident hunting and fishing licenses. This proposal would make it clear that legal residency for persons 21 years of age and older shall be demonstrated by a current MN Driver's License or a MN Public Safety ID, except in exceptional circumstances where obtaining a picture ID violates a person's religious principles. This will improve agency efforts to provide consistent, quality customer service.

- (9) **Modifying where free landowner deer licenses are valid** will clarify that the intent is to allow use of these licenses on land owned by the license holder or leased for agricultural purposes.

Background: Free landowner deer licenses were authorized beginning in the year 2000 in permit areas where deer populations were high and bonus licenses were available. Current law provides that the licenses are valid on any land owned or leased in the permit area where the qualifying land is located. Some

landowners have been using this license on land leased solely for hunting, not agricultural purposes. This proposal would make it clear that the only leased land where this license would be valid would be land under an agricultural lease.

- (10) **Establishing a minimum age to take registered furbearers (otter, bobcat, fisher, pine marten)** will specify that youth must be at least age eight to take a limit of these species.

Background: The state sets annual harvest limits on these furbearer species that require more intensive management to avoid overharvest. Some trappers claim that children as young as one year old trap these animals, thereby claiming additional limits.

- (11) **Allowing nonresident youth under age 16 to take their own limit of fish** will treat nonresident youth more similarly to residents.

Background: Current law allows nonresident youth under age 16 to fish without a license if their parent or guardian has a license, but does not allow them to take their own limit of fish. This proposal would allow them to take their own limit if accompanied by a parent or guardian with a fishing license.

- (12) **Changing the nonresident family fishing license to a married couple license** will treat nonresidents more similarly to residents and eliminate confusion over the interpretation of "family."

Background: Current law provides for a nonresident family fishing license, but does not define what degree of relationship or age is to be included in "family." No similar license exists for residents. This proposal, in combination with the proposal on nonresident youth fishing limits (see above), will provide for a nonresident married couple license that eliminates the confusion over the term family and treats nonresidents more similarly to residents. Existing law already provides a short-term nonresident married couple license; this proposal would provide a parallel license valid for the entire season.

- (13) **Removing permit requirements for training dogs on private lands during nesting season** will simplify provisions for dog training on private lands and reduce unnecessary paperwork.

Background: Currently, dogs cannot be trained afield during the nesting season from April 16-July 14 without a permit. Dogs not being trained may be afield during this same time without a permit. The DNR has not been denying requests for dog training permits on private lands. This proposal would eliminate the requirement to obtain a permit to train dogs on private lands from April 16-July 14. It would retain the existing permit requirement for training on public lands during this period.

- (14) Clarifying conditions for permits to use live ammunition and birds for dog training and field trials** will differentiate between individuals and organizations and codify marking requirements.

Background: This proposal specifies that permits for field trials will be issued to organizations and permits for training will be issued to individuals. Currently, some individuals are setting up training "clubs" and using them to function similar to a shooting preserve, but without meeting the licensing, acreage, and bird release requirements of a shooting preserve. This proposal will also codify released bird identification requirements that are currently specified in permits, but are not in statute or rule.

- (15) Streamlining issuance of permits for scopes during muzzleloader season** will simplify permitting under this law that was passed in 2004.

Background: This proposal will simplify the process for persons with visual impairments to obtain a permit to use a scoped muzzleloader during the muzzleloader season. This was a new law in 2004 and this change is to streamline the process for applicants and the DNR.

- (16) Eliminating restrictions on pursuing and treeing raccoons during the bird nesting season** will simplify the process for hunters and DNR.

Background: This proposal would eliminate the requirement for a competition hunt permit to run raccoons between April 16-July 14. No problems have been encountered during recent year-round open seasons for raccoon. This proposal would also clarify that no license is required for this activity.

- (17) Providing for shooting waterfowl on narrow rivers or streams** will clarify restrictions on taking waterfowl in open water.

Background: Current statutes prohibit taking waterfowl in open water unless the hunter is at least partially concealed in emergent vegetation. This law prevents the hunting of birds that are rafting and resting in large bodies of open water far from shore. This proposal would make it clear that the requirement to be in emergent vegetation does not apply to narrow rivers or streams where birds cannot raft in large open water areas and where a hunter on shore could shoot to the middle of the water body.

- (18) Prohibiting leaving decoys unattended in public waters** will reduce pre-emption of choice hunting spots.

Background: Current law prohibits leaving waterfowl decoys overnight in public waters, with certain exceptions, but does not prohibit leaving decoys unattended during the day. Some hunters leave decoys for long periods of time during the middle of the day to "hold" hunting spots. The proposal is to limit the amount of time that decoys could be left unattended during the day to no more than two hours.

- (19) Additional restrictions on motorized decoys** will standardize existing law during early season and extend restrictions to specified areas during the remainder of the waterfowl season.

Background: Current law prohibits use of motorized decoys with visible moving parts on public waters during the early part of the duck season (through the Saturday nearest Oct. 8). The early season restriction is to offer some additional protection to Minnesota breeding and young ducks that are most vulnerable to harvest during the early part of the season. Current law applies only on public water and does not apply when hunting geese. These exceptions have caused considerable confusion. This proposal would restrict all use of motorized decoys during the early season (without the exceptions) and would provide for closing other waters during the remainder of the season. The closure of certain areas during the season is to provide some areas where waterfowl hunters using traditional decoying techniques may be more able to successfully hunt, without having to compete with the more

effective motorized decoys. Research in Minnesota found that 4.7 times more mallards were taken when the decoys were turned "on" than when they were turned "off." These findings were similar to studies of spinning-wing decoys in several other states.

- (20) Modifying language on disposition of fish hatchery products** will clarify procedures for distribution of all life stages of fish.

Background: Current laws only cover the disposal of game fish eggs and fry, and do not include other life stages of fish such as fingerlings or adults. This proposal broadens disposition to all fish hatchery products, clarifies transfer to other agencies and institutions, and authorizes sale of nominal values of fish for education, exhibition, or display purposes. These provisions will benefit Minnesota fisheries by facilitating research, outreach, education, and cooperative projects.

- (21) Clarifying measurement of fish length** will assure that consistent methods are used to determine legal size of fish.

Background: Proper determination of fish length is important for assuring compliance with length and slot limits. This proposal clarifies that the method of measuring fish will be from the tip of nose or jaw to tip of the tail, whichever results in the longer measurement. It addresses the fact that some species such as northerns and muskies have a lower jaw that extends beyond the upper nose.

- (22) Changing the statewide walleye length limit from one over 24 inches to one over 20 inches** will increase the release of larger fish.

Background: Anglers have become increasingly sophisticated in both the technology they use and their knowledge of when, where and how to catch fish. This change would reduce the harvest of bigger fish on some lakes, spread the harvest among more anglers on most lakes, and likely increase the voluntary release of big fish. Voluntary release of large fish, for example, increased when the length limit was decreased on Lake Mille Lacs in the early 1990s. This change is not intended to generate trophy fisheries but rather improve the quality of existing fish populations.

- (23) Repealers** will eliminate obsolete or unnecessary language on: A) brook trout fishing

restrictions related to fire protection; B) use of live raccoons for dog training; C) snowmobile and ATV use by beaver and otter trappers; D) Mississippi River fish refuge authorities; E) Rainy River walleye restrictions; and F) commercial fishing provisions for Lake of the Woods and Rainy Lake.

Background: A) Language giving the director of forestry authority to restrict brook trout fishing to reduce forest fire hazard (Minn. Stat. Sec. 88.27) dates back to the 1930s, has not been used, and the intent can be covered under existing authorities.

B) Current language authorizes issuance of permits to take one raccoon for use in dog training (Minn. Stat. Sec. 97B.005, subd. 4), but no permits have been issued for this purpose for many years.

C) Language restricting counties where snowmobiles/ATVs are allowed for beaver/otter trapping (Minn. Stat. Sec. 97B.935) is no longer needed. Current law restricts this use to only counties specified by the commissioner; all counties in the state have been specified as open by rule/order since 1987.

D) Mississippi River fish refuge authorities (Minn. Stat. Sec. 97C.015) were originally passed for a possible river fish refuge jointly with Wisconsin in the Red Wing area, but it was never implemented.

E) Rainy River walleye restrictions (Minn. Stat. Sec. 97C.403) were first enacted in 1988 as a result of recommendations that were submitted by the Boundary Waters Fish Technical Committee to alleviate disputes associated with limits and seasons for shared waters along the Minnesota-Ontario border. As a part of these same disputes that had been going on since the early 1980's, the Department agreed in 1984 to work with Ontario to develop a "Minnesota-Ontario Boundary Waters Fisheries Atlas" that included Lake of the Woods, Rainy Lake, and Rainy River. This document continues to serve as a reference document for management and fair allocation of the harvestable surplus of the fish resources by each regulatory jurisdiction and the statutory season and limit provisions have since been superseded by rule;

F) Commercial net limits and operations for Lake of the Woods and Rainy Lake (Minn. Stat. Sec. 97C.825) have in part become outdated and obsolete because

commercial netting game fish operations are being phased out due to a buy out of licenses and quotas. Portions of this section that are not being repealed relate to Minn. Stat. Sec. 97C.827 provisions for commercial taking of rough fish that were enacted at a later date.

Financial implications

Portions of this bill that have financial implications include special fish management tag fees (Item 1), stamp and surcharge account direct appropriations (Item 5), and trout and salmon stamp authorized fund use changes (Item 6). Separate fiscal fact sheets have been prepared for those provisions and are available upon request.

For further information contact:

Edward K. Boggess
DNR Division of Fish and Wildlife
(651) 297-2072
ed.boggess@dnr.state.mn.us

Ronald D. Payer
DNR Division of Fish and Wildlife
(651) -97-4098
ron.payer@dnr.state.mn.us

Pat Watts
DNR Division of Enforcement
(651) 296-4883
pat.watts@dnr.state.mn.us

Karen Beckman, License Center
DNR Division of Fish and Wildlife
(651) 297-4941
Karen.beckman@dnr.state.mn.us

January 31, 2005

Senators Pariseau, Saxhaug, Nienow, Chaudhary and Ruud introduced--

S.F. No. 655: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to natural resources; making fishing licenses
3 issued to nonresidents who are domiciled in certain
4 states invalid for game fish species during the first
5 14 days of the fishing season; prohibiting purchase of
6 certain fishing licenses by nonresidents from certain
7 states; requiring a boat access fee for residents of
8 certain states; amending Minnesota Statutes 2004,
9 sections 97A.411, subdivision 1; 97A.475, subdivision
10 7, by adding a subdivision.

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

12 Section 1. Minnesota Statutes 2004, section 97A.411,
13 subdivision 1, is amended to read:

14 Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in
15 paragraphs (b), (c), and (d), and (e), a license is valid during
16 the lawful time within the license year that the licensed
17 activity may be performed. A license year begins on the first
18 day of March and ends on the last day of February.

19 (b) A license issued under section 97A.475, subdivision 6,
20 clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or
21 (6), or 97A.475, subdivision 12, clause (2), is valid for the
22 full license period even if this period extends into the next
23 license year, provided that the license period selected by the
24 licensee begins at the time of issuance.

25 (c) When the last day of February falls on a Saturday, an
26 annual resident or nonresident fish house or dark house license,
27 including a rental fish house or dark house license, obtained
28 for the license year covering the last day of February, is valid

1 through Sunday, March 1 and the angling license of the fish
2 house licensee is extended through March 1.

3 (d) A lifetime license issued under section 97A.473 or
4 97A.474 is valid during the lawful time within the license year
5 that the licensed activity may be performed for the lifetime of
6 the licensee.

7 (e) A license issued under section 97A.474, subdivision 2,
8 or 97A.475, subdivision 7, to a person who is domiciled in a
9 state or province that prohibits Minnesota residents from taking
10 game fish or small game during a part of the season that is open
11 to residents of that state is not valid for taking game fish
12 during the first 14 days of the season prescribed under section
13 97C.395, subdivision 1, paragraph (a), clause (1). This
14 paragraph does not apply to a licensee who is a currently
15 registered guest at a hotel, motel, or resort located in
16 Minnesota.

17 [EFFECTIVE DATE.] This section is effective the day
18 following final enactment.

19 Sec. 2. Minnesota Statutes 2004, section 97A.475,
20 subdivision 7, is amended to read:

21 Subd. 7. [NONRESIDENT FISHING.] (a) Fees for the following
22 licenses, to be issued to nonresidents, are:

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

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

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

28 (4) to take fish by angling for a combined license for a
29 family, \$46;

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

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

35 (b) A nonresident who is domiciled in a state or province
36 that prohibits Minnesota residents from taking game fish or

1 small game during a part of the season that is open to residents
2 of that state is prohibited from purchasing a license under
3 paragraph (a), clauses (1), (3), (4), (5), and (6), and must
4 purchase a license under paragraph (a), clause (2), to take fish
5 in the state for a seven-day period. This paragraph does not
6 apply to a person who is a currently registered guest at a
7 hotel, motel, or resort located in Minnesota.

8 Sec. 3. Minnesota Statutes 2004, section 97A.475, is
9 amended by adding a subdivision to read:

10 Subd. 7a. [NONRESIDENT FISHING BOATS.] A boat that is
11 registered in a state or province that prohibits Minnesota
12 residents from taking game fish or small game during a part of
13 the season that is open to residents of that state and used for
14 fishing on inland waters of Minnesota must be licensed for use
15 on Minnesota inland waters. The license fee under this
16 subdivision is \$100 and is valid for seven consecutive days.
17 The license may be renewed for additional seven-day periods
18 after payment of an additional \$100 fee. This subdivision does
19 not apply to a person who is a currently registered guest at a
20 hotel, motel, or resort located in Minnesota.

1 Senator moves to amend S.F. No. 655 as follows:

2 Page 2, after line 16, insert:

3 "(f) The commissioner shall specify various fishing zones
4 for which nonresident fishing licenses will be available, and
5 may specify the number of nonresident licenses that may be
6 issued in each zone and the manner in which the licenses are to
7 be issued. The commissioner shall designate no more than three
8 zones under this paragraph."

9 Page 3, line 16, delete "\$100" and insert "\$250"

10 Page 3, line 18, delete "\$100" and insert "\$250"

Senators Kleis, Pariseau and Saxhaug introduced--

S.F. No. 825: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to game and fish; authorizing the
3 commissioner of natural resources to give preference
4 in certain hunting and fishing license and permit
5 lotteries to military service members and veterans;
6 amending Minnesota Statutes 2004, section 97A.465, by
7 adding a subdivision.

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

9 Section 1. Minnesota Statutes 2004, section 97A.465, is
10 amended by adding a subdivision to read:

11 Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes
12 of this subdivision:

13 (1) "qualified service member or veteran" means a Minnesota
14 resident who is currently serving, or has served at any time
15 during the past 24 months, in active service as a member of the
16 United States armed forces, including the National Guard or
17 other military reserves; and

18 (2) "active service" means service defined under section
19 190.05, subdivision 5b or 5c.

20 (b) Notwithstanding any other provision of this chapter,
21 chapter 97B or 97C, or administrative rules, the commissioner
22 may give first preference to qualified service members or
23 veterans in any drawing or lottery involving the selection of
24 applicants for hunting or fishing licenses, permits, and special
25 permits. This subdivision does not apply to licenses or permits
26 for taking moose or elk. Actions of the commissioner under this

- 1 subdivision are not rules under the Administrative Procedures
- 2 Act and section 14.386 does not apply.
- 3 [EFFECTIVE DATE.] This section is effective the day
- 4 following final enactment.

- 1 Senator moves to amend S.F. No. 825 as follows:
- 2 Page 1, line 26, delete everything before the period and
- 3 insert "for taking moose, elk, or prairie chickens"

Senators Sparks and Saxhaug introduced—

S. F. No. 847 Referred to the Committee on Environment & Natural Resources

1 A bill for an act
2 relating to game and fish; permitting use of
3 artificial lights to bow fish for rough fish; amending
4 Minnesota Statutes 2004, section 97C.335.

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

6 Section 1. Minnesota Statutes 2004, section 97C.335, is
7 amended to read:

8 97C.335 [USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.]

9 A person may not use artificial lights to lure or attract
10 fish or to see fish in the water while spearing, except that:

11 (1) while bow fishing for rough fish, an artificial light
12 may be used to see fish in the water; and

13 (2) while angling, a person may affix to the end of a
14 fishing line a lighted artificial bait with hooks attached. Any
15 battery that is used in lighted fishing lures cannot contain any
16 intentionally introduced mercury.

1 Senator moves to amend S.F. No. 847 as follows:

2 Page 1, after line 16, insert:

3 "The exception in clause (1) does not apply between April 1
4 and open season as set by the commissioner."

Senators Kubly, Dille, Skoe, Vickerman and Sams introduced--
S.F. No. 761: Referred to the Committee on Environment and Natural Resources.

A bill for an act

relating to *Canis latrans*; providing a coyote conflict management option; proposing coding for new law in Minnesota Statutes, chapter 348.

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

Section 1. [348.125] [COYOTE CONFLICT MANAGEMENT OPTION.]

A county board may, by resolution, offer a bounty for the destruction of coyotes (*Canis latrans*). The resolution may be made applicable to the whole or any part of the county. The bounty must apply during the months specified in the resolution and be in an amount determined by the board.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

1 Senator moves to amend S.F. No. 761 as follows:

2 Page 1, line 8, delete "destruction" and insert "taking"

3 and before the period, insert "by all legal means"



Governor Tim Pawlenty's Livestock Advisory Task Force
Local Siting Sub-committee Recommendations - January 2005

The Local Siting Committee (committee) recognizes the economic significance of Minnesota's livestock industry and its importance to rural communities and the state, and believes that diversity of species and of sizes and types of livestock facilities is critical to maintain the vitality of the livestock industry and of the overall state economy. The committee's goal is to maintain Minnesota's commitment to local government zoning and environmental quality while at the same time improving the transparency, predictability, cost effectiveness, fairness and civility of the local siting process. The committee recommends a multi-part strategy for achieving these important goals.

1. Training and Technical Assistance. The committee recognizes that an important factor in local livestock siting is the expectations of the local unit of government, the project proposer, and other interested parties and whether their expectations are similar.

- A. **Development of Checklist:** To clarify the expectations of the siting process, the committee recommends development of a checklist that would provide a template for consideration of the project, including those steps necessary for permitting the feedlot. The Minnesota Department of Agriculture (MDA) would provide the federal and state requirements for the checklist and the local unit of government would provide, to the extent possible, the various regulatory and procedural requirements that apply in that local jurisdiction. The checklist will be prepared by the MDA and customized by local government units. The checklist would also be provided to the project proposer(s) at the initiation of the permit process and is intended to reduce confusion and increase the transparency of the approval process.
- B. **Training and Assistance Program:** The committee also recommends development of a comprehensive training and technical assistance program for local government officials. The program would provide information and training on livestock siting issues and would be based on an updated version of the 1996 handbook *Planning and Zoning for Animal Agriculture in Minnesota*. Training would commence as soon as possible following the updating of this document by the Minnesota Department of Agriculture (MDA), with an expected handbook completion date of no later than October 1, 2005. MDA would update the handbook in consultation with the Local Planning Assistance Center (LPAC) of the Minnesota Department of Administration. As soon as possible after the handbook is updated, MDA would assist LPAC to provide training programs to local government officials on planning and zoning for animal agriculture. The goal is to complete the first phase of the training process within one year of finishing the Handbook update, with training to be offered on an on-going basis in the future. In addition to training on planning and zoning, the program will include, but not be limited to, information on the rural economic impact of animal agriculture, use of GIS modeling, cost factors associated with local government involvement, and the environmental review process. To help facilitate the training, supplemental funding would be sought from a combination of public and private sources.

In developing this training and technical assistance program, the committee recommends MDA and LPAC rely on the guidance and support of an advisory team including:

- Producer organizations (representing the state's major livestock sectors);
- Agricultural organizations (Minnesota Farm Bureau, Minnesota Farmers Union and Minnesota Association of Cooperatives);
- Local government associations (AMC, MAT, League of Cities);
- Academic institutions (University of Minnesota, Minnesota State Colleges and Universities);
- State agencies; and
- Education/training professionals.

As a possible incentive for local authorities to participate, the committee recommends the Minnesota Department of Agriculture, along with other interested parties, work with insurers for local government organizations to determine whether the insurers could offer a discount on insurance for local officials who receive certification of training in planning and zoning for animal agriculture.

2. Notice to Minnesota Agriculture and Minnesota Pollution Control Commissioners Regarding Feedlot Ordinance Consideration by Local Government. Second, the committee focused on a concern that has been raised regarding notice by local governmental units when they begin work on a feedlot ordinance. Committee members believe it

is desirable for the local unit of government to provide notice to the Commissioners of Agriculture and Minnesota Pollution Control Agency when it is developing or amending a local land use regulation affecting livestock feedlots. This notice provides the opportunity for these two state agencies to provide helpful information and feedback to the local unit of government during its ordinance writing process. Therefore, the committee recommends the Minnesota Legislature amend Minnesota Statutes to provide that local units of government in Minnesota Statutes Chapter 462, as is already required of counties in Minnesota Statutes Section 394.25, must notify the Commissioner of Agriculture and Commissioner of the Minnesota Pollution Control Agency when the local unit of government begins the process of adopting a feedlot ordinance, or amendment to an existing ordinance. This notification should be early in the ordinance adoption process, but in no event any later than the notice of the first hearing to adopt a new feedlot ordinance or to amend an existing feedlot ordinance.

3. Impact on Local Economy Statement. Third, the committee recommends that counties and other local units of government seeking to enact or amend a feedlot ordinance or regulation that would impact animal agriculture, prepare a brief report on the impact the ordinance or regulation will have on the local economy if requested by at least one of the members of the local governing body or upon petition of at least 25 eligible voters within the local governmental jurisdiction. The committee recommends that a local economy analysis include the following:

- State whether the ordinance or regulation will affect the local economy; and
- Describe the kinds of businesses, if any, that may be affected by the ordinance or regulation and the projected impact the ordinance or regulation will have on those businesses.

To assist local government in preparing this local economic analysis, the MDA, in cooperation with the Department of Employment and Economic Development (DEED), will develop a template for measuring local economic impacts and make it available to local units of government.

4. Public notification. Fourth, the committee recommends changes to Minnesota Statutes regarding the notice required of local units of government for the initiation of animal agriculture-related ordinances, including interim ordinances, regulations, moratoriums or other types of decision making to ensure timely notice is provided to all potentially interested parties. The purpose of this recommended change is to harmonize the public notice requirements of local units of governments. The committee recognizes that to protect the planning process, the notice requirement must indicate that permit applications are subject to the new ordinance or amendment if the application is made following public notice.

5. Odor Research for Siting Decisions. Fifth, the committee recognizes that researchers have made substantial progress over the years with improvements in odor technology. This research should be provided to local units of government when separation distances and other requirements are being considered to help ensure they reflect the most recent scientific information available.

The committee encourages the University of Minnesota, the Minnesota Pollution Control Agency, and MDA continue research and support the development of odor technology and methodology so that this information can be used by local government authorities for separation distance decisions

6. Appeal process. Finally, the committee discussed a series of options in attempting to improve the appeal process for local land use decisions. This consideration arose out of concerns that the current appeal process through the Minnesota District Court, Court of Appeals, and then Supreme Court is costly and leads to the substantial risk of an untimely decision for the producer applicant.

The group focused on three primary areas:

- Who should decide appeals from local land use decisions?
- Upon what standards should appeals be based?
- What should be the burden of proof and who bears it?

The committee considered, but did not adopt recommendations on the following appeal options:

(1) Changing Minnesota Statutes to allow an appeal of a livestock siting decision directly to the Minnesota Court of Appeals;

(2) Changing Minnesota Statutes to create a statewide Livestock Siting Commission appointed by the Governor or Commissioner of Agriculture that would include broad representation of counties, townships, producers, environmental representatives, technical experts and public members.

(3) Changing Minnesota Statutes to provide for a change in venue in the appeal of a local unit of government's livestock siting decision.

There was disagreement among committee members over aspects of each of the three listed appeal options. (Footnote 2: In addition, a fourth option was considered during the committee's final meeting on December 13, 2004 . This option would have created a voluntary mediation process between the local unit of government and the producer. Committee members determined there was insufficient time and information to consider this option.) For this reason, committee members determined that improved education and training efforts, timely and effective notice to the state and other interested parties, a renewed focus on relevant scientific information, and cooperation among all interested parties, will lead to improved siting decisions, ease siting conflicts, and reduce the need for a revised appeals process. (Footnote 3: Senator Steve Dille, a committee member, introduced four potential recommendations at the final in-person committee meeting on December 13, 2004 . These recommendations include: (1) recommending the Governor appoint a task force to study urban sprawl issues and make recommendations on controlling urban sprawl, (2) requiring local units of government to base any requirements that are more stringent than the State 7020 Feedlot Rules on "sound economics" and "reasonable scientifically defensible findings of fact," (3) that if a township chooses to plan and zone, its officers should first attend available training sessions, and (4) that any Minnesota statute listing zoning criteria also include economics as a consideration. The committee determined there was insufficient time to review these potential options and noted that some of the proposed options drew both support and opposition from committee members.) Because of this belief, the committee does not recommend revisions to the appeal process at this time.

Given the importance of animal agriculture and the challenges faced by the industry, the Committee encourages the Governor provide for a review of the outcomes of these recommendations in the future.

The committee thanks Governor Tim Pawlenty for the opportunity to provide him with local livestock siting recommendations to enhance the Minnesota livestock industry and its relationship with local units of government.

Footnote 1: Committee members include Bill Oemichen, Minnesota Association of Cooperatives, and Sandy Ludeman, co-chairs, and County Commissioner Harlan Madsen, Minnesota Association of Township's attorney Troy Gilchrist, State Senators Jim Vickerman and Steve Dille, State Representatives Greg Blaine and Paul Marquart, along with original Minnesota Governor's Livestock Task Force members Dana Allen, Lisa Heggedahl, Dave Hoelmer, Joe Swedberg, and Karen Zimmerman.

Minnesota Department of Agriculture, 90 West Plato Boulevard, Saint Paul, Minnesota 55107
651-297-2200 • 1-800-967-2474 • TTY: 1-800-627-3529 • webinfo@mda.state.mn.us
Best viewed at a screen resolution of 1024 x 768

ND

LTYPE_DESC	TXNL_LICN_TYPE	SUM(TXNL_QUANTITY)
ANNUAL INDIV XC SKI PASS	1	45
DAILY XC SKI PASS	3	4
3 YR INDIV XC SKI PASS	5	8
STATE SNOWMOBILE TRAIL	23	807
RES SENIOR CITIZENS SMALL GAME	100	1
ANNUAL SPECIAL ANGLING	107	1
24 HOUR ANGLING	110	3998
RESIDENT INDIVIDUAL ANGLING	111	194
RESIDENT COMBINATION ANGLING	112	24
RESIDENT SPEAR FROM DARK HOUSE	113	3
NONRESIDENT SHELTER	116	553
NONRESIDENT SHELTER 7-DAY	117	50
RESIDENT DARK HOUSE/SHELTER	119	25
NONRESIDENT INDIVIDUAL ANGLING	121	11905
NONRESIDENT FAMILY ANGLING	124	7098
NR 14-DAY COUPLE ANGLING	125	415
NONRES 7-DAY ANGLING	126	828
NONRES 72-HOUR ANGLING	127	2301
TROUT STAMP	128	542
TROUT STAMP FULFILLED	129	49
NON RESIDENT YOUTH SMALL GAME	206	16
RESIDENT YOUTH SMALL GAME 16-17	208	1
RESIDENT YOUTH ARCHERY	209	3
RESIDENT YOUTH FIREARM DEER	210	9
RESIDENT SMALL GAME	211	25
RESIDENT DEER FIREARM	212	55
RESIDENT DEER ARCHERY	213	13
RESIDENT REGULAR TRAPPING	214	1
RESIDENT MULTIZONE BUCK	215	13
RESIDENT INDIVIDUAL SPORTS	216	19
RESIDENT COMBINATION SPORTS	217	5
RES ALL SEASON DEER	219	6
RES. ALL SEASON DEER ANTLERLESS	220	9
NONRESIDENT SMALL GAME	221	389
NONRESIDENT DEER FIREARM	222	1503
NONRESIDENT DEER ARCHERY	223	103
NONRESIDENT NOQUOTA BEAR	225	41
MIGRATORY WATERFOWL STAMP	226	291
HIP CERTIFICATION	227	355
NONRESIDENT FURBEARER HUNTING	228	2
PHEASANT STAMP	229	136
MILITARY DEER FIREARM	232	4
NONRESIDENT MULTIZONE BUCK	235	56
NON-RES DEER ZONE CHANGE	322	1
RESIDENT LIFETIME ARCHERY	410	6
RESIDENT LIFETIME ANGLING	411	10
RESIDENT LIFETIME SMALL GAME	412	7
RESIDENT LIFETIME SPORTS	413	26
RESIDENT LIFETIME FIREARMS DEER	414	38
NONRES LIFETIME ANGLING	415	1
RESIDENT BONUS ANTLERLESS DEER	430	45

NON RESIDENT BONUS ANTLERLESS DEER	431	45
LIFETIME DEER TO MULTI ZONE	433	5
LIFETIME DEER TO ALL SEASON DEER	434	3
LT ANGLING REGISTRATION AGE 16 TO 50	513	1
LT SMALL GAME REGISTRATION AGE 16 TO 50	517	2
INTERNET SPRING LIGHT GOOSE PERMIT	519	1
FALL SPECIAL GOOSE PERMIT	520	104
LT SPORTS REGISTRATION 16TO 50	524	3
LT FIREARM DEER REG. AGE 16 TO 50	528	6
LT ARCHERY REGISTRATION AGE 16 TO 50	540	1
SPRING TURKEY APPLICATION	600	38
TURKEY STAMP FULFILLED	609	11
RESIDENT SPRING TURKEY LICENSE	610	1
NONRESIDENT SPRING TURKEY LICENSE	611	14
TURKEY STAMP	612	8
SURPLUS NR SPRING TURKEY LICENSE	614	2
MOOSE APPLICATION	620	1
YOUTH FIREARMS LOTTERY	631	1
NONRESIDENT BEAR LICENSE	661	104
BEAR APPLICATION	662	199
ANTLERLESS LOTTERY	665	27
SURPLUS NR BEAR LICENSE	667	7
CAMP RIPLEY HUNT APPLICATION (A)	668	2
CAMP RIPLEY HUNT APPLICATION (B)	669	4
CANOES ETC. BOAT RENEWAL <=19 FT	701	290
PERSONAL WATERCRAFT RENEWAL	702	380
PLEASURE RENEWAL <17 FT	703	1038
PLEASURE RENEWAL 17 <=19 FT	704	460
PLEASURE RENEWAL >19 <=26 FT	705	473
PLEASURE RENEWAL >26 <40 FT	706	9
BOAT RENEWAL- NPO WATERSAFETY	708	21
BOAT RENEWAL-RENT LEASE <=19	709	37
CANOES ETC. BOAT NEW REG	711	96
NEW REG PERSONAL WATERCRAFT	712	167
NEW REG PLEASURE < 17 FT	713	97
NEW REG PLEASURE 17 <=19 FT	714	156
NEW REG PLEASURE >19 <=26 FT	715	226
NEW REG PLEASURE >26 <40 FT	716	3
NEW REG PLEASURE >=40 FT	717	9
BOAT NEW REG NPO WATERSAFETY	718	7
BOAT NEW REG RENT-LEASE <=19 FT	719	7
BOAT NEW REG - FOR HIRE <=19 FT	722	1
PERSONAL WATERCRAFT RENEWAL RENTAL	723	1
PERSONAL WATERCRAFT NEW REG RENTAL	724	1
WATERCRAFT TRANSFER WITH RENEWAL	725	230
WATERCRAFT TRANSFER W/O RENEWAL	726	137
TITLED WATERCRAFT TRANSFER WITH RENEWAL	727	126
TITLED WATERCRAFT TRANSFER W/O RENEWAL	728	136
BOAT DUPLICATE REGISTRATION (NON-DEALER)	729	112
BOAT DEALER/MANUF RENEWAL	731	1
BOAT DEALER/MANUF NEW REGISTRATION	732	1
BOAT DEALER/MANUF DUPLICATE CARD	736	1

BOAT DLR/MANUF ADD DECALS W/OTHER TRAN	738	6
SNOWMOBILE RENEWAL	741	469
SNOWMOBILE NEW REGISTRATION	742	239
SNOWMOBILE TRANSFER WITH RENEWAL	743	111
SNOWMOBILE TRANSFER W/O RENEWAL	744	65
ORV RENEWAL	746	1
ORV NEW REGISTRATION	747	13
ORV TRANSFER W/O RENEWAL	749	2
ATV RENEWAL	751	71
ATV NEW REGISTRATION	752	115
ATV TRANSFER WITH RENEWAL	753	15
ATV TRANSFER W/O RENEWAL	754	21
OFF HWY MTRCYCLE RENEWAL	756	5
OFF HWY MTRCYCLE NEW REGISTRATION	757	25
OFF HWY MTRCYCLE TRANSFER WITH RENEWAL	758	1
AGRICULTURE ATV NEW REGISTRATION	761	1
VEHICLE DUP REGISTRATION (NON-DEALER)	762	10
STATE TAXES OWED	765	167
TITLE ADD WITH REGISTRATION	791	107
TITLE ADD W/O REGISTRATION	792	1
TITLE CORRECTION W/O REGISTRATION	794	3
DUPLICATE TITLE (SOLO)	796	37
DUPLICATE TITLE (WITH REGISTRATION)	797	2
DUP TITLE (WITH OTHER TITLE PROCESSES)	798	3
EXOTIC AQUATIC SURCHARGE	799	3481
ADDITIONAL FEE FOR EX WCRAFT REG	801	21
ADDITIONAL FEE FOR EX SNOW REG	802	2
ADDITIONAL FEE FOR EX ATV REG	803	1
WATERCRAFT REG XFER W/TTL TRANS	806	3
TITLED WATERCRAFT LIEN REASSIGNMENT	808	1
TITLE WTRCRFT LIEN RELEASE W/OTHER TRANS	809	6
TITLE LIEN RELEASE	811	4
TITLE ADD A LIEN	812	17
TITLED WATERCRAFT - NEW W/NEW REG	818	312
PRINT SNOW # DECAL W/OTHER SNOW TRANS.	820	320
PRINT SNOW # DECAL W/OUT OTHER TRANS.	821	3
DUP BOAT EXP DECALS W/O OTHER BOAT TRANS	822	101
DUP BOAT EXP DECALS W/OTHER BOAT TRANS	823	122
DUP SNOW EXP DECALS W/O OTHER SNOW TRANS	824	23
DUP SNOW EXP DECALS W/OTHER SNOW TRANS	825	22
DUP ATV EXP DECALS W/OUT OTHER ATV TRANS	826	9
DUP ATV EXP DECALS W/OTHER ATV TRANS	827	11
DUP OHM EXP DECALS W/OTHER OHM TRANS	829	1
SNOWMOBILE MTD STICKER	840	92
SNOW RENEWAL W/ADMIN REG NBR UPDATE	850	2
ELS FILING FEE	851	3285
INTERNET CANOES ETC BT RENEW <=19 FT	861	37
INTERNET PERSONAL WATERCRAFT RENEWAL	862	59
INTERNET PLEASURE RENEW <17 FT	863	99
INTERNET PLEAS RENEWAL 17 <=19 FT	864	80
INTERNET PLEASURE RENEWAL >19 <=26 FT	865	69
INTERNET PLEASURE RENEWAL >26 <40 FT	866	3

INTERNET BT RENEW RENT/LEASE <= 19 FT	869	3
INTERNET SNOWMOBILE RENEWAL	871	44
INTERNET ATV RENEWAL	873	13
INTERNET OFF HWY MOTORCYCLE RENEWAL	874	1
SNOW DUPLICATE REGISTRATION (NON-DEALER)	880	28
REGULAR PARK STICKER	900	1
TIER 1 CREDIT CARD PAYMENT	990	2
TIER II CREDIT CARD PAYMENT	991	1
REPLACEMENT LICENSE	995	336
HARVEST REPORT	997	40
DUPLICATE FIREARM SAFETY CARD	998	18

Resolution Advocating for a Statewide Coyote Bounty

Whereas, coyotes are becoming an increasing threat to humans, domestic pets, and livestock in many rural areas of the state; and

Whereas, State Statute currently does not allow a County to offer a bounty for coyotes; and

Whereas, because of the portability of coyotes and/or their pelts, a bounty offered by a County is subject to abuse by residents of Counties where no bounty is available; and

Whereas, the Association of Minnesota Counties (AMC) exists to advocate for County interests;

Now, therefore, be it resolved that Yellow Medicine County believes that a coyote bounty is needed for the safety and welfare of its residents; and

Be it further resolved that any bounty on coyotes should be a statewide bounty; and

Be it finally resolved that Yellow Medicine County encourages AMC to advocate for the establishment of a statewide coyote bounty during the 2005-2006 legislative session.

Adopted by Yellow Medicine County this 25th day of January 2005.

County Board of Commissioners

Lynn Anderson, Chairman

I, John Chattin, Administrator in and for the County of Yellow Medicine, Minnesota, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of County Commissioners on the 25th day of January 2005.

John Chattin, County Administrator

From: Sen.John Marty
To: Sen.Tom Saxhaug
Date: 2/15/2005 7:11:51 PM
Subject: Coyote Bounty Bill

I heard a concern about the Coyote Bounty bill from a nonconstituent recently. He seems to raise a valid point if this bill is going to be added to the game and fish bill.

John

To: brian@paskolaw.com
Subject: Re: New Bills of Potential Interest to Some. . .

The Coyote bounty bill needs a provision requiring closing of the coyote season during Deer season. Hunters have shot two wolves and got no penalties, claiming they thought they were coyotes.

CC: Greg Knopff; Tom Schultz

From: Karlyn Berg <karlyn@uslink.net>
To: <mitch.berggren@senate.mn>
Date: 2/21/2005 5:02:47 PM
Subject: Comment regarding SF761

February 23, 2005
Dear Senator Saxhaug,

I wish to voice opposition to SF 761, the bill allowing a county boards to offer a bounty for the destruction of coyotes (*Canis latrans*). Numerous studies on the ecology and natural history of predators has provided overwhelming scientific evidence refuting the merit of bounties. Bounties are ecologically unsound, do not result in population control, do not reduce livestock conflicts and have proven only to be a waste of funds.

The first American bounty was established in 1683 by William Penn, and then, like today was based upon an emotional hostility against predators by those who do not understand the role of predators in nature. Huge sums have been paid for the heads of predators, but in spite of the monumental effort to kill our nations predators, the lethal control of coyotes has resulted in a compensatory breeding and increased litter sizes, more coyotes not less.

During the last five decades professional wildlife biologists have voiced strong objection to the bounty as an appropriate predator management tool for many scientific reasons. Minnesota Department of Natural Resources biologist Ed Boggess argued against this bounty stating that bounties have not proven effective in controlling coyotes. In 2001 Bill Berg, Minnesota Department of Natural Resources furbearer specialist who was involved in extensive research studies on coyotes in Aitkin County in the 1970s, said "Bounties were discontinued in Minnesota in 1965 because they did not work," and did not impact populations. Berg stated Essentially, all states have removed bounties for the same reason - they didn't figure it was smart to give money out if nothing was being accomplished." The State of Michigan published a circular in 1971 recommending the bounty be discontinued, and listed over 14 reasons the bounty should not be utilized as a part of modern predator management.

The bounty is opposed by sportsmen's groups as well! The National Wildlife Federation published a circular in 1960 titled Bounties are Bunk, and The Michigan Conservation Organization called bounties an "Annual Waste". Even as far back as 1822 a Plattsburg New York County board abandoned the bounty system as fraudulent and lacking fiscal responsibility.

Coyotes play an important role in ecosystems by preying on rodents, rabbits, and insects. Where ground-nesting birds are declining, coyotes have been shown to benefit bird populations by competing with more effective nest predators, such as foxes, raccoons, and skunks.

Offering a bounty on coyotes will not effectively protect livestock and pets from wild predators. Non lethal and preventative alternatives, livestock guarding animals, livestock carcass burial, all provide more long term protection from predator conflicts.

SF 761 is no solution to legitimate concerns over coyote damage, which could be more effectively addressed through proactive sensible ways of preventing coyote damage or conflicts from occurring in the first place. Even Ron Schara wrote, we have waged war on the coyote too long. It is time to end the relentless lethal pursuit and instead utilize sound preventative management practices.

Thank you for this opportunity to submit comment opposing SF761,

Yours, Karlyn

KarlynAtkinson Berg
Wolf/Predator Conservation Consultant
44781 Bittner Point Road
Bovey, Minnesota 55709 // 218-245-3049 // karlyn@uslink.net

THE HUMANE SOCIETY OF THE UNITED STATES

OFFICERS

David Q. Wilhans, M.D.
Chair of the Board

Anita W. Coups, Esq.
Vice Chair of the Board

Eugene W. Lorenz
Board Treasurer

Wayne Facelle
President & CEO

G. Thomas Waite III
Treasurer & CFO

Roger A. Kandler, Esq.
General Counsel & CLO

STAFF VICE PRESIDENTS

Andrew N. Kavan, Ph.D.
*Executive Vice President
Operations*

Michael Markarian
*Executive Vice President
External Affairs*

Patricia A. Forkan
*Senior Vice President
International Programs
& Regions*

Martina C. Armstrong
*Senior Vice President
Domestic Animal Programs*

John W. Grandy, Ph.D.
*Senior Vice President
Wildlife & Habitat Protection*

Heldt Prescott
*Senior Vice President
Campaigns*

Michael G. Appleby, B.Sc., Ph.D.
Farm Animals

Katherine Benselick
*Administration, Information
Services, & Technology*

Nicholas Druden
Communications

Richard M. Clugston, Ph.D.
Higher Education

Randall Lockwood, Ph.D.
*Research & Educational
Outreach*

Jonathan R. Lavorn, Esq.
Animal Protection Litigation

Steve Putnam
Business Development

Robert G. Ruop, Ph.D., SPHR
*Human Resources &
Education Programs*

Melissa Sade Rubin, Esq.
Field & Disaster Services

Martin L. Stephens, Ph.D.
Animal Research Issues

Richard W. Szyja Jr.
Investigative Services

Gretchen Wylor
Hollywood Office

DIRECTORS

Leslie Lee Alexander

Patricia Mares Agip

Pator A. Bender

Donald W. Cushman, Ph.D.

Anita W. Coups, Esq.

Neil Pang

Judi Friedman

Alice A. Garay

David John Jirard, Ph.D.

Jennifer Lanning, M.D.

Eugene W. Lorenz

William F. Mancuso

Patrick L. McDonnell

Judy Ney

Judy J. Peil

Marian Prutist

Joe Ramsey, Esq.

Jeffery O. Rose

James D. Rosa, Esq.

Marilyn G. Szyler

Walter J. Stewart, Esq.

John E. Tall

David Q. Wilhans, M.D.

K. William Wiseman

John A. Hoyt

Paul S. Irvine

Presidents Emeriti

Murdough Stuart Madden, Esq.
Vice President & Senior Counsel

Printed on 100% recycled paper
with soy-based ink and 100% recycled paper.

Testimony on S.F. 761

Presented to the Committee on Environment and Natural Resources
February 23, 2005

On behalf of The Humane Society of the United States (HSUS) the nation's largest animal protection organization with over 123,000 members and constituents in Minnesota, I present this testimony in opposition to S.F. 761. This testimony was drafted by Bette Stallman, Ph.D., wildlife scientist for The Humane Society of the United States (HSUS).

S.F. 761 would authorize the county boards within Minnesota to offer a bounty for coyotes killed in counties where coyotes are thought to be a threat to domestic animals or wild game populations. The HSUS has several serious concerns regarding the consequences of this bill for coyotes, other wildlife, and the effective protection of domestic animals. In short, S.F. 761 is no solution to legitimate concerns over coyote damage. Far more effective and responsible solutions are available for reducing coyote damage.

The HSUS recognizes that livestock and pet owners require a means by which to protect their animals from wild predators. However, offering a bounty on coyotes is **not** likely to be effective in this respect. Individuals who are encouraged to kill coyotes for the purpose of receiving a bounty payment will have no incentive to target those individual coyotes that are responsible for damage. Killing coyotes over a large area (e.g., county-wide) will not target those individuals actually responsible for the damage. The Cooperative Extension Service of Kansas State University concurs: "Not all coyotes kill livestock.... It is desirable, when using lethal control methods, to direct those methods at offending animals (Henderson and Spaeth 1980; p. 4)."

Widespread lethal control of coyotes can result in a rapid population rebound. Wildlife populations experience natural mortality due to food limitation, disease, parasites, and winter weather. When a number of coyotes are indiscriminately removed from a population, the surviving animals likely experience reduced competition for food and therefore may be more likely to survive or reproduce. In coyote groups typically only the dominant pair reproduces, while other adults in the group do not. If a dominant animal is killed, the other individuals in the group may be more likely to reproduce. The extent to which any or all of these processes may play a role in population rebounds is not yet known. It has been documented, however, that population reductions can cause increased survival or increased litter sizes in coyotes (reviewed in Goodrich and Buskirk 1995 and in Knowlton et al. 1999).

Promoting the protection of all animals

2100 L Street, NW, Washington, DC 20037 • 202-452-1100 • Fax: 202-778-6132 • www.hsus.org

It is often human behavior that draws coyotes toward human dwellings and livestock holding facilities. Depredations by coyotes can be largely prevented by taking simple steps to keep a property free of those items that may initially attract coyotes and other wildlife. For example, coyotes may be attracted to a yard initially by pet food or garbage left outside, or fallen fruit left on the ground; by removing these odorous attractants, pet owners can make their yard less inviting to coyotes and other wild animals. Some pet owners may benefit from installing high fences; fence-top devices can also be installed that help keep coyotes out of a fenced yard and domestic dogs in. And, in general, keeping cats indoors and small dogs under close supervision when outside is advisable.

Improved livestock husbandry and effective fence designs are described, with clear diagrams, in a publication by the Cooperative Extension Service in Manhattan, Kansas (Henderson and Spaeth 1980). This document encourages the use of these non-lethal preventative measures as generally preferable over large-scale coyote killing: "Time after time, we have worked with producers experiencing coyote problems who, after capturing one or a few coyotes, had no more predator problems for months or even years afterwards, despite the continued presence of coyotes in their vicinity (p. 4)." They go on to suggest that carrion "(r)emoval and proper disposal of dead livestock is extremely important. Carrion tends to attract coyotes and may also habituate them to feed on livestock (p. 6)."

Several authors have now verified that livestock guarding animals—including special breeds of dogs such as Great Pyrenees or Komondor, as well as donkeys, mules, and llamas—are effective in deterring depredations sheep or other livestock by coyotes. For example, 36 sheep producers in North Dakota reported that guarding dogs reduced predation on sheep by 93% (Pfeifer and Goos 1982). Sheep mortality in Colorado decreased more from 1986 to 1993 for sheep producers who obtained livestock guarding dogs during that time period compared to producers who did not have dogs (Andelt and Hopper 2000). Llamas and donkeys are naturally aggressive toward coyotes and dogs and can often be effective in protecting sheep (Andelt 2001).

When these measures fail to prevent attacks by coyotes, non-lethal harassment can be used to deter individual coyotes. For non-lethal harassment to work, it is best if the coyote is "caught in the act" of engaging in the undesirable behavior (e.g. approaching a suburban yard or sheep pen). Non-lethal harassment can be achieved through simple scare tactics when a coyote is approaching too close to human dwellings or domestic animals. It can also be accomplished using cracker shells or other noise-making devices when coyotes approach areas where they are not wanted. Frightening devices—which emit loud noises and bright lights—can be installed near sheep or poultry pens to keep coyotes away. Coyotes may "habituate" (become accustomed) to these devices, but this habituation can be avoided or delayed if the frightening devices are moved frequently and used in combination with other techniques. In addition, recent research suggests that wild animals such as coyotes are less likely to habituate to such devices if they are motion-activated (Shivik and Martin 2000; Shivik et al. 2003); in other words, when the coyote's own movements trigger the loud noises and bright lights, the coyote will be less likely to simply become accustomed to the stimuli.

We understand that non-lethal prevention and control measures may sometimes fail to reduce coyote damage to acceptable levels. But again, for lethal control to be effective, it must target the individual coyotes that are responsible for the damage. **A bounty for coyotes will not achieve this purpose.** A bounty will simply draw funds away from other programs for the purpose of encouraging excessive and unnecessary killing of Minnesota's wildlife.

Regarding the protection of wild animals, we find it outrageous that coyotes should be prevented from playing an important role in the ecosystem. Coyotes prey primarily upon rodents, rabbits, and insects, and occasionally young or sick deer (Koehler and Hornocker 1991). Thus coyotes typically eat many of the same species that some people consider "too abundant" in this region. Sensitive wildlife species, such as some species of ground-nesting birds, may be vulnerable to nest predation. However, the most common cause of declines in bird populations include habitat loss, degradation, or fragmentation. In those rare cases where natural predation contributes to further declines, it is only when these other human-caused factors have reduced populations of the sensitive species to extremely low numbers (Côté and Sutherland 1997; Goodrich and Buskirk 1995). In addition, foxes, raccoons, and skunks are more efficient nest predators than are coyotes. Coyotes actually compete with these smaller carnivores and will often actively displace foxes; this competition helps to keep smaller carnivore populations in check. In fact, removing large numbers of coyotes can actually "release" smaller carnivores from competition and may prove detrimental for ground-nesting birds (Goodrich and Buskirk 1995; Côté and Sutherland 1997; Harrison et al. 1989). For example, Sovada et al. (1995) concluded that an expanding coyote population in the Dakotas has actually contributed to higher overall duck nest success.

The HSUS urges the Committee on Environment and Natural Resources to reject S.F. 761. This bill is no solution to legitimate concerns over coyote damage, which could be more effectively addressed through proactive educational efforts regarding the various ways of preventing coyote damage from occurring in the first place.

References Cited:

- Althoff, D.P. and Gipson, P.S. 1981. Coyote family spatial relationships with reference to poultry losses. *Journal of Wildlife Management*, 45: 641-649.
- Andelt, W.F. 2001. Effectiveness of livestock guarding animals for reducing predation on livestock. *Endangered Species Update*, 18(4): 182-185.
- Andelt, W.F. and Hopper, S.N. 2000. Livestock guard dogs reduce predation on domestic sheep in Colorado. *Journal of Range Management*, 53: 259-267.
- Conner, M.M., Jaeger, M.M., Weller, J.J., and McCullough, D.R. 1998. Effect of coyote removal on sheep depredation in northern California. *Journal of Wildlife Management*, 62: 690-699.
- Côté, I.M. and Sutherland, W.J. 1997. The effectiveness of removing predators to protect bird populations. *Conservation Biology*, 11(2): 395-405.
- Ferrel, C.M., Leach, H.R., and Tillston, D.F. 1953. Food habits of the coyote in California. *California Fish and Game*, 39: 301-341.
- Goodrich, J.M. and Buskirk, S.W. 1995. Control of abundant native vertebrates for conservation of endangered species. *Conservation Biology*, 9(6): 1357-1364.
- Harrison, D.J., Bissonette, J.A., and Sherburne, J.A. 1989. Spatial relationships between coyotes and red foxes in eastern Maine. *Journal of Wildlife Management*, 53(1): 181-185.
- Henderson, F.R. and Spaeth, C.W. 1980. Managing predator problems: Practices and procedures for preventing and reducing livestock losses. Cooperative Extension Service, Manhattan, Kansas.
- Knowlton, F.F., Gese, E.M., and Jaeger, M.M. 1999. Coyote depredation control: An interface between biology and management. *Journal of Range Management*, 52: 398-412.
- Koehler, G.M. and Hornocker, M.G. 1991. Seasonal resource use among mountain lions, bobcats, and coyotes. *Journal of Mammalogy*, 72(2): 391-396.
- Pfeifer, W.K. and Goos, M.W. 1982. Guard dogs and gas exploders as coyote depredation control tools in North Dakota. *Proceedings Vertebrate Pest Conference*, 10: 55-61.
- Robel, R.J., Dayton, A.D., Henderson, F.R., Meduna, R.L., and Spaeth, C.W. 1981. Relationships between husbandry methods and sheep losses to canine predators. *Journal of Wildlife Management*, 45(4): 894-911.
- Shivik, J.A. and Martin, D.J. 2000. Aversive and disruptive stimulus applications for managing predation. *Proceedings, Ninth Wildlife Damage Management Conference*. (M.C. Brittingham, J. Kays, and R. McPeak, Eds.) State College, Pennsylvania, October 5 – 8, 2000
- Shivik, J.A., Treves, A., and Callahan, P. 2003. Nonlethal techniques for managing predation: Primary and secondary repellents. *Conservation Biology*, 17(6): 1531 – 1537.
- Sovada, M.A., Sargeant, A.B., and Grier, J.W. 1995. Differential effects of coyotes and red foxes on duck nest success. *Journal of Wildlife Management*, 59(1): 1-9.



Help Our Wolves Live

4901 Second Avenue S. • Minneapolis, MN 55419

HOWL is concerned about a direct effect a coyote bounty will have on wolves in Minnesota. A coyote bounty hunter can easily mistake a wolf for a coyote. Wolves are still protected under the Endangered Species Act.

There are numerous scientific studies of the natural history of predators, collected over the years, showing that bounty programs are, in fact, ineffective in mitigating or eliminating predation on prey species or problems that may be caused by predators. During the last three decades professional Wildlife biologists have voiced objection to the bounty as a predator management tool:

Bill Berg, Minnesota DNR furbearer specialist, who was involved in extensive research studies on coyotes recently stated, *"Bounties were discontinued in Minnesota in 1965 because they did not work."* Berg said, *"Rather than impact populations, whether it was gophers or wolves, the only thing it accomplished was to put a little extra money in someone's pocket."*

Roger Holmes Minnesota DNR offered testimony during the 1987 legislative session in opposition to a fox bounty bill. He said, *"Bounties apparently have not worked in Minnesota."*

The Michigan Department of Natural Resources published a State circular listing over 14 reasons why the bounty should not be utilized as a part of modern predator management.

In a recent Mpls Star/Trib (2/20/05) article written by Ron Schara, outdoor writer, states that bounties are *"the most worthless wildlife management tool in America's history."*

A bounty will not solve depredation damage because it does not target the problem animal. Bounties are a non-selective approach mainly motivated by financial reward. Moreover, the money paid out for bounties can possibly be higher in costs than the amount in losses to a landowner by a problem animal.

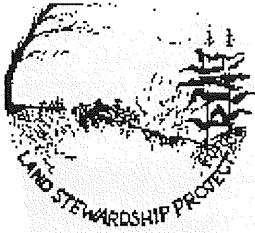
Targeting the depredating animal has been proven to be the most ecologically sound and financially responsible manner to handle depredation problems. We must look toward humane, effective, and ecologically-sound solutions to conflicts involving humans and wildlife. We must learn from our past mistakes and not repeat them with an ill-conceived program, such as bounties, which do not solve anything.

Killing coyotes under a bounty program will not produce more game for hunters. It will not save pheasants or other small game animals. Provide good homes for small game, and predator control becomes unnecessary.

Michigan notes the bounty system is impractical as a method of increasing game. Their publication indicates bounties have not reduced or apparently ever influenced the number of animals on which the bounties were paid. They also noted the removal of the bounty did not result in an increase in the predator population.

Nearly all wildlife biologists agree that the bounty system should be completely abandoned and most doubt its value at any level of application. The science of wildlife management has come of age. Bounties are biologically unsound, ineffective, and an expensive waste of animal life.

HOWL is opposed to bounties and urges the legislature to vote down the coyote bounty bill.



Take Action so that the State Legislature Keeps Township and County Rights Strong

In June of 2004, Gov. Pawlenty released his "Livestock Advisory Task Force Report" which blames township and county local control for problems in the states livestock industry. The report supports corporate ag interests and suggests that local control should be weakened. **At the end of January, Gov. Pawlenty signed off on specific "livestock siting" recommendations that weaken local control.**

Pawlenty's proposals for "livestock siting" and how they weaken local control:

- **Township and county feedlot ordinance "impact on local economy statement."** One elected official (not the majority) or 25 voters from the township or county would be able to require a report on the "economic impact" of a proposed feedlot ordinance. The MN Dept. of Ag would take the lead on developing a system for calculating the economic impact of a proposed feedlot ordinance. This would be an un-funded mandate on local governments and create an unnecessary roadblock to adopting a feedlot ordinance. Local officials are already sharply aware of how their actions impact the local economy.
- **Create exemptions from future local ordinances (including temporary moratoriums) for feedlots that have merely applied for a permit.** New ordinances (including temporary moratoriums) have and should continue to apply to future developments as long as the project has not begun construction. The Governor's proposal indicates that the law would be changed so that feedlots that have merely applied for a permit would be exempt from ordinances not already in effect or in the process of being created.
- **Townships would be required to notify the MN Dept. of Agriculture and Pollution Control Agency when they begin work on a local feedlot ordinance.** MN Dept. of Ag officials have been hostile to local governments using their local control. A Dept. of Ag official was quoted in *Agri-News* as saying "Local governments need to be reined in and given parameters in which to operate." Now, Gov. Pawlenty is proposing that townships have to notify Dept. of Ag officials when they begin work on a feedlot ordinance. Townships should not be required to inform state agencies, especially when those state agencies have been biased against local control. If townships want information or help from state agencies they can request it.
- **Special notification requirements for adopting feedlot ordinances.** Currently public notification requirements for feedlot ordinances are the same as any other ordinances. Pawlenty recommends changing the public notice "for the initiation of animal-related ordinances". Public notice laws are working and feedlot ordinances should be treated the same as any other ordinance.

[Full list of recommendations at: www.mda.state.mn.us/livestock/sitingrecs.htm]

Here are the facts: Local governments have used their planning and zoning powers to create common sense ordinances that work for local farmers and rural residents. It is corporate interests, not family livestock farmers, who are calling for local control to be weakened in order to pave the way for more corporate-backed factory farms.

Take Action! Call your state legislators and tell them that Gov. Pawlenty's "livestock siting" recommendations undermine township and county local control and should be opposed. Tell them that township and county local control is working and the legislature should do nothing to weaken or undermine these rights.

- For the name and number of your State Senator call 651-296-0504 or 888-234-1112.
- For the name and number of your State Representative call 651-296-2146 or 800-657-3550.

Feedlot zoning/A new assault on local rights – Feb. 12, 2005

The No. 1 step Minnesota should undertake to support its livestock industries, according to the governor's task force on animal agriculture, is to rein in the use of local zoning rules to control where feedlots can be built or expanded. From that, some might conclude that zoning fights are the No. 1 problem facing animal agriculture in Minnesota -- or, at least, the No. 1 problem that could be fixed with state resources. The first conclusion would be silly; the second is doubtful at best.

There's no question that dairy farmers, especially, are in deep trouble in this state. The Minnesota herd is shrinking, and so is the number of producers, as warm weather and wide-open spaces draw milk production to California, western Idaho and New Mexico.

The response running through the task force report is that the remaining producers -- and not only in dairy, but also in beef, pork and poultry -- should keep expanding and economizing. The state, meanwhile, should focus on removing such obstacles as abusive zoning by obstructionist township boards.

Producer associations, with support from the Minnesota Department of Agriculture, have been making this point for enough years that you'd expect them to have assembled clear evidence that it's a big problem. Instead they offer a handful of anecdotes, often involving very large feedlots and local objections that, in fact, seem plausible. Or they prepare maps showing what might happen if, say, all of Stearns County were to adopt the setback rules of a township over in Lincoln County. Indeed, the ag department says it knows of only a dozen townships across Minnesota whose livestock-related ordinances are considered too restrictive.

There is one potentially problematical quirk in the practice of township zoning: Until a controversial project comes along, most townships don't bother to prepare a zoning ordinance, or to update an obsolete one. Those are expensive and time-consuming tasks for low-budget, volunteer boards that, until the rise of industrial-scale livestock operations, were usually content to let the counties handle land-use matters. So it's theoretically possible for a well-meaning farmer to embark on a reasonable project and find the rules changing in the middle of the game -- especially if he doesn't sound out the board in advance.

The task force proposes to prevent this by changing state law to exempt farmers from any local zoning requirement adopted after their project applications. The practical effect is to make each board invest perhaps \$10,000 or more in a zoning plan it may never need, or else surrender its right to do any effective zoning at all.

After this handcuffing, the task force recommends further harassment: requirements that the boards notify the state of any changes in their livestock-related ordinances, report to their communities on the local economic impact of such changes, and contribute to "templates" of federal, state, county and township regulations for applicants' one-stop-shopping convenience.

Such changes seem unlikely to benefit the vast majority of projects, where a local farmer works things out with a township board composed of like-minded neighbors, all invested in the success of the local economy. In such cases, the task force rules would add only extra costs.

The clear beneficiaries would be the big operators and/or outsiders who can't count on local support and would rather not be bothered with having to earn it. The regulatory "uniformity" and "predictability" the task force praises would amount to a virtual guarantee that operators could build any livestock project anywhere, as long as they complied with state environmental standards and a county land-use plan.

Such an attack on local decision making would be unthinkable if proposed in behalf of, say, lumber mills or liquor retailers, trucking terminals or town home builders. Even in a state where agriculture always gets to play by special rules, this is a breathtaking affront to communities' right to decide their futures -- especially when the problem it purports to solve, among all those facing Minnesota livestock operators, seems quite small indeed.

© Copyright 2005 Star Tribune. All rights reserved