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STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FISH AND WILDLIFE

IN THE MATTER OF PROPOSED ADOPTION OF

GAME AND FISH RULES ON

USE OF MOTOR VEHICLES FOR TAKING GROUSE

STATEMENT OF NEED AND REASONABLENESS

March 5, 1998



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GENERAL PROVISIONS

I. INTRODUCTION

Purpose

The primary purpose of the game and fish rules is to preserve, protect, and propagate desirable species of wild animals while ensuring recreational opportunities for people who enjoy wildlife-related activities. The proposed rule covers aspects of the use of motor vehicles for hunting small game.

Notification to Persons and Classes of Persons Affected by the Proposed Rule

A request for comments was published in the State Register on November 17, 1997. This notice described the subject of the proposed rule, the statutory authority for the rule, and the parties that could be affected by the proposed rule. On November 4, 1997, the Department of Natural Resources (department) published a news release outlining several alternative options and seeking public comment. The department also provided additional notice to people who may be affected by the rule by sending the request for comments and additional information to a number of hunting, trapping, and motor sports groups, and other organizations and individuals.

Organizations and individuals contacted under the notice plan included: Minnesota Trappers Association; Minnesota Fish and Wildlife Legislative Alliance; Minnesota Audubon Council; Ruffed Grouse Society; Minnesota Division of the Izaak Walton League; ATV Association of Minnesota; Minnesota 4-Wheel Drive Association; Minnesota field representative of the Wildlife Legislative Fund of America; and the Minnesota Off-Road Motorcycle Association.

Following the initial 60-day comment period, the department narrowed the list of alternative suggestions for addressing motor vehicles used for grouse hunting and proposed a 20yard distance restriction as the preferred alternative. An additional news release was distributed and letters sent to those who commented explaining the alternative and seeking additional

comment.

As a result of the extensive outreach done by the department, a great deal of input was received regarding the proposed rule changes. Input that was sought prior to or during the request for comments period was used as the proposed rule changes was developed. The comments received are summarized below:

Response to initial request

In response to its initial request for comments, the department received a total of 213 responses, including 107 individual letters, 76 telephone calls, and 30 petitions/organization letters (1,194 names). For the purposes of this summary, petitions and letters from large organizations were each treated as individual responses because it was impossible to know how many people were being represented by the large organizations (25 of the petitions used the same form, 1 letter was from a school class, and 2 letters included multiple signatures). Of the individual respondents, 142 (67%) said that the use of ATVs and/or other motor vehicles in the pursuit of small game should be restricted. A total of 67 (31%) opposed restrictions (including the petitions with 1,194 signatures), and 4 (2%) had questions or expressed no opinion.

A major concern of most respondents appeared to be the conflict between motorized and non-motorized hunters, rather than the issue of "fair chase" which is the purpose of this rule. Fair-chase is a concept or term used in hunting that attempts to balance the chances of success for the hunter with the chances of escape for the game animal being pursued (Posewitz, 1994). Conflict between users is not a subject of this rulemaking, but is being addressed through other efforts of the department and other land management agencies to separate motorized and nonmotorized users (see Appendix A).

Of the respondents who favored restrictions on motor vehicles, relatively few had comments on the department's specific suggestions to address fair chase. Those who did comment were divided in their opinions. Those comments are summarized as follows:

<u>Restrict the distance a person must be from a motor vehicle</u>: A total of 53 (25% of respondents) commented on this alternative, and of those with comments, 21 (40%) favored and 32 (60%) didn't favor this option.

Restrict motor vehicle use for grouse hunting except for designated hours, similar to what is done for deer hunting: A total of 61 (29% of respondents) commented on this alternative, and of those with comments, 30 (49%) favored and 31 (51%) didn't favor this option.

<u>Restrict people from hunting grouse unless parked in a designated lot</u>: A total of 46 (22% of respondents) commented on this alternative, and of those with comments, 15 (33%) favored and 31 (67%) didn't favor this option.

Aside from the three specific suggestions advanced by the department for comment, the next most common suggestion was that there be more enforcement of existing regulations, with a total of 34 (16% of respondents) commenting that more enforcement is needed.

In summary, while there was strong support for additional restrictions from individual respondents (67% favoring), none of the options advanced by the department for comment received comment from more than 29% of respondents, and of those who had opinions on the specific proposals, comments were fairly evenly split between support and opposition. While limiting hours of use received the most support, there was no clear-cut direction from the public on any of the options, or on alternative approaches.

The department brought together interdisciplinary staff consisting of wildlife, enforcement, trails and waterways, forestry, and planning representatives to review the public comment and to recommend a rule change to address fair chase in the use of motor vehicles for grouse hunting. A proposal to restrict shooting at grouse, except when a person is at least 20 yards from a motor vehicle and the vehicle is shut off, was announced via statewide news release for additional public comment on January 27, 1998.

Response to distance restriction proposal

Comments on this proposal were compiled and additional comments were taken at a statewide series of six wildlife public input meetings held in February, 1998. The responses to date are summarized as follows:

Of respondents to questionnaires distributed at 6 public meeting, 66 of 162 respondents with an opinion (41%) expressed support for this proposal. The most common reasons given for opposition were that there are already enough regulations and that this rule would be difficult or impossible to enforce.

Of 27 letters received since this preferred alternative was announced, 20 (74%) favored additional restrictions on motorized vehicles for grouse hunting. A total of 8 respondents (35%) specifically expressed support for the 20-yard restriction, while an equal number expressed opposition. Opposition came from hunters who use motor vehicles as well as from those who don't. Hunters who favored additional restrictions, but opposed the department's 20-yard proposal, suggested several alternatives, including prohibiting vehicle use for hunting, restricting hours of use, prohibiting transportation of firearms on off-road vehicles, and restricting shooting of grouse on the ground.

Additional notice on the proposed rule will be provided to persons or classes of persons who could be affected. Our notice plan involves sending a notice of intent to adopt rules with a public hearing to Minnesota Trappers Association; Minnesota Fish and Wildlife Legislative Alliance; Minnesota Audubon Council; Ruffed Grouse Society; Minnesota Division of the Izaak Walton League; ATV Association of Minnesota; Minnesota 4-Wheel Drive Association; Minnesota field representative of the Wildlife Legislative Fund of America; and the Minnesota Off-Road Motorcycle Association and to individuals who had input or expressed an interest during the request for comments period. A news release that details the proposed rule will be released statewide.

Statutory Authority

Statutory authority for the proposed rule is Minnesota Statutes, section 97B.711, subd. 3. This authority allows the commissioner to "...by rule prescribe methods and other restrictions for the taking of game birds."

II. REGULATORY ANALYSIS

Description of the Classes of Persons Affected by the Proposed Rule

The proposed rule would affect hunters and motor vehicle users. It may also affect businesses related to hunting and motor vehicles, such as resorts, motels, gas stations, vehicle manufacturers, and vehicle dealers.

Hunters using motor vehicles may be affected, but only to the minor extent that they will have to turn off and step away from their vehicle at least 20 yards before shooting at a grouse. Overall, the rule changes are expected to have little or no effect on businesses.

Probable Costs to the Agency or Other Agencies from the Proposed Rule

The proposed rule will not result in additional costs to the department or other agencies. There is already extensive monitoring of the wildlife populations and enforcement of the rules for the species that would be affected by the proposed rule. While some enforcement emphasis may change, no increase in overall quantity of monitoring or enforcement is planned if the rule is adopted. There will be no additional costs from the rule and the benefits will be a reduction in the use of technology to approach and shoot grouse. No effect on state revenues is anticipated from this rule.

Determination of Less Costly or Less Intrusive Methods for Achieving the Purpose of the Proposed Rule

Other options considered were to restrict hours of use for off-highway vehicles or to require that a user of a motor vehicle be parked in a designated area along a road or trail before being able to hunt. Both of these options were considered more intrusive and less practical than the preferred option presented in this proposed rule. The hours of use option would be more intrusive because it would completely preclude use of the motor vehicle during most hours of the day. The restricted parking area option would be more intrusive because it would dictate where a person would have to park before hunting on foot. The distance restriction does not preclude use of the vehicle or restrict where it can be parked before beginning to hunt.

The only less intrusive option considered would have been to make no change. That option was not proposed because of the need to address behaviors not consistent with "fair chase," considering the explosion in use of off-road vehicles in the state.

Description of Alternate Methods for Achieving the Purpose of the Proposed Rule

Alternate methods of addressing fair chase issues have been discussed in the past. These are summarized below.

Proposals to do more education and/or adopt voluntary codes of ethics for vehicle users have been suggested. This included discussions at Department-sponsored roundtables in 1995. The Department has also highlighted ethical considerations regarding off-road motor vehicle use in the Hunting Regulations booklet since 1995.

An hours-of-use restriction was considered. This was first proposed by the department back in 1990, and was presented again as an alternative in November of 1997. Although there is an existing hours-of-use restriction currently on the books for use of All-Terrain Vehicles (ATVs) for firearms deer hunting (no use during legal shooting hours except from 11:00 a.m. to 2: 00 p.m.), there are practical problems in trying to extend a similar provision to grouse hunting. These problems include: 1) grouse hunting typically involves walking and moving from one location to another, while deer hunting more commonly involves standing or sitting in a single location for long periods of time; 2) the firearms deer season is a relatively short period of the fall (16 days maximum) whereas the grouse season lasts for months; 3) deer hunters are specifically licensed and can be identified by that license, whereas grouse hunters need only a general small game license -- the same license required of rabbit and squirrel hunters, trappers, and takers of other small game species; 4) the deer season restrictions applies only to All-terrain Vehicles (ATVs) and not to other motor vehicles that commonly use many of the same roads and trails as grouse hunters; and 5) the hours of use restriction would not fully address concerns about fair chase because there is little argument that use of machines during certain hours would be consistent with fair chase, but during other hours it would not.

A restriction on hunting grouse except when vehicles are parked in a designated parking area was also presented as a potential alternative. Problems with this approach are primarily related to the practicality, the logistical difficulties, and cost of establishing, signing, and maintaining designated parking areas on the thousands of roads and trails in northern Minnesota. This proposal would also address only state public land areas, and would not address fair chase issues on other public or private lands. Lacking a massive investment of time and money in establishing and signing areas, this restriction would effectively eliminate the use of motor vehicles for accessing grouse hunting areas. This option received the least support from all respondents.

The distance restriction from a motor vehicle for shooting at a grouse was selected as the department's preferred alternative because: 1) it addresses the fair chase issue uniformly on both public and private lands by assuring that a person is off of and away from a motor vehicle before shooting; 2) it treats all motorized vehicles consistently; and 3) it does not prevent persons from using motor vehicles to access hunting locations or for other purposes during the grouse hunting season. The biggest concern with this option was the relative difficulty of enforcement when compared to the other two options. However, department enforcement personnel indicate that

this proposed rule is enforceable and there are several distance-related hunting and fishing regulations already in effect that are enforceable in practice, including distances related to shooting near houses and corrals and distances for tending fishing lines.

Probable Costs of Complying with the Proposed Rule

The restriction being proposed for grouse hunting with motor vehicles does not result in any increased costs to the public. To the small extent that the rule might discourage purchase or use of motor vehicles by those opposed to <u>any</u> further restrictions, there may be a decline in vehicle sales or use. Such a decline in response to this regulation is considered extremely unlikely because the proposed rule is not onerous and is simple and straightforward.

Assessment of Differences between the Proposed Rule and Existing Federal Regulations

The proposed rule covers areas that are not addressed by federal law; therefore this consideration is not applicable.

Regulatory, Licensure, or Other Charges in the Proposed Rule

The proposed rule does not involve any regulatory, permit, or license fees or any other charges to the public. Therefore, Minnesota Statutes sec. 16A.1285 does not apply.

Proposed Rule Affect on Farming Operations

The proposed rule will not affect farming operations.

III. RULE-BY-RULE ANALYSIS

Scope

The proposed rule provides for restricting the discharge of a firearm at a grouse, or a decoy of a grouse placed by an enforcement officer, unless a person is at least 20 yards from a motor vehicle and the vehicle's motor is shut off.

The purpose of this subpart is to require hunters using motor vehicles for accessing hunting areas to turn off and walk away from the vehicle before discharging a firearm or bow, except for hunters with a disability permit under Minnesota Statutes, section 97B.055, subd. 3. The term "motor vehicle" as used in this rule has the meaning given in Minnesota Statutes, section 97A.015, subdivision 32, which defines motor vehicle to mean "a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle that is operated on a highway, on a railroad track, on the ground, in the water, or in the air."

The commissioner has been delegated authority by the legislature to establish seasons, quotas, open and closed areas, restrictions on methods of take, and other restrictions related to hunting and trapping wild animals. While many of these restrictions are for the purposes of conservation or public safety, many restrictions are also based on other factors, including equitable distribution of harvests, quality of recreational opportunities, fair-chase considerations, and other factors related to how and when hunting or trapping occurs. Some examples of other statutory or regulatory provisions that relate specifically to fair-chase are hunting restrictions on use of artificial lights, electronic devices, smoke, and live decoys.

Specific to motor vehicles, the state has longstanding laws and regulations relating to fair chase that restrict using motor vehicles to chase or kill wild animals and shooting from motor vehicles: Minnesota Statutes section 97B.091 prohibits use of motor vehicles to intentionally chase or take wild animals; Minnesota Statutes section 97B.055, subdivision 2 restricts taking of wild animals with firearms or archery from a motor vehicle; and Minnesota Rules part 6232.0300, subpart 7 restricts use of All-terrain Vehicles (ATVs) and snowmobiles for taking deer. These existing laws and regulations addressing fair chase and motor vehicles have been accepted by hunters for decades and have not been challenged.

The need for the additional regulation proposed in this rule has primarily been created by the combination of two events: 1) the explosion in availability and use of motor vehicles designed to go off-road that was not foreseen when the existing laws and regulations were developed; and 2) the proliferation of improved roads, designated and undesignated trails, and logging roads that has greatly increased access into areas previously difficult to access, extending into the heart of grouse habitats throughout most of the forested area of Minnesota.

The need for this restriction is continuing to increase as the use of off-road motor vehicles in Minnesota continues to grow rapidly. ATV registrations alone in Minnesota have increased fourfold in the past 10 years, from less than 20,000 registered ATVs in 1987 to nearly 80,000 in 1996 (Nordell, 1997).

Because of the increased accessibility provided by these vehicles and access routes, hunters may now drive vehicles of various types right through grouse habitats and closely approach and shoot birds. Given this tremendous increase in the ability of motor vehicles to directly access the places that grouse live, as opposed to simply providing hunter access to a vicinity from which to begin hunting, it is necessary to extend the prohibition on using a motor vehicle to "take" to include a restriction on using the motor vehicle to closely approach a grouse and then step off (or out) of the vehicle and shoot it.

The proposed rule is also reasonable because approaching and shooting an animal using a motor vehicle is generally regarded to violate principles of "fair chase" associated with hunting game animals. In his book on hunting ethics, author Jim Posewitz says, "*The mechanized pursuit of wildlife is high on the list of violating fair-chase principles. We have invented machines to carry ourselves over land, sea, and air. Evolution of the animals we pursue can not keep pace with these inventions. If we are to pursue animals fairly, the ethical choice is clear -- we pursue them on foot. The ethical hunter never chases or harasses wildlife with a machine." (Posewitz, 1994, pages 60-61).*

The distance restriction addresses fair chase, while being a less intrusive and more uniformly applied (all motor vehicles) option than restricting hours of ATV use, as is currently done during the deer season. It is also more uniform, less intrusive, and more practical in application than restricting hunting except when vehicles are parked in designated areas, which would require massive designation and posting of parking areas and would not address fair chase issues on private or non-state public land.

The distance restriction from a motor vehicle for shooting at a grouse was selected as the department's preferred alternative because: 1) it addresses the fair chase issue uniformly on both public and private lands by requiring that a person is off of and away from a motor vehicle before shooting; 2) it treats all motorized vehicles consistently; and 3) it does not prevent persons from using motor vehicles to access hunting locations or for other purposes during the grouse hunting season.

This proposed regulation does not deny a person the use of a motor vehicle to access hunting areas. It only requires that the person turn off and leave the vehicle before shooting. The biggest concern with this option has been the relative difficulty of enforcement. However, department enforcement personnel indicate that this proposed rule is enforceable. There are several examples of distance-related hunting and fishing regulations already in effect that are enforceable in practice, including distances related to shooting near houses and corrals and distances for tending fishing lines.

This proposed rule addresses fair chase in grouse hunting, but does not address the issue of conflict between motorized and non-motorized grouse hunters. The conflict issue was a major concern of many of the people who responded to the information provided about this proposed rule, but that aspect of the issue is being addressed by ongoing department processes to separate motorized and non-motorized users and by working with other land management agencies (see Appendix A for a summary of other department efforts related to this issue).

OTHER CONSIDERATIONS

Review of Documents

Sources cited in this document may be reviewed on work days between 8:00 a.m. and 4:30 p.m. in the Section of Wildlife office at department headquarters, 500 Lafayette Road, St. Paul, Minnesota.

Witnesses

The witnesses below may testify on behalf of the department in support of the need and reasonableness of the rule. The witnesses will be available to answer questions about the development and content of the rule. The witnesses for the Department of Natural Resources include:

Ed Boggess, Wildlife Program Manager DNR Section of Wildlife 500 Lafayette Road St. Paul, MN 55155

Dave Schad, Forest Wildlife Program Coordinator DNR Section of Wildlife 500 Lafayette Road St. Paul, MN 55155

Jim Breyen, Regional Wildlife Manager DNR Section of Wildlife 2115 Birchmont Beach Road NE Bemidji, MN 56601 Jeff Lightfoot, Regional Wildlife Manager DNR Section of Wildlife 1201 E Hwy. 2 Grand Rapids, MN 55744

Gary Drotts, Forest Wildlife Specialist DNR Section of Wildlife 1601 Minnesota Drive Brainerd, MN 56401

Jack Heather, Regional Wildlife Manager DNR Section of Wildlife 2300 Silver Creek Road NE Rochester, MN 55906

Bill Spence DNR Division of Enforcement 500 Lafayette Road St. Paul, MN 55155

Mike Grupa DNR Division of Enforcement 500 Lafayette Road St. Paul, MN 55155 Gary Guida DNR Division of Enforcement Crosby, MN 56441

Ron Potter DNR Division of Trails and Waterways 500 Lafayette Road St. Paul, MN 55155

Based on the foregoing, the department's proposed rule is both necessary and reasonable.

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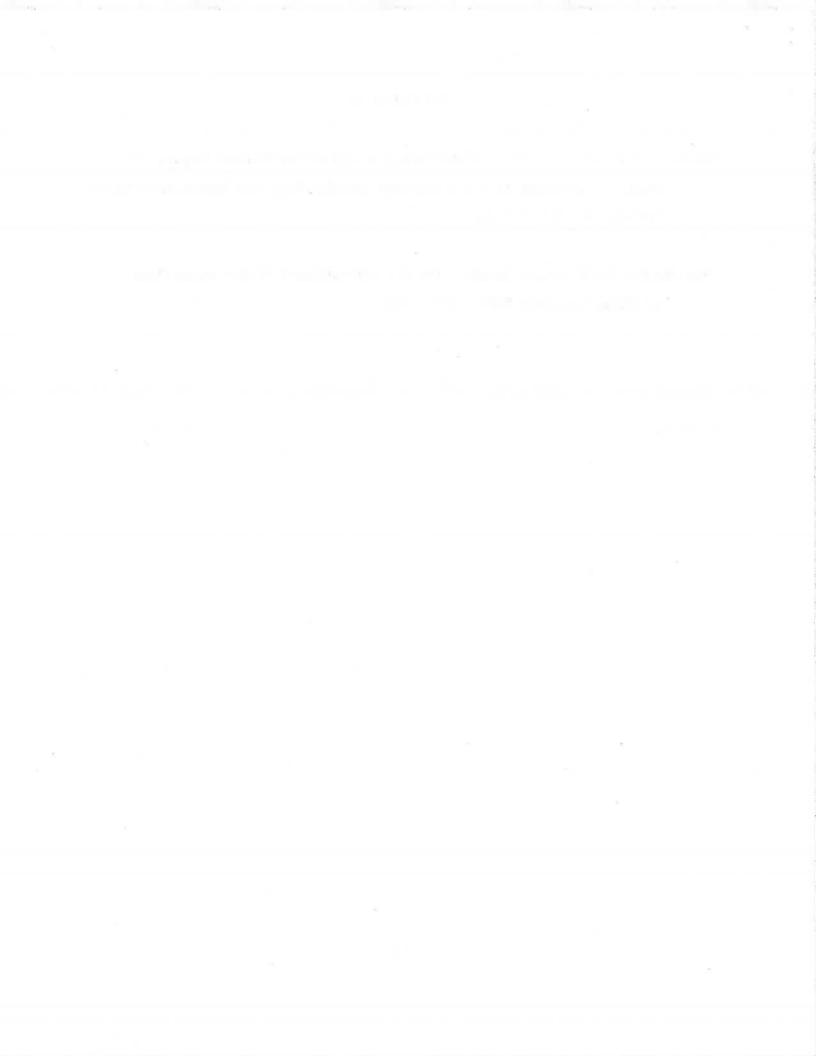
Rodnøy W. Sando, Commissioner Department of Natural Resources

Dated: 3/5/98

REFERENCES

Nordell, Paul E. 1997. Vehicle registration history for All-Terrain Vehicles. Unpublished Internal Memorandum, Trails and Waterways Division, Minnesota Department of Natural Resources, July 22, 1997, 2pp.

Posewitz, Jim. 1994. Beyond fair chase: The ethic and tradition of hunting. Falcon Press Publishing, Helena and Billings, MT. 118pp.



DNR proposing multiple approaches to address motor vehicle use and grouse hunting

In addition to laws already on the books that prohibit shooting from and carrying loaded or uncased guns on motor vehicles, the DNR is proposing three additional approaches to help address issues of "fair chase" and hunter conflicts related to the use of off-highway vehicles (OHVs) and other motor vehicles for taking grouse. "We have a mission to provide quality recreational opportunities, without damaging our natural resources, for those who wish to use motor vehicles as well as for those who wish to get away from such devices," said DNR Commissioner Rod Sando.

The three approaches the DNR is pursuing to address fair chase and user conflict issues are: 1) a grouse hunting rule; 2) a rule on public use of state forest lands; and 3) local planning efforts to designate open and closed areas and trails for motor vehicles. Details on each of these initiatives are discussed below.

HUNTING RULE The DNR is proposing a rule that will prohibit discharge of firearms or bows at grouse, unless a person is off of or out of a motor vehicle, the engine is shut off, and the person is at least 20 yards away from the vehicle. This rule is intended to address the issue of "fair chase" by assuring that the user of a motor vehicle has turned it off, has gotten off or out of it, and is well away from it before being able to legally shoot. Exceptions would be made only for hunters with disabilities who are in possession of a valid permit. Conflicts between walking and riding hunters are being addressed in two separate but closely related efforts involving local land-use planning, and revisions to state forest use rules.

These efforts will separate motorized and non-motorized users by establishing open and closed public land areas and trails for motorized use. They will provide recreational opportunities for each type of user, while reducing conflicts.

STATE FOREST LAND USE RULES The DNR is working on a revision to public use rules for state forest land that includes use of off-road vehicles on all state forest lands administered by the DNR commissioner. These rules will classify forests in several categories of restrictions and, in combination with the local planning efforts discussed below, will identify open areas, closed areas and trails for motor vehicle use on state forest lands.

LOCAL PLANNING EFFORTS Each region of the DNR is establishing guidelines for OHV use that will provide a consistent and managed approach to off-road vehicle recreation. These guidelines will help to identify areas and/or trails that are open and closed to motor vehicle use, as well as beginning the first steps of developing an offroad vehicle system plan. These local efforts involve teams of DNR managers working with communities, including users, interest groups, individuals, and other units of government.

As part of this effort, the DNR is also looking at how other states have addressed this issue. For example, in North Dakota hunters may not use motor vehicles except on established roads or trails, or when retrieving big game by the most direct route. In Wisconsin and the lower peninsula of Michigan, off-road vehicles can only be used on state lands posted open for their use, or by permit. South Dakota and Iowa restrict motor vehicle use on state lands to

designated roads and parking areas.

Because of the complexities of this issue and the strong and diverse public opinions on all sides, the comprehensive approaches outlined above, involving all interested parties, are designed to reach long-term resolution. There have already been a number of opportunities for public comment and involvement on these approaches, and there will be many more before these efforts reach their conclusion. The most immediate opportunity for additional public comment is on the proposed hunting rule that will be discussed at public meetings in February (see accompanying story).

For a summary of all efforts related to off-highway vehicles that are currently underway, contact the DNR Information Center toll-free in Minnesota at 1-888-MINNDNR (1-888-646-6367) or in the Twin Cities metro area call (612) 296-6157.

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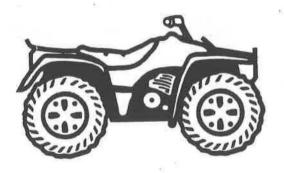
The Department of Natural Resources' Plan for Off Highway Vehicle Management

The use of Off Highway Vehicles (OHVs) has increased dramatically over the past five years in Minnesota {there are three groups of OHVs: All Terrain Vehicles (ATVs), Off Highway Motorcycles (OHMs), and Four Wheel Drive Trucks (Off Road Vehicles/ ORVs)}. With increased use comes increased levels of user conflicts, environmental damage, and a need for clear, consistent guidelines for OHV management.

In response to this need, the Department of Natural Resources, in cooperation with other public and private groups, has initiated a five-point plan to manage OHV use. If you have any general questions regarding this information, please call Ron Potter, Statewide OHV Coordinator, at 612/297-2362 or Emmett Mullin, DNR Office of Planning at 612/297-4831.

1. The Off Highway Vehicle Guidelines:

The Department of Natural Resources is in the process of developing Off Highway Vehicle Guidelines that provide a consistent and managed approach to OHV recreation. The guidelines are being developed within each of the six DNR regions and they will be unified into a coordinated Statewide plan. The DNR's Northeast Region is piloting the effort to develop guidelines for OHV management on state land and they are coordinating with the US Forest Service, county governments, and corporate landowners. The development of guidelines is the first step towards developing an OHV system plan. If you have any questions about the OHV Guidelines contact Ron Potter at 612/297-2362.



2. The Administrative Rule Amendment Effort led by the Division of Forestry:

The DNR's Division of Forestry is coordinating the update of the administrative rules that govern state forest lands under the authority of the Commissioner. The decision to update this rule is driven by the increased use of public lands. The part of this rule that pertains to the OHV effort governs the use of OHV's on state forest lands. Currently, the department is accepting written comments and questions on this rule. Your feedback will be used to draft rule language, which will be issued in early 1998. An external advisory committee has been assembled to help guide this effort. If you have questions or wish to submit comments, contact Steve Simmer, Forest Recreation Program Coordinator, 500 Lafayette Road, St. Paul, MN 55155-4044, 612/297-3508.

3. Off Highway Vehicle Park, Gilbert, MN:

The Iron Range Off Highway Vehicle Recreation Area was authorized and funded by the State Legislature in 1996. The site is being developed for All Terrain Vehicles, Off Highway Motorcycles, and Off Road Vehicles (4X4 Trucks and Jeeps). Currently, the project is in the design and environmental review stage. All questions regarding this effort should be directed to Brian McCann, Trails and Waterways, 612/296-8397.

4. The Administrative Rule Effort led by the Division of Wildlife

The DNR's Division of Fish and Wildlife has initiated the process to develop a hunting rule on OHV and other motor vehicle use for taking grouse and other small game. Currently, they are accepting written comments which will be used to develop draft language. Suggestions so far include: restricting the distance a person must be from the motor vehicle before discharging a firearm; restricting daily hours of use during the grouse hunting season; and prohibiting shooting of grouse except when the vehicle is parked in a designated area. All comments received by mid-January will be used in the development of draft language. No final rules will be put into place without a thorough process of public input and discussion. If you have questions or wish to submit comments, contact Ed Boggess, Section of Wildlife, 500 Lafayette Road, St. Paul, MN 55155-4044, 612/297-2072.

5. The recently completed Administrative Rule Process led by the Division of Enforcement:

As of December 22, 1997, the DNR's Division of Enforcement will have completed the update of its All-Terrain Vehicle Rule to include Off Highway Motorcycles and Off Road Vehicles (4X4's). Some of the topics involved with this rule are vehicle registration, display of numbers and decals, special permits, dealer registration, muffler requirements, and All Terrain Vehicles and Off Highway Motorcycles education programs. If you have any questions regarding this effort, contact Captain Jeff Thielen, Division of Enforcement, 320/616-2501.

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