

Minnesota Department of Natural Resources

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Division of Fish and Wildlife - Wildlife Section
651-259-5204



October 27, 2011

Legislative Reference Library
Attention: Jess Hopeman
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the State Department of Natural Resources Relating to Wildlife Management, Hunting, Trapping and Stamp Design; Governor's Tracking #AR 1004

Dear Librarian:

The Minnesota Department of Natural Resources intends to adopt rules relating to Wildlife Management, Hunting, Trapping, and Stamp Design. We plan to publish a Dual Notice of Intent to Adopt Rules in the October 31, 2011 State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Dual Notice. A hard copy of the SONAR is also included with this letter.

If you have questions, please contact me at 651-259-5197.

Yours very truly,

A handwritten signature in black ink that reads "Jason Abraham".

Jason Abraham
Rules/Furbearer Specialist
Minnesota Department of Natural Resources

Enclosure: Statement of Need and Reasonableness

JA:abd



STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE

IN THE MATTER OF PROPOSED ADOPTION OF RULES RELATING TO
PUBLIC LANDS, HUNTING, TRAPPING AND STAMPS

STATEMENT OF NEED AND REASONABLENESS

AUGUST 2011

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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 amendments to existing rule cover a variety of areas pertaining to wildlife, including: modifying special provisions for wildlife management areas, state game refuges, goose and waterfowl refuges, modifying the hunting and trapping season for raccoon, fox, badger, opossum, clarifying snaring provisions, modifying provisions for transporting incidentally taken otter, fisher, pine marten or bobcat, modifying the definition of a legal firearm for turkey hunting, modifying Canada, Ross', snow and white-fronted goose hunting regulations to reflect an extended regular season framework and to modify procedures and requirements for judging habitat stamp contests and for reproducing pictorial habitat stamps.

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

A request for comments was published in the *State Register* on January 3, 2011. This notice described the general areas of the proposed rules, the statutory authorities for adopting the rules, and a listing of the parties that could be affected by the proposed rules. A copy of the request for comments, as well as a draft of the proposed rules was available for public review and comment on the DNR's Internet website. A copy of the request for comments was sent to persons and associations who have requested to be notified of DNR rulemaking as provided by Minn. Stat., sec 14.14, subd. 1a. In addition, a copy of the request for comments was sent to individuals and organizations that could be affected by or would have interest in the proposed rules. A copy of the request for comments was also sent to leaders of the following organized conservation groups whose members may have interest in the rules: Ducks Unlimited, Delta Waterfowl, Minnesota Waterfowl Association, Minnesota Deer Hunters Association, Bluffland Whitetails Association, Minnesota Trappers Association, Forest Zone Trappers Association, the Minnesota chapter of the National Wild Turkey Federation and the Humane Society of the United States. In addition, a copy of the request for comments was mailed to artists who had submitted work for consideration in a habitat stamp contest since 2007. A DNR news release was also distributed to media statewide.

The DNR received comments from 53 groups and individuals in response to the request for comments. Twenty people or groups requested a draft copy of the proposed rules. A draft was available on Jan. 18, 2010 and was provided to all who requested. Many comments did not relate to any proposed rule revisions. Comments that did relate to proposed rule revisions are summarized below.

In the request for comments, the DNR indicated that it was considering changes that would extend the fall turkey season to 30-days and allow the use of 20-gauge muzzleloaders. The DNR received 12 comments regarding changes in these provisions:

- Eleven people commented in support of extending the fall turkey season to five days. One person commented in opposition to the extension.

- One person commented that the fall turkey season should be 30 days but should begin on Oct. 15 rather than Oct. 1. Another person commented the spring turkey hunting periods should be extended to from five days to seven days.
- One person commented in support of allowing 20-gauge muzzleloaders for hunting wild turkeys.

The DNR also indicated it was considering modifying application procedures, design standards and judging requirements for pictorial habitat stamp contests. The DNR received six comments regarding changes in these provisions:

- One person commented in support of the proposed changes.
- One person suggested changing the scoring system, allowing finalists to re-enter their paintings and soliciting judges from a broader sub-group, including art teacher and art dealers.
- One person supported reducing the length of time to one year that a contest winner must wait before re-entering the same contest. They suggested that entrants who win the contest twice or more should have to wait two years before re-entering.
- One person suggested allowing more eligible species for the waterfowl habitat stamp contest and implementing an air brush and non-air brush category.
- One person opposed reducing the time that winning artists must wait before re-entering a habitat stamp contest.

The DNR also indicated that it was considering extending the hunting and trapping season for fox, raccoon, badger and opossum in an area of state that lies generally north of Minnesota Highway 200. The DNR received four comments regarding changes in these provisions and furbearer seasons:

- Two people commented in support of this change.
- One person commented that the raccoon season should be extended to include the entire year in all of the state.
- One person commented that the bobcat and fisher season should run concurrently. This person said they would support a shorter bobcat season or a longer fisher season in order to make this change.

The DNR also indicated it was considering modifying special provisions on a number of wildlife management areas. While there were no comments supporting or opposing the proposed changes, there were two comments on wildlife management area rules. These included:

- One person commented in support of limiting hunting on wildlife management areas to deer only during the deer hunting seasons.
- One person requested rule changes that would allow hunters to leave portable stands overnight in wildlife management areas.

Since 2005, a total of 29 public meetings, attended by more than 1,200 people, have been held in various areas of the state that included subjects covered by these proposed rules. For issues in the proposed rules that have had previous public input, summaries of the input received are included in Appendix A and B.

Additional notice

A notice of intent to adopt rules with or without a public hearing will be sent to the following organizations: Ducks Unlimited, Delta Waterfowl, Minnesota Waterfowl Association, Minnesota Deer Hunters Association, Bluffland Whitetails Association, Minnesota Trappers Association, Forest Zone Trappers Association, the Minnesota chapter of the National Wild Turkey Federation and the Humane Society of the United States and to any additional individuals and groups who commented after the request for comments was published. The notice will be available for public review and comment on the DNR's Internet web site and will be linked to the proposed rules published in the *State Register*. The notice, proposed Rules, and SONAR will be sent to legislators as required under Minnesota Statutes, section 14.116. A DNR news release will be published when the notice of intent to adopt rules is published.

Statutory authority

This rulemaking amends and repeals rules that were adopted within the time limit specified in §14.125 and additional legislative authorization is not required. Amendments to part 6236.0700 subpart 1 as required under §97B.711 subd. 1(8a) were published using DNR's expedited emergency game and fish rulemaking authority under §84.027 sec 13(b). Those rules were published and effective on August 8, 2008 (33 SR 299).

Expedited emergency game and fish rules are not posted online by the Revisor's office because such rules have a maximum duration of 18 months. Instead, DNR posts those rules on its website at http://www.dnr.state.mn.us/aboutdnr/laws_treaties/emergency_rules/docs.html to provide public access to the information as well as easy access for our own employees.

Said Notice of Adoption constitutes compliance with the requirements of §14.125 and DNR retains the statutory authority to subsequently amend part 6236.0700, including transferring the rule from expedited emergency rule status to permanent rule status.

Additional legislative authorization is not required for amendments to parts 6290.0200, 6290.0300, 6290.0400 and 6290.0500 because changes to the authorizing statute (Laws 2008, chapter 368, article 2, section 11) apply only to pictorial stamps and design. The time limit specified in §14.125 does not apply because the changes did not affect rulemaking authority in the section.

The adoption of the proposed rules is authorized by *Minnesota Statutes*, sections;

<u>Rules Part</u>	<u>Minnesota Statutes, Sections</u>
6230.0200	97A.137
6230.0250	97A.137
6230.0295	97A.137, 97A.401
6230.0400	97A.091
6230.0700	97A.092, 97A.401
6232.0350	97A.535, 97A.401
6234.1200	97B.605, 97B.621
6234.1300	97B.605
6234.1400	97B.605, 97B.635
6234.2400	97B.605
6234.2700	97B.605, 97B.921
6236.0100	97B.711
6236.0700	97B.711
6240.0100	97B.803
6240.1150	97B.803
6240.1200	97B.803
6240.1850	97A.091, 97B.803
6290.0200	97A.045
6290.0300	97A.045
6290.0400	97B.045
6290.0500	97A.045

II. REGULATORY ANALYSIS

Description of the Classes of Persons Affected by the Proposed Rules

The proposed rules would affect persons who hunt on certain public lands or game refuges. They would also affect those who own land designated as a game refuge. The rules would also affect those who hunt small game, or waterfowl. Many of the rules have been in effect during recent hunting seasons as temporary rules and have not resulted in controversy. The proposed regulations will also affect some non-hunters and non-trappers who object to hunting and trapping or to the expansion of hunting and trapping opportunities.

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

The proposed rules will not result in additional costs to the DNR or other agencies. The proposed changes to habitat stamp contest rules would clarify and streamline the selection process and allow artists more flexibility to enter multiple stamp contests in a single year. They will also define the eligible species and update contest standards to better reflect modern technology. For proposed public land, refuge, hunting and trapping rules, there is already extensive monitoring of the wildlife populations and enforcement of the rules for species that would be affected by the proposed rules.

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

For wildlife management areas and state game refuges, the changes will have no added costs and are not considered to be intrusive. Most of the provisions are less restrictive than current rules and are designed to improve population management, provide additional access or to repeal obsolete rules. The more restrictive provisions are to protect populations, to comply with deed restrictions or to allay concerns about the discharge of certain firearms.

The changes to the Lac qui Parle state game refuge and controlled hunting zone have been in place through temporary rule for one hunting season and resulted in no added costs. The rules provide as much access for anglers and small game hunters as possible while limiting waterfowl disturbance during the peak of fall migration. For the controlled hunting zone, the rules streamline procedures in the Lac qui Parle area where demand for controlled hunt blinds has declined as goose hunting opportunities have increased in many areas of the state. A less formal system of allocating blinds can now be used during much of the goose season.

Proposed changes to furbearer rules will result in no additional cost. They are less restrictive than existing rule, allowing additional hunting and trapping opportunity in the northern third of the state, and more flexibility transporting incidentally caught bobcat, fisher, otter and marten. The provision prohibiting snaring on frozen lakes within the boundaries of public land clarifies that the rule includes public waters as well as public lands.

Changes proposed to rules related to turkey hunting will result in a longer fall season and an expanded definition of muzzleloaders that are legal for taking turkeys. Changes to provisions for taking geese are less restrictive than existing rule, allowing a longer season and additional opportunities on goose refuges. The proposed changes to habitat stamp contest rules would clarify and streamline the selection process and allow artists more flexibility to enter various stamp contests. They will also define the eligible species and update contest standards to better reflect modern technology.

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

Most of the proposed rule changes are to improve population management, to provide biologically sustainable use of wildlife resources, to reduce restrictions for resource users or the DNR, or to provide technical corrections or clarifications to existing rules.

Protection of wildlife resources cannot be achieved solely by non-regulatory means, although part of this rulemaking is designed to eliminate procedures that have been found to be unnecessary for resource protection and management. Some of the proposed rule provisions are corrections, clarifications, or technical changes that do not have a substantive effect on current regulations. The alternative would be to leave these provisions uncorrected or unclear, but the proposed rule was considered the best way to make the existing rules more understandable and accurate.

Other rules relate to where and how hunting for various species can occur. Changes are generally to improve population management while maintaining or increasing hunting opportunities. While alternate methods such as voluntary restraint on total harvest are sometimes used on private holdings or where there is strong peer pressure to adhere to voluntary guidelines, managing wildlife populations for public benefits on a statewide or national basis requires

regulations on when, where, how much, and by whom harvest of wildlife can take place. Wildlife harvest regulations are to prevent over or under harvests, to distribute harvest geographically, to provide equitable opportunities, and to address other issues of conservation, safety, and fair chase. No alternative to regulated harvest is available that will achieve the same outcomes.

Probable Costs of Complying with the Proposed Rules

The restrictions being proposed do not result in increased costs to the public. Changes in harvest regulations and seasons that result in fewer restrictions and more opportunities should enhance incomes of those selling hunting and trapping products and services related to these activities.

Probable Costs or Consequences of not adopting the proposed rules

The consequences of not adopting many of the proposed rules will be unnecessary restrictions and fewer opportunities for hunters and trappers in Minnesota, and reduced incomes for those selling hunting and trapping products and services. The consequences of not adopting some of the proposed rules will be a diminishment of the department's ability to responsibly manage recreational resources. For example, the changes to part 6230.0700 are needed to streamline procedures in the Lac qui Parle controlled hunt zone where demand for controlled hunt blinds has declined and a less formal and less costly system of allocating blinds can be used beginning on Dec. 1 of each year.

Assessment of Differences between the Proposed Rules and Existing Federal Regulations

The proposed wildlife rules cover areas that are not addressed by federal law, except for the portions relating to migratory birds. The federal government retains primary management authority for migratory birds, which are protected under international treaty and federal law and rule. These species readily migrate across state and international borders and federal oversight is necessary. The federal government establishes the outside parameters within which the state must establish specific seasons, zones, bag limits, and other restrictions for migratory game birds. States select specific seasons and limits within the federal guidelines. Federal law stipulates that state regulations can be no more liberal than federal regulation frameworks, but can be more restrictive. State law requires migratory bird regulations to be in accordance with federal law (Minn. Stat. Sec. 97B.731 and Sec. 97B.803). The state waterfowl hunting regulations that are the subject of this rule are established within the allowable frameworks established by federal law and regulation, and are fully consistent with federal and state law.

Proposed Rules Effect on Farming Operations

The proposed rules will not affect farming operations.

Description of How the Agency Considered and Implemented the Policy to Adopt Rules That Emphasize Superior Achievement in Meeting the Agency's Regulatory Objective and Maximum Flexibility for the Regulated Party and the Agency in Meeting These Goals

Minnesota Statutes, Section 14.002 establishes legislative policy that rules and regulatory programs emphasize superior achievement in meeting the agency's regulatory objectives, as well as providing maximum flexibility for the regulated party and the agency in meeting those

objectives.

The agency mission is to work with the citizens to protect and manage the state's natural resources, to provide outdoor recreation opportunities, and to provide for commercial uses of natural resources. The Division of Fish and Wildlife mission is to provide sustainable wildlife benefits to the people of Minnesota by conserving, managing, and enhancing wildlife populations and their habitats, with an emphasis on maintaining Minnesota's hunting and trapping heritage. The objective of the division with regard to hunting and trapping regulations is to provide for sustainable resource conservation, public safety, and equitable use opportunities, consistent with state and federal law. To the extent possible, the DNR attempts to maintain simplicity and understandability of regulations, balanced against the complexity needed to accommodate the demand for specialized regulations to provide a wider variety of specific opportunities.

In developing the proposed rules, the agency sought to make the rules less restrictive where resource conservation, safety, and equitable use opportunities allowed. An example is in amendments to special provisions that would allow

motorized boats and vehicles as well as overnight ice fishing shelters in the Spring Lake Islands Wildlife Management Area on the Mississippi River in Dakota County. Because of its location on the Mississippi River, access to the area would be difficult or nearly impossible without the use of motorized boats in open water and vehicles when the river's surface is frozen.

The area includes appropriate wildlife lands to support a high potential for wildlife production as well as enough area to ensure the regulation of permitted recreational activities that have

traditionally been pursued. In developing this area, the DNR worked closely with Dakota County officials on enforcement responsibilities as well as local residents and a local business owner to establish and post a 300-foot firearm discharge boundary along the south shoreline of the wildlife management area. The amendments relating to the use of motorboats and ice fishing shelters are consistent with special provisions for the Gores Wildlife Management Area, located nearby on the Mississippi River.

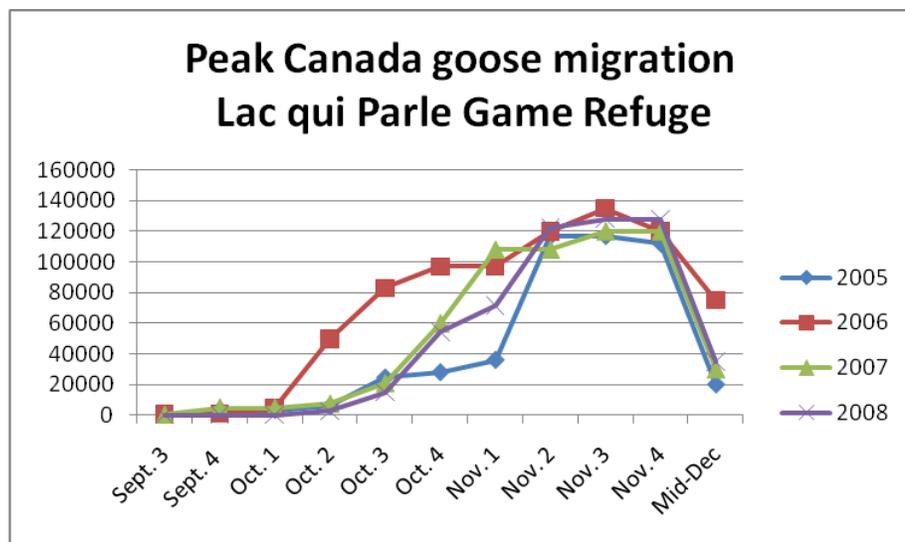


Another example is the proposed change to trapping regulations that would allow trappers to notify a conservation officer in order to take possession of fisher, otter or pine marten that have

been accidentally killed or bobcat that are killed accidentally or lawfully while causing damage. Under the current rule, a conservation officer must give authorization before a trapper can take possession of the animal. Over time this rule has created difficulty for trappers as conservation officer duties have expanded, making it more difficult to receive such authorization in a timely fashion. Under the proposed rule, trappers will be able take possession of the animal and remove it from the trap site after making the proper notification, which may be a voice mail message. They will not be allowed to skin, transfer possession or otherwise dispose of the animal until they receive authorization in person from a conservation officer. This proposed rule change would allow trappers more flexibility as they pursue their sport while minimizing the possibility that animals taken beyond a trapper's bag limit or out of season could be illegally possessed or sold.

Another example is the proposed change to rules at Lac qui Parle Wildlife Management Area and Controlled Hunting Zone, which will continue to provide protection for migratory geese while increasing hunting opportunity and reducing staff time directed toward conducting hunts.

Wildlife managers noted that Canada geese have arrived about four weeks earlier today than in the 1970s, when the current rules were being established (D. Trauba, 2010). Wildlife managers have also noted a decline in use of hunting at state



blinds, which are assigned by a lottery system held daily during November and December. While hunter interest in the state blinds remains strong during the weeks when goose numbers peak, interest wanes quickly in early December. This is likely due to the large number of geese that now migrate throughout the state, providing increased goose hunting opportunities closer to home for many hunters. Under the proposed rules, Lac qui Parle staff would conduct a lottery to assign blinds only during the peak of goose migration when interest from hunters is high. This generally coincides with the peak of goose migration as outlined in the chart, beginning the third Thursday in October through Nov. 30. Thereafter the blinds would be available on a first-come, first-served basis, allowing more flexibility for hunters and a savings of staff time to devote to other duties. Additional proposed rules related to Laq qui Parle waterfowl sanctuary allow fishing at those times when it will not disturb migrating geese.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department will consult with the Minnesota Management and Budget (MMB). We will do this by sending the MMB copies of the

documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Department's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Department will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. These proposed rules do not require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city. The proposed rules do not require any action by local government to comply with these rules.

III. RULE-BY-RULE ANALYSIS

Scope

Areas covered by the proposed rules include the following:

- General provisions for wildlife management areas
- Special provisions for game refuges
- Taking raccoon, red and gray fox, badger and opossum
- Special restrictions for the use of snares
- Special restrictions on the taking and possession of furbearers
- Definition of legal firearms for taking wild turkeys
- Fall turkey season
- Definitions of goose seasons
- Taking snow, blue, Ross' and White Fronted Geese and Brant
- Special provisions for taking geese during early seasons
- Refuges open to taking geese
- Application procedures, reproduction, design standards and selecting habitat stamps

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

Minnesota Statutes, Section 97A.137, subpd. 1, provides that wildlife management areas are open to hunting (including trapping) and fishing unless closed by rule of commissioner or by

posting. Minnesota Statutes, Section 97A.135, subd. 1, provides that at least two-thirds of the total area acquired for wildlife management areas in a county must be open to public hunting. The changes for wildlife management areas in these proposed rules are consistent with all statutory requirements for public hunting in the wildlife management areas.

Subp. 9. **Areas closed to firearms deer hunting.** The purpose of the amendment to this subpart is to limit small game hunting with firearms to shotguns using BBB or smaller diameter shot in a portion of the Gore's Pool Wildlife Management Area in Dakota County. The change is necessary because this portion of the Wildlife Management Area lies within the boundaries of the city of Hastings, where the discharge of firearms is prohibited without authorization from the city. Limitations on firearms hunting are reasonable in this instance because the area would normally be closed to all firearms hunting, except that the city council amended *Hastings City Ordinance* Section 130.01 (D and F) to allow the regulated harvest of wildlife on the WMA provided that the method of taking is restricted to shotguns with fine shot (No. BBB or smaller diameter shot). The city further amended their ordinance to allow the taking of deer and wild turkey with archery equipment and deer with firearms as part of a controlled deer management hunt on the Gores Pool WMA. The ordinance is included in Appendix C.

6230.0250 GENERAL PROVISIONS FOR USE OF WILDLIFE MANAGEMENT AREAS.

Subp. 9. **Use of motorboats.** The purpose of the amendment to this subpart is to allow the use of motorboats with no limit on size in the Spring Lake Islands Wildlife Management Area in Dakota County. It is necessary because motorboats are prohibited within a wildlife management area, except as specifically authorized by rule or posting. It is reasonable because access to the area would be difficult or nearly impossible without the use of motorized boats. The primary access to Spring Lake Islands WMA is through a boat launch that is more than one mile across open water or through boat travel on the Mississippi River. Also, during the process of establishing the wildlife management area, the DNR agreed that historical boating use of the area would not be compromised. This amendment is consistent with rules established on the nearby Gores Wildlife Management Area.

Subp. 10 **General Restrictions on vehicles.** The purpose of this subpart is to allow the use of vehicles for ice fishing purposes only, on the Spring Lake Islands Wildlife Management Area. It is necessary because vehicles are prohibited within a wildlife management area, except as specifically authorized by rule or posting. It is reasonable because access to this area for ice fishing would be difficult or impossible without the use of a vehicle. This area has historically been used by ice anglers who use snowmobiles, all-terrain vehicles and motor vehicles for access. During the process of establishing this wildlife management area, the DNR agreed that this historical use would not be compromised. The amendment is also consistent with rules established on the nearby North Lake in the Gores Wildlife Management Area

Subp. 19. **Abandonment of trash and property.** The purpose of this subpart is to allow fish houses or dark houses to be left unattended overnight in the Spring Lake Islands Wildlife Management Area. It is necessary because leaving property unattended overnight is prohibited within a wildlife management area except as specifically authorized by rule or posting. It is

reasonable because the area encompassed by the Spring Lake Islands WMA has historically been used by ice anglers who leave their shelters on the ice overnight and in the process of establishing this wildlife management area, the DNR agreed that this use would not be compromised. Moreover, this area is also connected to the Mississippi River, where ice fishing shelters may be left unattended. The proposed amendment is also consistent with rules established on North Lake of the Gores Wildlife Management Area, which is also on the Mississippi River in Dakota County.

Subp. 20. **Destruction or removal of property.** The purpose of the amendment to this subpart is to eliminate rule language that prohibits the harvest of wild rice on wildlife management areas that aren't specifically opened by rule. It is necessary because *Minnesota Rules* 6284.0500 allows the harvest of wild rice in wildlife management areas except as specifically closed by posting or by rule. It is reasonable because one of the objectives of the DNR is to reduce barriers for wild rice harvesters and promote the harvest of wild rice (MNDNR, 2008). Wildlife management areas are currently considered open for the harvest of wild rice unless closed by posting or rule (MNDNR, 2010). Areas closed to the harvest of wild rice are typically posted as such prior to the wild rice harvest season. Because wildlife management areas that are open to the harvest of wild rice vastly outnumber those that are closed, posting those that are specifically open would be burdensome and unnecessary.

6230.0250 VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.

Subp. 1 **Hunting.** The purpose of the amendment to this subpart is to allow Canada goose hunting on the Vermillion Highlands Wildlife Management Area after the statewide muzzleloader season. It is necessary because the area is closed to all hunting and trapping except as specifically allowed by rule. It is reasonable to allow another hunting opportunity after the close of the muzzleloader season, when use of the area is limited to pheasant hunting and trapping by special permit. Because the number of hunters on the WMA is limited by the number of parking stalls available as described in subpart 2, the possibility of interference between hunters is reduced. It is also reasonable to create additional goose hunting opportunities near the Twin Cities area in late November and December, when the Canada goose population consists mainly of year-round residents. Complaints about resident Canada geese account for approximately 20 percent of the nuisance wildlife complaints recorded in the last year (Reindl, Koelbl-Crews and Benson, 2009). The additional hunting would likely contribute to reducing the number of resident Canada geese.

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES

Subp. 2 **Bemidji Game Refuge, Beltrami County** The purpose of the amendment to this subpart is to allow small game hunting after the close of the 200 Series firearms deer season and to allow deer to be taken with muzzleloaders during the statewide muzzleloader season. A harvestable population of deer and small game exists in this refuge. The change for small game hunting is necessary to provide additional hunting time for small game hunters after the close of the firearms deer season. It is reasonable because the existing restriction was intended to discontinue small game hunting in the refuge prior to and during the deer season and this change continues to provide for that. The changes for muzzleloader deer hunting are necessary to provide additional

hunting opportunity and to maintain deer populations at or near the goals set in consultation with area residents, business owners and concerned citizens. It is also reasonable because there have been extensive local discussions, which have demonstrated support for muzzleloader hunting as a means to maintain a sustainable deer population in the refuge. A survey of 72 people who live in or near the refuge or hunt on the refuge showed that 47 percent supported muzzleloader and archery hunting. Forty-one percent did not support the option while 11 percent said they didn't have an opinion. A summary of the results appears in Appendix B.

Subp. 9. Elizabeth and German Lake Refuges, Isanti County The purpose of the amendment to this subpart is to allow early season goose hunting on the refuges. It is necessary because the refuges would otherwise be closed to hunting Canada geese during this time. It is reasonable because a harvestable surplus of geese exists on the refuge during the early goose season. These geese are primarily year-round residents that are a leading cause of nuisance animal complaints (Reindl, Koelbl-Crews and Benson, 2009). Additional hunting during the early season may help reduce the population of resident Canada geese in the area and will not interfere with the majority of migrating ducks that will use the refuge later in the fall.

Subp. 10. Erhard's Grove Game Refuge, Otter Tail County The purpose of the amendment to this subpart is to allow small game hunting for species other than waterfowl, on the refuge. It is necessary because the refuge would otherwise be closed to small game hunting. It is reasonable because no management need exists for a small game refuge in this area and allowing small game hunting will not interfere with migrating ducks that will continue to use this area as a refuge during the hunting seasons.

Subp. 21 Lac qui Parle Game Refuge, Chippewa and Lac qui Parle Counties The proposed amendments to this subpart reduce restrictions on activities within the refuge where a management need no longer exists. They are necessary and reasonable because Canada goose populations in the refuge and across the state have increased since the current rules were adopted and can support longer seasons authorized by the U.S. Fish and Wildlife Service under federal migratory bird hunting frameworks. Moreover, fewer hunters are using the refuge today (D. Trauba, 2010) thereby allowing the possibility for additional recreation without compromising protection for migrating geese.

Item A. The proposed amendments to this item will reduce the number of days when waterfowl and small game hunters are restricted to designated hunting stations. It is necessary to provide additional hunting opportunities on the refuge. It is reasonable to distribute hunting opportunities equitably during the weeks when geese are abundant and hunting participation is high. It is also reasonable to reduce restrictions during those times when hunter interest is low and geese are less abundant so hunters and anglers can use the refuge to pursue other species, such as pheasants.

Item B. The proposed amendments to this item allow fishing on the sanctuary at times when migratory waterfowl will not be disturbed. It is necessary because waters contained in the sanctuary provide an important fishing opportunity and would otherwise be closed. It is reasonable because the sanctuary was created to provide a resting area for migratory geese and waterfowl with limited disturbance from hunting. This proposed rule change maintains the

purpose of the sanctuary while allowing for additional fishing opportunity.

Subp. 33. Ocheda Lake Game Refuge, Nobles County. The proposed amendment to this subpart would allow the harvest of geese that would likely otherwise spend the winter in the refuge. It is necessary to allow hunting in the Ocheda Refuge so the birds do not contribute to an increasingly large population of resident Canada geese in the area, about a mile southeast of Worthington. It is reasonable to target geese in this area in December, after most migratory birds have left as there is a higher possibility that these geese will remain in the area over the winter. Complaints about geese comprise nearly 20 percent of the nuisance animal complaints received by the state each year (Reindl, Koelbl-Crews and Benson, 2009).

Subp. 35 Paul Bunyan Game Refuge, Hubbard County. The purpose of the proposed amendment to this subpart is to allow small game hunting after the close of the firearms deer season. A harvestable population small game exists in this refuge, which is closed to firearms deer hunting. The change for small game hunting is necessary to provide additional hunting time for small game hunters after the close of the firearms deer season. It is reasonable because the existing restriction was intended to discontinue small game hunting in the refuge prior to and during the deer to facilitate the restriction on firearms deer hunting. This change continues to provide for that.

Subp. 52 Anoka and Isanti Counties Game Refuge, Anoka and Isanti Counties. The purpose of the proposed amendment is to prohibit the possession of firearms on the refuge. It is necessary for consistency between game refuge rules and the firearms policy of the University of Minnesota, which owns the entire refuge. It is reasonable because the University of Minnesota controls access to the property and could restrict all hunting through existing trespass statutes. Under the proposed rule change, archery hunting opportunities for deer and turkey will be continue to be preserved.

Subp. 60. Cedar Lake Game Refuge, Stearns County The purpose of the amendment to this subpart is to open the refuge to deer hunting. It is necessary because the refuge would otherwise be closed to hunting. It is reasonable because there is a surplus of deer on the refuge, which damage native and ornamental vegetation and pose a traffic hazard for motorists in the area. Moreover, there is no management need for a deer refuge in this area.

6230.0700 LAC QUI PARLE SPECIAL PROVISIONS

Subpart 1. Time periods for special provisions. The purpose of the proposed amendment to this subpart is to eliminate the reference to the Lac qui Parle goose zone. It is necessary because there is no longer a need manage the goose harvest with a distinct season length and bag limit in this area of the state. It is reasonable because the Canada goose population in this area can now be safely hunted within the statewide goose season authorized by the U.S. Fish and Wildlife Service under federal migratory bird hunting frameworks.

Subp. 2. Hunting stations. The purpose of the proposed amendment to this subpart is to specify the time period that designated hunting stations may be reserved and to include small game hunters under this restriction until Nov. 30. It is necessary because under the previous rule, all

persons who wished to hunt in the zone could reserve a blind throughout the goose season. Those who did not wish to reserve a blind still had to get a permit and register their use at the headquarters office. This change continues that restriction for the first few weeks of the Canada goose season, when hunter interest is high but makes blinds available on a first-come, first served basis after Dec. 1 when goose concentrations and hunting pressure are typically low. It is reasonable because it improves goose hunting quality and continues a restriction for small game hunting in the zone while removing requirements for the use of blinds when they are no longer necessary.

Subp. 3. Entry permit required. The proposed amendment to this subpart reduces the amount of time that an entry permit is required to hunt migratory waterfowl or small game in the controlled hunting zone. It is necessary because the permits would otherwise be required after Dec. 1. It is reasonable because goose concentrations and hunting pressure are typically low during after Dec. 1 and there is no need to monitor or restrict the number of hunters in the controlled hunting zone. It is also reasonable to reduce paperwork and streamline regulations for both hunters and controlled hunting zone staff.

Subp. 4. Limitation on number of shells possessed. The purpose of the amendment to this subpart is to exclude small game hunters from limitations on the number of shells they may possess after Nov. 30. It is necessary because under the previous rule, all hunters in the zone were restricted 12 shells. This change continues that restriction for the first few weeks of the season, when both waterfowl and small game hunters are restricted to hunting stations. It is reasonable because the shell restriction is in place to encourage waterfowl to place their shots carefully, particularly when there are many birds beyond shooting range. Small game hunters are pursuing pheasants, rabbits or small-game species at this time and there is no reason to limit the number of shells they possess.

Subp. 6. Actions after taking bag limit. The proposed amendment to this subpart would reduce reporting requirements for hunters who successfully harvest geese in the controlled hunting zone. It is necessary because there is no longer a management need for DNR staff to inspect each goose taken from the controlled hunting zone. It is reasonable because data from harvested geese is no longer necessary. Goose populations continue to be stable or expanding across the state.

Subp. 7. Limitation on number of trips. The proposed amendment to this subpart would clarify the time of day that hunters could make trips to their blinds. It is necessary to reduce interference with other hunting parties. It is reasonable because the amendment continues to allow hunters the same amount of access to their vehicles while limiting excessive foot traffic that would interfere with hunters in nearby stations.

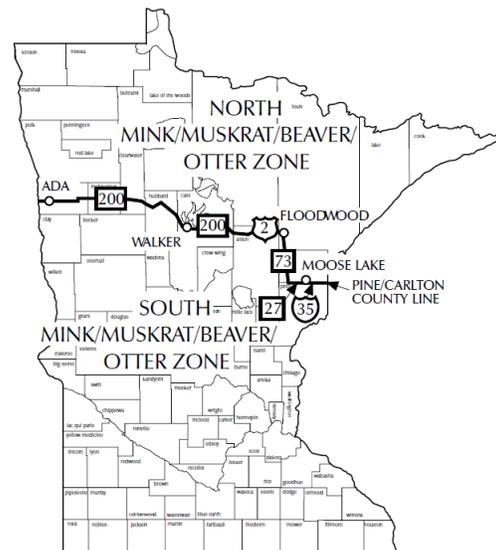
Subp. 8. Restrictions on occupancy of designated parking lots and hunting stations. The purpose of this subpart is to specify hours that hunters may occupy controlled hunting zone parking lots and hunting stations. It is necessary because the changes to M.R. 6230.0700 eliminate the prior reservation of hunting stations by permit after Nov. 30. By establishing a beginning time in the morning for occupancy of the area, controlled hunt station opportunity is equitably provided. Without a provision like this some hunters could stay in the zone all night to pre-empt

opportunity. It is reasonable because designated hunting stations are now available on a first-come, first served basis after Dec. 1 and arriving hunters should have an expectation of being able to access hunting opportunity.

Subp. 9. Closed hunting stations. The purpose of the change is to restrict the use of designated hunting stations that have been posted closed for management or safety reasons. The changes are necessary because permits are no longer required to use designated hunting stations after Dec. 1 and a mechanism is needed to close stations when management or safety reasons dictate. The change is reasonable in order to continue to maintain control of the use of designated hunting stations in the absence of entry permits.

6234.1200 TAKING RACCOON

Subp. 1. Open Season. The purpose of the changes to this part is to change the opening date of the season from the Saturday nearest Oct. 22 to the Saturday nearest Oct. 17 in the north mink/muskrat/beaver/otter zone (see map). It is necessary to increase raccoon hunting and trapping opportunities and reasonable because the expected slight increase in harvest will not affect the raccoon population.



6234.1300 TAKING RED AND GRAY FOX.

Subp. 1. Open Season. The purpose of the changes to this part is to change the opening date of the season from the Saturday nearest Oct. 22 to the Saturday nearest Oct. 17 in the north mink/muskrat/beaver/otter zone (see map). It is necessary to increase red and gray fox hunting and trapping opportunities and reasonable because the expected slight increase in harvest will not affect the red and gray fox population.

6234.1400 TAKING BADGER AN OPOSSUM.

Subp. 1. Open Season. The purpose of the changes to this part is to change the opening date of the season from the Saturday nearest Oct. 22 to the Saturday nearest Oct. 17 in the north mink/muskrat/beaver/otter zone (see map). It is necessary to increase badger and opossum hunting and trapping opportunities and reasonable because the expected slight increase in harvest will not affect the badger and opossum population.

6234.2400 SPECIAL RESTRICTIONS ON USE OF SNARES

Subp. 2. **Farmland Furbearer Zone Restrictions.** The purpose of the change to this item is to clarify rules relating to setting snares on public lands. It is necessary because the current rule does not address snares set on the frozen surface of public waters within public lands. It is reasonable because the intent of the rule is to prohibit snaring on public lands in the farmland zone and hunters and other public land users would reasonably expect this prohibition to extend to any lakes or streams that might be located within the boundaries of a parcel of public land. However, because public water is defined separately, (*Minnesota statutes*, chapter 103G.005 subd. 15) there is a need to specifically include public waters in the prohibition on snaring on public lands in the farmland zone.

6234.2700 SPECIAL RESTRICTIONS ON TAKING AND POSSESSION OF FURBEARERS

Items A-C. The purpose of the amendments to items A-C is to streamline the process for notifying and remitting certain furbearers that are accidentally killed or lawfully killed while causing or threatening injury or damage.

It is necessary because the process under existing rule requires trappers to leave accidentally killed fisher, pine marten, bobcat and otter at the trap site until a conservation officer authorizes its removal. This has become burdensome for trappers as conservation officers' duties have expanded considerably over the years, leaving less time to respond to individual trappers. Moreover, it may require the trapper to make an additional trip to the trap site to retrieve the animal once they get authorization to possess the animal.

It is reasonable because mobile telephone technology and improved coverage frequently allows trappers to notify a conservation officer from the trap site if they accidentally kill a bobcat, otter, fisher or pine marten. The DNR developed a toll-free voice mail system for this purpose that records the time and date of the call while the trapper provides the species and location of the catch. Conservation officers can follow up with the trapper and give authorization to pelt or remit the carcass at a time convenient for both the trapper and the officer. Trappers who lack access to mobile telephone technology would not be affected by this amendment as animals can be left at the trap site until telephone connection can be reached. The amendments are also reasonable because they do not change the notification procedure for lynx or gray wolf as each of these species has special protection under state or federal regulations. It is reasonable to no longer require authorization to possess accidentally killed fox as this species may be taken without limit during trapping and hunting seasons. The number of fox that are killed each year while causing or threatening injury or damage is not significant enough to affect the state's overall population and there is no need to require authorization from a conservation officer prior to taking nuisance fox.

6236.0100 DEFINITIONS

Subp. 6 **Legal firearms.** The amendment to this subpart expands the definition of legal firearms that may be used to take wild turkey. It is necessary and reasonable because muzzleloader shotguns smaller than 12 gauge are excluded from the definition and there is no evidence that

muzzleloader shotguns of 20 gauge or larger are less lethal for taking wild turkeys when used appropriately.

6236.0700 FALL TURKEY SEASON

Subpart 1. **Open dates.** The proposed amendment to this subpart lengthens the fall turkey season from 10 days to 30 days. It is necessary to provide additional hunting opportunity. It is reasonable because wild turkey populations are capable of sustaining the additional hunting and because the additional days are designed to attract more applications to these chronically undersubscribed seasons and better distribute applications for turkey seasons. In the fall of 2010, the 30-day fall turkey season went into effect for the first time under the DNR's temporary rule authority. The number of permits issued increased by 31 percent and the harvest increased by 16 percent when compared to 2009 (Dunton, 2010). Wild turkey populations in Minnesota have continued to expand since the first successful reintroduction in southeast Minnesota in the 1960s (MNDNR, 2007) and can support this limited increase in harvest.

6240.0100 DEFINITIONS

Subp. 2a [REPEALER] The proposed amendment to this subpart would eliminate the definition of "late goose season" It is necessary and reasonable because the regular goose season framework offered by the U.S. Fish and Wildlife Service has been extended to cover the dates that were once considered the late goose season. A late goose season is no longer necessary.

6240.1150 TAKING SNOW, BLUE, ROSS' AND WHITE-FRONTED GEESE AND BRANT

Subpart 1. **Seasons.** The proposed amendment to this subpart would make the season for harvesting snow, blue, Ross', white-fronted geese and brant consistent with the season for harvesting Canada geese. It is necessary to have a consistent opening and closing date for goose hunting in Minnesota. It is reasonable because the harvest of snow, blue, Ross', white-fronted geese and brant in Minnesota is very low and typically incidental by hunters who are pursuing Canada geese (Dexter 2009). Although the federal frame work set by the U.S. Fish and Wildlife Service would allow for one additional day of hunting for snow, blue, Ross', white-fronted geese and brant, it's very unlikely that hunters would pursue this opportunity unless they could also take Canada geese. Moreover, a consistent opening and closing date for hunting all species of geese reduces the possibility of hunter error and helps streamline regulations.

Subp. 2. **Bag limit.** The proposed amendment to this subpart would reduce the harvest limit of white-fronted geese from two to one. It is necessary and reasonable because these bag limits conform to federal rules and because they are set to provide a limit that will not overharvest the populations.

6240.1150 TAKING GEESE DURING EARLY SEASON

Subpart 1. **Taking near water.** The proposed amendments to this subpart would clarify areas and zones where taking geese within 100 yards of water is prohibited during the early goose season. It is necessary because it is part of an effort to clarify, remove obsolete language and re-organize Chapter 6240. It is reasonable because amendments are only for clarification and do not substantively alter the rule.

Sub-item 1. The reference to the Twin Cities goose zone is being deleted because there is no longer a management need for the zone as bag limits, season length and restrictions related to shooting over water are no longer distinct from the remainder of the state. The zone boundary description found in *Minnesota Rules*, part 6230.1500 is proposed for repeal in a separate rulemaking under the agency's expedited permanent rule authority.

Sub-item 2. The boundary description of the Swan Lake area is being removed from this rule part and added to *Minnesota Rules*, part 6240.0860, which will be used for all goose zone boundary descriptions. This proposed change will be made using the agency's expedited permanent rule authority in the above referenced separate rulemaking.

Sub-item 4. The Ocheda Lake Refuge language is unnecessary as the prohibition on shooting over water is in *Minnesota Rules*, part 6230.0400, subpart 33.

Subpart 2. **Taking on public roads and rights-of-way.** [REPEALER] The purpose of the proposed repeal of this subpart is to remove the prohibition on taking geese from public roads and their rights-of-way during the early goose season in the Twin Cities goose zone and in goose refuges open to goose hunting. It is necessary because the season length, bag limit and restrictions on shooting over water for the Twin Cities goose zone are no longer distinct from the remainder of the state. The boundary description is being proposed for repeal in a separate rulemaking. It is reasonable because there is no longer a management need to prohibit shooting from public roads or rights-of-way and municipal and township ordinances prohibit firearms discharge in areas where public safety is a concern. Prohibitions on shooting from the right-of-way on goose refuges open to early goose season are in *Minnesota Rules*, chapter 6230.0400 Special Provisions for State Game Refuges and in 6240.1850 Refuges Open to Taking Geese.

Subpart 3. **Open season.** The purpose of this proposed change is to specify the open early season for taking geese. It is necessary to provide an easily identifiable description of season dates and daily limits. It is reasonable because it does not change existing rule. The amendment to this subpart simply replaces descriptions of the early goose season and bag limits found in *Minnesota Rules*, parts 6240.1500, 6240.1600, 6240.1700 and 6240.1750. Moreover, the goose zone boundaries described in the previous rule parts are obsolete and are proposed for repeal in a separate rulemaking.

6240.1850 REFUGES OPEN TO THE TAKING OF GEESE

Subpart 1. **Goose refuges.** The purpose of the proposed amendments to this subpart is to update refuge rule language to reflect changes in goose season structure and to prohibit early season goose hunting on the Ashby Refuge in Grant County. It is necessary because seasons and bag

limits in the goose zones where the respective refuges are located are no longer distinct from the remainder of the state. The late goose season is no longer necessary as federal season frameworks now allow for a longer regular goose season which incorporates the late season dates. It is also necessary to close the Ashby refuge to early season goose hunting to comply with the wishes of landowners. It is reasonable because there is no longer a management need to set distinct season dates, bag limits and restrictions by zone in most of the state. It is also reasonable to adjust the regular goose season to conform to federal rules, which eliminates the need to reference a late goose season. Finally, it is reasonable to prohibit early goose hunting on the Ashby Refuge in Grant County to conform to the wishes of the majority of those who own land within the refuge (Kotts, 2009).

Subp. 2 Game refuges. The purpose of the proposed change to this subpart is to update refuge rule language to reflect changes in goose season structure. It is necessary because seasons and bag limits in the goose zones where the respective refuges are located are no longer distinct from the remainder of the state. The late goose season is no longer necessary as federal season frameworks now allow for a longer regular goose season which incorporates the late season dates. It is reasonable because there is no longer a management need to set distinct season dates, bag limits and restrictions by zone in most of the state. It is also reasonable to adjust the regular goose season to conform to federal rules, which eliminates the need to reference a late goose season.

Subp. 3 Waterfowl refuges. The purpose of the proposed change to this subpart is to update refuge rule language to reflect changes in goose season structure. It is necessary because seasons and bag limits in the goose zones where the respective refuges are located are no longer distinct from the remainder of the state. It is reasonable because there is no longer a management need to set distinct season dates, bag limits and restrictions by zone in most of the state. It is also necessary and reasonable to simplify regulations whenever possible.

6290.0200 DEFINITIONS

Subp. 7. Walleye stamp. The purpose of the proposed change to this subpart is to describe the walleye stamp in terms that relate to its purpose and use. It is necessary and reasonable because the agency will ask stamp contest judges to select entries based on design standards that apply specifically to the walleye stamp.

Subp. 8. Wild turkey stamp. The purpose of the proposed change to this subpart is to describe the wild turkey stamp in terms that relate to its purpose and use. It is necessary and reasonable because the agency will ask stamp contest judges to select entries based on design standards that apply specifically to the wild turkey stamp.

6290.0300 APPLICATION PROCEDURE

Subpart 1. Eligibility requirements. The purpose of the proposed change to this subpart is to reduce the number of years before a winning artist can enter the same stamp contest again. It is necessary because contest participation has declined over the years. It is reasonable because the rule change would allow artists to enter more frequently while still requiring a waiting period of

one year. This proposed change will continue to improve the chances of a win for newer artists by preventing a single artist from winning a contest in successive years.

Subp. 4. **Restriction on the number of entries.** The purpose of the proposed change is to clarify the consequence for submitting two or more entries for a stamp contest in a single year. It is necessary and reasonable because the current rule could be interpreted to mean that an artist who submits more than one entry for a contest would be ineligible for all stamp contests in that year. The intent of the rule is making the artist's multiple entries ineligible for that particular stamp contest.

Subp. 7 **Reproduction rights.** The purpose of the proposed change to this subpart is to reduce the number of prints that an artist is required to deliver to the agency if a winning stamp is commercially reproduced. It is necessary and reasonable because the agency no longer has space to properly display four prints from each commercially reproduced stamp.

6290.0400 DESIGN STANDARDS

Subpart 1. **Eligible species.** The purpose of the proposed change to this subpart is to identify the species that are eligible for the wild turkey and walleye stamps. It is necessary and reasonable to provide guidelines for primary subject of contest entries.

Subp. 3. **Contest entry media and originality.** The purpose of the proposed change to this subpart is to update rule language to reflect modern, electronic image production. It is necessary because the current rule language reflects mechanical reproduction processes that are rarely used to create images. It is reasonable because the updated language continues to allow artists to enter stamps created from a wide variety of media types, but continues to prohibit entries that are created with electronic assistance.

Subp. 8(c) [REPEALER] The purpose of the proposed repeal to this subpart is to reduce restrictions on allowing artists to re-enter their submissions. It is necessary because contest participation has declined over the years and this proposed change will likely result in increased number of contest entries. It is reasonable because entries that reach the final round can, under current rules, be re-entered if the artist makes a minor change to the entry. Moreover, excluding prints that have been in the final round from future contests does nothing to encourage entries from a greater number of artists.

6290.0500 CONTEST JUDGING

Subpart 1. **Date and location of judging.** The purpose of the proposed change to this subpart is to eliminate the need to include the size of the judging panel in the contest announcement. It is necessary and reasonable because volunteer judges are occasionally unable to attend the contest and finding a replacement judge can be difficult on short notice. Eliminating the requirement to announce the size of the judging panel allows the agency additional flexibility in meeting the requirement for a five-judge panel as stated in subpart 2.

Subp. 2 **Selection of judging panel.** The purpose of the proposed change to this subpart is to allow additional flexibility in the selection of judging panels. It is necessary and reasonable because the current language may be interpreted to mean that judges must be actively working in their field of expertise. This eliminates many qualified candidates who may have retired or simply found work in another field but are still knowledgeable in their particular field of expertise.

Repealer. The analysis for the rule parts being repealed is found above under the applicable rule number.

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 Division of Fish and Wildlife at DNR Headquarters, 500 Lafayette Road, St. Paul, Minnesota, 55155.

Alternate Format Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request contact Jason Abraham, Division of Fish and Wildlife, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4020, telephone: 651-259-5197, facsimile number: 651-297-4961, e-mail: Jason.abraham@dnr.state.mn.us. TTY users may call the Department of Natural Resources at 651-296-5484 or 800-657-3929.

Witnesses If these rules go to public hearing, the witnesses below may testify on behalf of the DNR in support of the need and reasonableness of the rules. The witnesses will be available to answer questions about the development and content of the rules. The witnesses for the Department of Natural Resources include:

Steve Merchant, Wildlife Program Manager
DNR Division of Fish and Wildlife
500 Lafayette Road
St. Paul, MN 55155-4020

Jason Abraham, Furbearer Program Coordinator
DNR Division of Fish and Wildlife
500 Lafayette Road
St. Paul, MN 55155-4020

Ray Norrgard, Wetland Habitat Program Consultant
DNR Division of Fish and Wildlife
500 Lafayette Road
St. Paul, MN 55155-4020

Bill Penning, Farmland Wildlife Program Leader
DNR Division of Fish and Wildlife
500 Lafayette Road
St. Paul, MN 55155-4020

Based on the foregoing, the DNR's proposed rules are both necessary and reasonable.

By: /s/ Tom Landwehr, Commissioner
Department of Natural Resources

Date: August 15, 2011

References

Trauba, D., May 2010, Lac Qui Parle operating procedures memo, MNDNR Division of Fish and Wildlife, section of wildlife management, 6 pages

MNDNR 2008. Natural Wild Rice in Minnesota, Division of Fish and Wildlife, section of wildlife management, 40 pages.

MNDNR 2010. Hunting and Trapping Regulations Handbook, Division of Fish and Wildlife, section of wildlife management, 130 pages.

Reindl N., Koelbl-Crews K., Benson S., 2009. Wildlife Damage Complaints, Wildlife Damage Program, MNDNR, 11 pages

MNDNR 2007, Long Range Plan for the Wild Turkey in Minnesota, Division of Fish and Wildlife, section of wildlife management, 36 pages.

Dexter, M.H., editor. 2009, Small game hunter harvest survey, Unpub. Rep. Division of Fish and Wildlife, Minnesota Department of Natural Resources, St. Paul, MN, 14 pp.

Kotts, K. area wildlife manager, Feb. 4, 2009. Personal communication, results of public hearing process for Ashby Refuge, three pages.

Dunton, E. Nov. 2010, Fall Wild Turkey Harvest Report, Farmland Wildlife Populations and Research Group, Minnesota Department of Natural Resources Madelia, MN, 8 pp

Appendix A. Summaries of public input related to the proposed rules

2009. Six public input meetings were held in February and March. More than 800 people attended and or completed an online questionnaire regarding their level of support for specific proposals. Extending the goose season to 85 days, a subject of this rule was one of the questions addressed at this meeting. Those who could not attend a meeting were asked to comment via e-mail. The e-mail address was publicized on the DNR website and in a news release distributed to media statewide.

Proposal	Location	Support		Oppose		No Opinion		% Support W/Opinion
		No.	%	No.	%	No.	%	
5. Should the DNR eliminate the late goose season and extending the regular goose season to 85 days with a three goose bag limit statewide?	Total	683	79%	84	10%	28	12%	89%
	Grand Rapids	0	0%	0	0%	0	100%	Not asked
	Tower	0	0%	0	0%	0	100%	Not asked
	St. Paul	7	100%	0	0%	0	0%	100%
	Duluth	0	0%	0	0%	0	0%	Not asked
	New Ulm	15	83%	0	0%	3	17%	100%
	Rochester	16	80%	2	10%	2	10%	89%
	Online Survey	645	86%	82	11%	23	3%	89%

2010. Eleven public input meetings were held in February and March. More than 2,780 people attended and or completed an online questionnaire regarding their level of support for specific proposals. Extending the turkey season to 30 days, a subject of this rule was one of the questions addressed at this meeting. Those who could not attend a meeting were asked to comment via e-mail or in writing. The e-mail address and postal address were publicized on the DNR website and in a news release distributed to media statewide.

Proposal	Location	5-day		30-day	
		No.	%	No.	%
6. Which season structure do you prefer for the fall turkey season	Total	118	38%	189	62%
	Frontenac	15	34%	29	66%
	Houston	32	43%	42	57%
	Little Falls	15	65%	8	35%
	Wascea	12	40%	18	60%
	Granite Falls	18	39%	28	61%
	Sebeka	3	25%	9	75%
	Warren	2	17%	10	83%
	St. Paul	11	34%	21	66%
	Prior Lake	4	31%	9	69%
	Hinckley	5	25%	15	75%
	I-Falls	1	100%	0	0%
		Mail	1	100%	0
	E-mail	7	88%	1	13%
	Online Survey	973	39%	1505	61%

Summary of 2008 Bemidji State Game Refuge Survey

Please let us know how you feel about deer populations and deer management within the Bemidji State Game Refuge.

	Disagree	Neither	Agree	Total Responses
The current deer population in the Bemidji State Game Refuge is too low.	39.7% 29	19.2% 14	41.1% 30	73
The Bemidji State Game Refuge should be abolished & managed just like the surrounding area.	64.9% 48	4.1% 3	31.1% 23	74
Bow hunters can control the deer population in the Bemidji State Game Refuge.	37.8% 28	8.1% 6	54.1% 40	74
The Bemidji State Game Refuge should be opened to firearms and/or muzzleloaders deer hunting season.	56.9% 41	5.6% 4	37.5% 27	72
Only archery deer hunting seasons should be permitted in the Bemidji State Game Refuge.	41.7% 30	6.9% 5	51.4% 37	72
I am opposed to keeping the Bemidji State Game Refuge open to firearms and/or muzzleloaders deer hunting season.	40.5% 30	4.1% 3	55.4% 41	74
To help control deer populations in the Bemidji State Game Refuge, I would support archery & muzzleloader only deer hunting seasons.	41.7% 30	11.1% 8	47.2% 34	72
Archery, firearms, and muzzleloader deer hunting seasons should all be allowed in the Bemidji State Game Refuge.	50.7% 36	11.3% 8	38.0% 27	71
I would support firearms and/or muzzleloader deer hunting seasons in the Bemidji State Game Refuge periodically as needed to control deer populations.	44.4% 32	9.7% 7	45.8% 33	72

Appendix B: Hastings City Ordinance

CITY OF HASTINGS, MINNESOTA

ORDINANCE NO. 2008-13, THIRD SERIES

***AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA
AMENDING CHAPTER 130 OF THE HASTINGS CITY CODE PERTAINING TO PUBLIC
PROTECTION, CRIMES, AND OFFENSES***

***BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS
FOLLOWS:***

Moved by Councilmember Schultz, as follows:

Chapter 130 of the Hastings City Code is hereby amended and Sections 130.01(D) and (F) are hereby deleted in their entirety and replaced as follows:

(D) *Exceptions.* Division (C) above shall not apply to the discharge of firearms or fireworks by an organization or group of organizations authorized in writing by the City Council, and, as to discharge of firearms, division (C) above shall not apply to:

- 1.) A peace officer in the discharge of their duties;
- 2.) A person in the lawful defense of their person or family;
- 3.) A peace officer or a member of the Hastings Police Department or its reserves and the participants in a Firearm Safety Program approved by the Hastings Police Department;
- 4.) Individuals hunting for small game or wild turkey within the area designated and managed by the Minnesota Department of Natural Resources as the “Gores State Wildlife Management Area (WMA)” while the hunter is in compliance with all Minnesota Statutes and Rules for regulated harvest of wildlife and WMA use and provided that the method of taking is restricted to use of shotguns with fine shot (No. BBB or smaller diameter shot); or
- 5.) Participants in Minnesota Department of Natural Resources administered Controlled Deer Management Hunts within the Gores State Wildlife Management Area (WMA) and State Aquatic Management Area (AMA), as authorized in writing by the City Council and by the Commissioner of the Minnesota Department of Natural Resources, provided the hunter is in compliance with all current Minnesota Statutes and Rules for regulated harvest of wildlife and WMA and AMA use, including the provisions of the aforementioned Controlled Deer Management Hunts as to limits on the number of hunters, the length of the hunt and the use of shotguns with slugs.

(F) *Use of Bow and Arrow.* It is unlawful for any person to shoot a bow and arrow except for: (1) participants in the Physical Education Program of a school supervised by a member of its faculty, a

community-wide supervised class, or an event specifically authorized by the Chief of Police; or (2) any person who has been issued a valid archery hunting license by the Minnesota Department of Natural Resources for small game, deer or wild turkey harvest while hunting within the Gores State Wildlife Management Area (WMA), provided the permitted hunter is in compliance with all current Minnesota Statutes and Rules for regulated harvest of wildlife and WMA use.

Councilmember Alongi moved a second to this ordinance, and upon being put to a vote it was adopted by all Council members present.

Adopted by the Hastings City Council on this 20th day of October, 2008, by the following vote:

Ayes: Councilmember Alongi, Hazlet, Hollenbeck, Riveness, Schultz, Slavik and Mayor Hicks

Nays: None

Absent: None

CITY OF HASTINGS

_____/s/_____
Paul J. Hicks, Mayor

ATTEST:

_____/s/_____
Melanie Mesko Lee, City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 20th day of October, 2008, as disclosed by the records of the City of Hastings on file and of record in the office.

_____/s/_____
Melanie Mesko Lee,
City Clerk