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REPORT

OF THE

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INTERIM COMMISSION ON GAME AND FISH



January 1943



LEGISLATIVE RESEARCH COMMITTEE
STATE CAPITOL
ST. PAUL 1, MINNESOTA

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REPORT

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INTERIM COMMISSION ON GAME AND FISH



TO THE

LEGISLATURE

OF THE STATE OF MINNESOTA

January 1943

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St. Paul, Minnesota

HON. ED. THYE,
President of the Senate,
Minnesota State Legislature
State Capitol,
Saint Paul, Minnesota.

HON. LAWRENCE M. HALL,
Speaker, House of Representatives,
Minnesota State Legislature
State Capitol,
Saint Paul, Minnesota.

Gentlemen:

There is transmitted herewith the report of the Interim
Commission on Game and Fish, created by Chapter 481, Session
Laws of Minnesota for 1941, as approved by the Commission.

Respectfully submitted,

- H. A. BRIDGEMAN
A. L. BOZE
LAWRENCE F. HAEG
- GEORGE H. HERRID
GEORGE W. KIEFER
- WENDELL L. LEDIN
ED. MARTINSON
- ANCHER NELSEN
CHARLES E. HOUSTON
HERMAN E. LITCHKE, Chairman.
Members of the Commission.

RECOMMENDATIONS

Law Enforcement Bureau

It is recommended that every effort be made to maintain an efficient law enforcement bureau.

Game and Fish Legislation

It is recommended that legislation be provided establishing a committee authorized to revise and recodify the game and fish laws, the revised code to be presented at the next regular session of the legislature.

Game and Fish Propagation

It is recommended that the property owned by the state lying east of Highway 72 at Washkish, in Beltrami County, which is not necessary to the successful operation of the fish hatchery there located be sold by the state and disposed of.

It is recommended that the property interests of the state situated at Redby, in Beltrami County, be sold and conveyed to the United States Indian Department in consideration of the offer of the United States to pay therefor the sum of \$5,000.00.

It is recommended that the license fee for netting in Lake Superior shall be increased to the end that persons who share the benefits from operation of the French River hatchery on Lake Superior shall share a fair proportion of the burden of operation.

It is recommended that to the extent of funds and man-power available there shall be no curtailment of fish propagation and research.

Pittman-Robertson Revolving Fund, Public Hunting Grounds and Sanctuaries

It is urged upon the legislature that if the legislature shall agree that the Pittman-Robertson revolving fund should be

used as determined by the last legislature, that opinion should be communicated to the Executive Council and the Council urged to carry out that intent.

Method of Financing

It is recommended that when an appropriation is intended to be spent and not restored that the fund should not be designated as a revolving fund, but that the language shall express an absolute appropriation to be used without limitation, except as to its use.

It is recommended that an appropriation to the use of the division should be made and the proportions thereof to be devoted to various uses should be expressed in percentages with appropriate leeway for administration.

It is recommended that the proportion of the appropriation to be made by the 1943 legislature to the use of the Division of Game and Fish for rough fish removal at state expense be made specific, devoted to that use and that use only, with the mandate that the duty is imposed upon the division to use it to the end that the wishes of the people may be observed and the rough fish removed from public waters irrespective of profit to result to the division.

It is recommended that any profit realized in the future from the operations in contract fishing shall be reappropriated to the removal of rough fish from public waters by state employed labor and equipment under the supervision of the division.

REPORT OF INTERIM COMMISSION CREATED BY LAWS 1941, CHAPTER 481

To the Senate and House of Representatives:

By Laws 1941, Chapter 481, the Senate and House of Representatives authorized the appointment of a joint interim commission and fixed its duties. Its duties were to make a study and investigation in respect to the problems, the projects and the work being carried on by the Division of Game and Fish in the Department of Conservation, its effectiveness, the method and manner of financing the division, the allocation and expenditure of funds, the laws and legal restrictions affecting the conservation of game and fish resources of the state.

The commission was appointed and consisted of Senators H. A. Bridgeman, Daniel S. Feidt, George H. Herreid, Wendell L. Ledin and Ancher Nelson and Representatives A. L. Boze, Lawrence F. Haeg, George W. Kiefer, Herman E. Litchke and Ed. Martinson. Hayes Dansingberg, assistant attorney general, was appointed a member by the attorney general. He resigned and John A. Weeks, assistant attorney general was appointed. He also resigned and Charles E. Houston, assistant attorney general, was appointed in his place. Of this committee Mr. Litchke was chairman and Senator Feidt was Vice Chairman. Before the work of the commission was complete, Senator Feidt entered the armed forces of our country and was unable to participate in the writing of this report although until he entered the army he was a faithful working member of the commission and of valuable assistance to his associates.

The commission made a tour of inspection of state hatcheries, rearing ponds and breeding farms. It held meetings at the following mentioned places: Bemidji, Duluth, International Falls, Mille Lacs Lake, Minneapolis, Ortonville and St. Paul. At these meetings the public was invited to attend, individuals expressed their views and presented statements of their views on the subjects under consideration. Resolutions were generally discussed about

the operations of the Game and Fish Division. The commission sought evidence where it could be found. State officers and employees testified. Public records were considered. After considering the evidence and arguments submitted, the commission returns herewith the evidence and arguments presented, of which stenographic notes were taken at the time and thereafter transcribed by the reporter. The commission reports to the 1943 Legislature as follows:

Law Enforcement

It is believed that the most essential activity of the Division of Game and Fish during the remainder of the war and the emergency resulting therefrom, is a continued high standard of law enforcement. Due to prospective meat rationing, high food prices and the probable inability of a majority of the citizens to hunt and fish as customarily because of tire and gas rationing, it is feared a bootleg market may develop which must be controlled.

It is therefore the recommendation of this commission that every effort be made to maintain an efficient law enforcement bureau.

Game and Fish Legislation

The commission believes that the laws relating to game and fish have attained a state of confusion. Contradictory provisions necessitate a revision and a simplified game and fish code. The last code passed in 1919 has been amended many times by subsequent legislatures, and many new substantive provisions have been added without regard to coherence and without a great attempt made to correct antedated and inconsistent laws and provisions. The resulting confusion has caused great embarrassment, not only to the law enforcement agencies, but to the public as well.

It is therefore recommended that legislation be provided establishing a commission authorized to revise and recodify the

game and fish laws, the revised code to be presented at the next regular session of the legislature.

Game and Fish Propagation

The division has under way a system of propagation of both game and fish. The system appears to be practical and productive of good results. A research bureau is maintained and has demonstrated a scientific understanding of its duties and responsibilities. Some criticism was voiced by the people who appeared before the commission that in the past the propagation of trout has received attention out of proportion to its importance, it being claimed that in Minnesota the great majority of fishermen fish the lakes rather than the streams. Upon this subject the commission transmits the criticism but without recommendation.

Several new rearing ponds have been established, ninety per cent of which have cooperated with sportsmen's organizations. Fingerling distribution has been multiplied twenty-two times. The Division of Game and Fish is to be praised for attempting to raise the fry to a length of about three inches before distribution. A much greater proportion of young fish survive since the adoption of this method.

Much public criticism has been offered concerning the taking of property by the state at Washkish in Beltrami County which many of the people consider was unnecessary and not in accordance with public policy.

It is therefore recommended that the property owned by the state lying east of Highway 72 at Washkish which is not necessary to the successful operation of the fish hatchery there located be sold by the state and disposed of. It is the recommendation of this commission that in the sale thereof the former owners from whom such property was taken be given an opportunity to repurchase the same at the price or proportionate price which was paid by the state when the state acquired the property. If after

notice in writing from the state such former owners fail for the period of sixty days to repurchase such property then it should be offered by the state to the public for sale and conveyance.

The commission further recommends that the property interests of the state situated at Redby in Beltrami County which was originally intended for the business of preparing for market and marketing of fish by the state shall be sold and conveyed to the United States Indian Department in consideration of the offer of the United States to pay therefor the sum of \$5,000.00.

The experience of the past six years shows that the operation of the French River hatchery on Lake Superior has cost the state in excess of \$11,000.00 per annum. The benefits from the operation of this hatchery go chiefly to commercial fishermen on Lake Superior. The fishing license for netting in Lake Superior costs \$2.50 which is entirely inadequate.

It is therefore recommended that the license fee for netting in Lake Superior shall be increased to the end that persons who share the benefits from operation of the hatchery shall share a fair proportion of the burden of operation.

It is the recommendation of this commission that to the extent of funds and man-power available there shall be no curtailment in fish propagation and research. Game propagation as it has been carried on has the approval of the commission. The public interest has been well served.

Pittman-Robertson Revolving Fund, Public Hunting Grounds and Sanctuaries

There is now available to the state a considerable sum of money which the state may use, on condition that money now on hand in the control of the Game and Fish Division in this revolving fund shall be added to the sum to be granted. This entire sum is to be expended under the terms of the grant for the purchase of land in Minnesota to be thereafter devoted to

the purposes of the grant. Unless the state shall avail itself of this grant by the purchase of lands for sanctuaries for wild life, the revolving fund appropriated is of no avail and the grant will be denied this state and go to some other. Action on the part of the Executive Council has been withheld and in the opinion of this commission, contrary to legislative intent. The commission urges upon the legislature that if the legislature shall agree that the revolving fund should be used as determined by the last legislature, then that opinion should be communicated to the Executive Council and the council urged to carry out that intent.

Method of Financing

The Division of Game and Fish issues licenses for hunting, fishing with hook and line, netting, fish houses, minnow dealers, trapping, traffic in furs, tip-ups, harvesting wild rice, dealing in wild rice, keeping of skins of fur bearing animals during closed season, tanning raw furs, engaging in the business of taxidermist, and field dog trials. The revenues which arise from the issuance of these licenses and all other money paid into the state treasury through this division, including the money received from the sale of confiscated game and all other articles, and money received through state fishing operations are by law appropriated to this division.

There has been some misunderstanding and confusion in administration of the finances of this division. In the past, the legislature has designated certain funds for the use of the division as "revolving funds." Such appropriations have been understood to be funds which could be used but temporarily and which must eventually be restored and kept intact. It is recommended that when the appropriation is intended to be spent and not restored that the fund should not be designated as a revolving fund but that the language shall express an absolute appropriation to be used without limitation, except as to its use.

It is further recommended that appropriations to the use of the division should be made and the proportions thereof to be

devoted to various uses should be expressed in percentages with appropriate leeway for administration, so that the division may give relative importance in administration to the various appropriations and that the various ends to which money is appropriated shall in administration receive sums in proportion as the legislature intends. The purpose of this recommendation is that in administration the relative need for the expenditure of money shall be determined by the legislature and not by the Division of Game and Fish.

Because of the failure to accomplish an intensive effort to remove rough fish from public waters during the past biennium as was intended by the 1941 legislature, your commission recommends that the proportion of the appropriation to be made by the 1943 legislature to the use of the Division of Game and Fish for rough fish removal at state expense be made specific, devoted to that use and that use only, with the mandate that the duty is imposed upon the division to use it to the end that the wishes of the people may be observed and the rough fish removed from public waters irrespective of profit to result to the division. The voice of the people on this subject as expressed at the public hearings of the commission was definite, certain, plain and unmistakable. Public opinion is that the subject has not received serious consideration, that the operations have been in the interests of commercial fishermen rather than in the public interest and their criticism of the Division of Game and Fish and the Commissioner of Conservation have been many, forceful, often repeated, and cannot be misunderstood.

It is further recommended that any profit realized in the future from the operations in contract fishing shall be reappropriated to the removal of rough fish from public waters by state employed labor and equipment under the supervision of the division.

Rough Fish Removal

The appropriations act, Laws 1941, Chapter 348, Section 37, Subsection G, states the various sums which the 1941 legislature considered appropriate for the use of the division of Game and Fish in the administration of the law during the biennium and in excess of the named sums the division was not authorized to spend. This commission is of the opinion that the legislature intended this statement of sums as a guide to the division in its expenditures. Although the sums mentioned were not definitely required to be used in the exact amounts stated, it was the legislative intent that they should be spent in the proportions stated, one relative to the other. Although it was the legislative intent that some latitude would be permitted in administration to provide for unanticipated conditions to arise in the future, it was not intended that the Division of Game and Fish and anyone connected therewith asserting authority should, in disregard of the legislative policy, proceed to spend the funds as though the legislature had taken no action as aforesaid.

The main reason that this table of proposed expenditures was embodied in the appropriation act was because of public demand for the eradication of rough fish from public waters where game fish are found. The public was aware that commercial fishing and removal of rough fish from public waters by contract was effective only so long as a profit was involved in the removal. It was known that contractors who pay their own expenses and pay the state a commission on the sales of the fish removed cannot and do not operate except where there is a prospect for profit. It was known that after the profit ceases many rough fish remain in public waters and many waters are unsuitable for contract fishing for profit. It was realized that if game fish are to be conserved the rough fish must be destroyed or controlled because they thrive and multiply at the expense of game fish. All these facts the Division of Game and Fish well knew. The persons in charge of administration knew these facts and knew the legislative intent and wishes. But for a

long period of years this division has operated too keenly conscious of the revenue available to the division. It has been reluctant that any benefit to another department or division of the state government should be realized from the money collected by the Division of Game and Fish. It has grown to be over revenue conscious. We must avoid the thought of conservation for revenue only. This division has been reluctant to remove rough fish from the public waters except where it could see a profit to be realized from the operation. Although the division appears to have realized that the legislature required that rough fish should be removed from public waters irrespective of profit and that the state should manage such operations by employment of labor and the furnishing of equipment therefor, and although it was considered that between five and ten fully equipped crews would be required therefor, it has provided equipment for only three crews and in the early part of December, 1942, it was operating only two crews. During the fiscal year 1941-1942, 89 lakes were fished under contract and state crews from July 1, 1942, to November 30, 1942, operated on 25 bodies of water. Before July 1, 1942, only one state crew was operating. The excuse given by some of the persons charged with the responsibility of removal of rough fish was that equipment could not be purchased. But the commission finds from all the available evidence that there has been no time before November, 1942, when equipment could not be purchased. Labor has been and is available. A token compliance with the legislative intent, such as has been manifested, is all that has been accomplished. It is the opinion of your commission that an intent to substitute the judgment and policy of the Division of Game and Fish and persons charged with responsibility in the Department of Conservation is apparent.

The time when rough fish removal can best be accomplished is in the winter. The winter is passing with two rough fish removal crews operating under state management. Money, men and equipment are available. The division does not efficiently function in this respect.

It is believed that the Bureau in charge of rough fish removal needs drastic overhauling; that men capable of inaugurating and initiating a vigorous program be obtained and placed in charge thereof; that efforts be made to develop new markets now opening up for such rough fish and that emphasis be placed upon removal through state operation rather than reliance upon contract fishing.