

**President of the Senate
JAMES METZEN**

Senate District 39
322 State Capitol Building
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St. Paul, MN 55155-1606
E-mail: sen.jim.metzen@senate.mn
Phone: (651) 296-4370



Senate

State of Minnesota

June 2, 2010

The Honorable Satveer S. Chaudhary
State Senator
205 Capitol
St. Paul, MN 55155

Subj: Advisory Opinion on Conflict of Interest

Dear Senator Chaudhary:

Your letter of May 27, 2010, requested that the Subcommittee on Ethical Conduct give you an advisory opinion on whether you had a conflict of interest when you proposed and voted for passage of an amendment that became § 54 of article 1 of S.F. No. 2900, the Game and Fish Omnibus Policy Bill, during the 2010 legislative session.

At your request, the Subcommittee held a public meeting on June 2, 2010, at which you explained your request and responded to questions from the Subcommittee.

The Subcommittee determined that you did not have a conflict of interest. This letter serves as a public record of the Subcommittee's advice to you.

1. Facts

The facts you have presented to the Subcommittee are as follows:

You were chief author of S.F. No. 2900, the Game and Fish Omnibus Policy bill, which passed the Senate on May 5, 2010. Its chief author in the House was Representative David Dill.

Sometime after April 1, 2010, but before May 12, 2010, you approached Representative Dill with a proposal to impose special fishing regulations on Fish Lake Reservoir. Representative Dill understood that you owned a cabin on the reservoir. You have owned the cabin for more than three years, but it sits on land leased from Minnesota Power. Your lease payment to Minnesota Power is included in your mortgage for the cabin.

You told Representative Dill that the proposal came from your fellow residents of Fish Lake, and that if he wished to know more about it he should contact Senator Bakk. You did not

give Representative Dill any proposed language at that time.

On May 12, 2010, as Representative Dill was presenting S.F. No. 2900 on the House floor, you kneeled beside him at his desk and whispered to him that one of his constituents, St. Louis County Commissioner Dennis Fink, was outside the House Chamber and was available to speak with him about the proposal for special regulations for Fish Lake, if he desired. Representative Dill said he was in the middle of presenting the bill and that he did not desire to leave the floor to speak with Commissioner Fink.

You left the House floor and relayed that information to Commissioner Fink. Commissioner Fink gave you a copy of his letter to you dated April 1, 2010, which said that the "overwhelming majority" of the 30 people who had attended a March meeting convened by the Department of Natural Resources to discuss the walleye fishery on the lake had "agreed that slot limits may be a viable solution."

You returned to the House floor, gave Representative Dill the letter, and suggested to him language that would direct the Commissioner of Natural Resources to adopt special regulations for the lake. You did not give him, or ask anyone else to give him, the language in writing.

You then left the House floor to speak with Commissioner Fink. He hand-delivered to you a letter from him dated May 12, 2010, which said the DNR saw no reason to move forward with plans to implement slot limits on Fish Lake and that you and he should discuss the issue. You discussed it with him at that time. He did not tell you he was withdrawing his support for special regulations or that the residents of Fish Lake no longer supported them. You did not give Representative Dill a copy of Commissioner Fink's May 12 letter, either at that time or later.

Meanwhile, back on the House floor, Representative Dill directed House staff to draft the amendment, which he offered as follows:

Page 19, after line 23, insert:

"Sec. 47. SPECIAL REGULATIONS; FISH LAKE RESERVOIR; ST. LOUIS COUNTY.
By March 1, 2011, the commissioner of natural resources shall adopt special regulations for Fish Lake Reservoir in St. Louis County under Minnesota Statutes, section 97C.005. The special regulations shall be effective beginning with the 2011 fishing season."

The amendment was adopted. JOURNAL OF THE HOUSE 12740 (103rd Day, May 12, 2010).

Differences between the bill as passed by the Senate and the bill as passed by the House were resolved by a conference committee, chaired by you and Representative Dill.

At a conference committee meeting, you informed the members that the Fish Lake Reservoir amendment had been added in the House of Representatives, but you did not inform them of your role in suggesting the language to Representative Dill. You did inform the members of the conference committee that you had a cabin on the lake.

2. **Law**

a. **Conflicts of Interest**

Our conflict of interest law, Minn. Stat. § 10A.07, is primarily a disclosure law. It assumes that a public official will occasionally have conflicts of interest. This is especially true for legislators, who are expected to serve part-time and have other, private employment. When a conflict arises, a public official must disclose the conflict and may ask to be excused from taking part in the action or decision in question.

The kinds of conflicts the law is concerned with are financial conflicts, ones where the personal financial interests of the official will be affected by a decision the official makes. The law describes a conflict of interest situation as one where:

A public official . . . in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation

Minn. Stat. § 10A.07, subd. 1 (2009).

Senate Rule 57 requires members to follow the procedure set forth in § 10A.07.

57. CONFLICTS OF INTEREST

A member who in the discharge of senatorial duties would be required to take an action or make a decision that would substantially affect the member's financial interests or those of an associated business, unless the effect on the member is no greater than on others in the member's business classification, profession, or occupation, shall disclose the potential conflict of interest by following the procedure set forth in Minnesota Statutes, section 10A.07.

b. **Conduct That Violates Accepted Norms of Senate Behavior or Betrays the Public Trust**

Senate Rule 56.3 says that "Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute." The rules and policies of the Senate provide no further definition of what "violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute." That is left to be decided by the Subcommittee on Ethical Conduct and the Senate on a case-by-case basis.

3. **Opinion**

a. **Conflict of Interest**

You did not have a conflict of interest when you suggested and voted for passage of the Fish Lake Reservoir amendment that became § 54 of article 1 of S.F. No. 2900, the Game and Fish Omnibus Policy Bill, during the 2010 legislative session.

A conflict of interest relates to an action or decision by a member of the Senate that substantially affects the member's personal financial interests. The amendment directed the Commissioner of Natural Resources to adopt special regulations for Fish Lake Reservoir, but it did not say what those regulations must provide. Depending upon the regulations adopted, they might, or might not, improve the walleye fishery in Fish Lake Reservoir and they might, or might not, improve property values around the lake. If the regulations had the effect that you intended, and did improve the walleye fishery, any personal financial benefit to you would be pure speculation. In any event, the bill has been vetoed, and will not become a law.

b. **Violate Accepted Norms of Senate Behavior, Betray the Public Trust**

The Subcommittee is of the opinion that, while your conduct did not violate any rule or policy of the Senate, it did violate accepted norms of Senate behavior and threaten public confidence in our legislative institution and its processes.

Senators should at all times conduct their legislative actions in an open, honest, forthright manner, especially when they may be perceived to have a financial or personal interest in that action.

The proposal for special fishing regulations on Fish Lake Reservoir was not a last-minute issue. Having surfaced in March and April, there was plenty of time for you to have introduced

The Honorable Satveer S. Chaudhary
June 2, 2010
Page 5

it as a separate bill and held a hearing on it in your committee, even if it was ultimately considered as an amendment to the omnibus bill on the floor. A hearing would have permitted the committee to hear the arguments, not only of lake residents who supported or opposed it, but also of the DNR and others whose concerns with the issue transcended this one lake.

A senator is expected to speak truthfully when describing a proposed amendment: who wants it, who supports it, and who is opposed to it. When you told the members of the conference committee that the amendment had been added by the House, you should have disclosed your role in suggesting the amendment to Representative Dill.

The Subcommittee appreciates your willingness to bring this matter before it, to answer the questions of the Subcommittee, to acknowledge your errors, and to attempt to correct them.

Your conduct in supporting passage of the Fish Lake Reservoir amendment may have been well intentioned, but it was not what the Senate expects of one of its members.

Sincerely,


James P. Metzen, Chair
Subcommittee on Ethical Conduct

JPM:PSW

cc: Senator Dennis R. Frederickson
Senator Linda Scheid
Senator Bill G. Ingebrigtsen
Peter S. Wattson, Senate Counsel

President of the Senate
JAMES METZEN
Senate District 39
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Phone: (651) 296-4370



RECEIVED

Senate

State of Minnesota

JUN 04 2010

June 2, 2010

**SECRETARY OF THE
MINNESOTA SENATE**

The Honorable David H. Senjem
State Senator
147 State Office Building
St. Paul, MN 55155

The Honorable David W. Hann
State Senator
127 State Office Building
St. Paul, MN 55155

The Honorable Amy T. Koch
State Senator
115 State Office Building
St. Paul, MN 55155

The Honorable Geoff Michel
State Senator
133 State Office Building
St. Paul, MN 55155

**MINNESOTA SENATE
SECRETARY OF THE**

JUN 04 2010

Subj: Advisory Opinion on Conflict of Interest

RECEIVED

Dear Senators Senjem, Hann, Koch, and Michel:

Your letter of May 20, 2010, requested the Subcommittee on Ethical Conduct to give you an advisory opinion on whether Senator Satveer S. Chaudhary had a conflict of interest when he proposed and voted for passage of an amendment that became § 54 of article 1 of S.F. No. 2900, the Game and Fish Omnibus Policy Bill, during the 2010 legislative session.

Under Senate Rule 55.2, the Subcommittee on Ethical Conduct has provided advice to members concerning their own past or future conduct. The Subcommittee has not given advice to one member on whether the past conduct of another member involved a conflict of interest.

Senator Chaudhary has requested the Subcommittee to hold a public meeting today to give him advice on the conduct described in your letter. The Subcommittee's advice, if any, will be adopted at a public meeting. It will be directed to him, but a copy of any written advice will be made available to you as well.

Sincerely,

James P. Metzen, Chair
Subcommittee on Ethical Conduct

JPM:PSW

cc: Senator Dennis R. Frederickson
Senator Linda Scheid
Senator Bill G. Ingebrigtsen
Peter S. Wattson, Senate Counsel

**Committee on Rules and Administration:
Subcommittee on Ethical Conduct**

Chair: Senator Jim Metzen

Wednesday, June 2, 2010

Room 125, State Capitol

10:00 a.m.

AGENDA

1. Advisory request from Senator David Senjem, Senator David Hann, Senator Amy Koch, and Senator Geoff Michel
2. Advisory request from Senator Satveer Chaudhary

**Senator
Satveer Chaudhary
Chair, Environment & Natural Resources Committee**

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Senate

State of Minnesota

May 27, 2010

Senator James Metzen, Chair
Subcommittee on Ethical Conduct
322 State Capitol
St. Paul, Minnesota 55155

Dear Senator Metzen,

Due to media stories regarding a conservation provision in Senate File 2900, which I authored, that provided protection for a fishery on a lake on which I also own a cabin, I request the Subcommittee's clarification on the disclosure of this information.

With regard to questions about property value, the assertion of any increase in property value is nebulous at best. My cabin is on property leased from Minnesota Power so it is impossible for me to receive a property value benefit from any type of measure, let alone a conservation measure. If this was the case, any legislator who passed legislation regarding community development projects would potentially have a conflict relating to their own property values.

I look forward to your speedy determination on this matter and the clarification for which I am asking.

Sincerely,

A handwritten signature in black ink, appearing to read 'Satveer Chaudhary', with a stylized flourish at the end.

Satveer Chaudhary
State Senator





Senate

State of Minnesota

May 20, 2010

Senator James P. Metzen
Chair
Rules and Administration Subcommittee on Ethical Conduct
322 State Capitol
St. Paul, MN 55155

Re: Letter of inquiry regarding Ethical Conduct of Senator Satveer Chaudhary

Dear Senator Metzen:

The citizens of Minnesota entrust the Senate with the power to create the laws that allow for the security, benefit and protection of the people. That power is granted to the Senate with the understanding that said laws will be created in a just manner, by Senators acting in good faith to the state. That trust is the backbone to the legitimacy of the state government, and when it is violated, it casts question on the peoples' faith in their government. The integrity of the Minnesota Senate should be foremost in our actions and conduct as members. It is in this spirit that I am expressing my concerns over the actions of Senator Satveer S. Chaudhary relating to his efforts to insert language for special walleye regulations on Fish Lake Reservoir.

I am reacting to this situation as it has been reported in the Star Tribune and Duluth News Tribune. According to the reports, Senator Chaudhary personally lobbied to insert language that requires the establishment of special walleye regulations on Fish Lake Reservoir to be in effect by the 2011 season. Senator Chaudhary owns a cabin on Fish Lake Reservoir. Furthermore, Senator Chaudhary's ownership of a cabin on Fish Lake Reservoir was not disclosed until the House-Senate Conference Committee was working on the bill's final language.

Senate Rule 57 governs conflicts of interest in the Minnesota Senate. Rule 57 provides formal procedures for members to disclose potential conflicts of interest if in the discharge of senatorial duties they would be required to take an action or make a decision that would substantially affect the member's financial interests. Disclosure is not required if the effect on the member is no greater than on others in the member's business

classification, profession, or occupation. Senator Chaudhary mentioned his potential conflict of interest to members of the conference committee late at night as it made final approval of the legislation:

“Before we vote on this, I need to make a small mention...Minnesota Statutes 10A require that when there is a legislative action, or a member makes a legislative action that they disclose any potential conflict, that there is any substantial benefit to that member, so let me just disclose that even though it was a House provision, an amendment added in the House, my cabin is on Fish Lake Reservoir, but the provision simply requires some special regulations and does not substantially benefit me in any way whatsoever, so...I’m disclosing that, but I do not believe it is a conflict, unless anyone disagrees.”

Senator Chaudhary emphasized that the language was “a House provision, an amendment added in the House,” without disclosing that he personally lobbied for its insertion. According to press reports, Senator Chaudhary had in fact gone to the floor of the Minnesota House and “kneeled at the desk of Representative David Dill” and “whispered an urgent request” that was subsequently adopted.

We are concerned that Senator Chaudhary will benefit from increased value of his cabin if walleye fishing improves on Fish Lake Reservoir. We are also concerned that Senator Chaudhary failed to properly disclose the potential conflict of interest.

Under Senate Rule 55.2, we request an advisory recommendation from the Subcommittee on Ethical Conduct into whether a conflict of interest exists when legislation is pursued by a member that would benefit the value of that member’s personal real estate holdings. If so, would orally disclosing the conflict to a conference committee satisfy disclosure requirements of Minnesota’s Conflict of Interest Law and the Senate Rule regarding Conflict of Interest?

Senator Chaudhary referred to his own actions as a “major league screw up” and we owe it to the institution and to our constituents to take this matter very seriously.

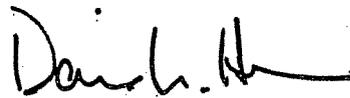
Sincerely,



Senator David H. Senjem



Senator Amy T. Koch



Senator David W. Hann



Senator Geoff Michel



Office of the Commissioner

Dennis E. Fink

May 12, 2010

Senator Satveer Chaudhary
State Capitol 205
St. Paul, MN 55155

Dear Senator Chaudhary:

As a follow up to our phone conversation several weeks ago, here is an update on my findings. The subject is slot limits on Fish Lake Reservoir.

You may recall my previous letter discussing citizen's reaction to a DNR presentation concerning slot limits on the lake. I have spoken to a number of attendees; called the Duluth Area Fisheries (DNR) speaking to Desirae Hendrickson and Nick Frohnaver; reviewed six documents presented at the public meeting; and have concluded that the DNR has no intention of pursuing slot limits on Fish Lake.

In my earlier letter I noted that a vast majority of attendees supported slot limits. The DNR reports that only 75% were supportive before the presentation and 60% were supportive after the discussion according to a survey document distributed at the beginning of the meeting.

The presentation compared catch rates and netting results with other lakes across Minnesota. The conclusion was that growth rates are slower, the estimated walleye population was not significantly different than other lakes and that slot limits would actually reduce the harvest rate. The DNR did estimate that approximately five years would be required before any limits would begin.

In my phone conversation with DNR staff, they state that they "do not see a reason for moving forward" with plans to implement slot limits.

The community members I spoke with did not hear this latter message, all believing the DNR would begin the planning process to move forward.

I believe it may be wise for the two of us to visit on this issue.

With Regards,

Dennis Fink
St. Louis County Commissioner

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Sen. Satveer Chaudhary

April 1, 2010

Senator Satveer Chaudhary
State Capitol 205
St. Paul, MN 55155

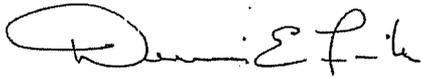
Dear Senator Chaudhary:

Earlier this week the DNR hosted a meeting to discuss fishing on Fish Lake in St. Louis County. As you know Fish Lake is one of the premier recreational lakes in north eastern Minnesota. The discussion centered on improving walleye count in the lake. The potential of slot limits was discussed with great enthusiasm. And although only 30 people attended the meeting, the overwhelming majority (28-2) agreed that slot limits may be a viable solution.

The challenge seemed to be the length of time it will take before a slot limit policy could begin. According to the DNR experts in the room, a study is to be completed this year. Once the study is done, it will take no fewer than three years before the policy could be implemented. Most likely four years will be required.

Since you have an interest in improving the fishing on this lake, perhaps you can influence these time lines or recommend stocking until the policy begins.

On behalf of our fishing buddies,

A handwritten signature in black ink, appearing to read "Dennis Fink". The signature is fluid and cursive, with a large initial "D" and "F".

Dennis Fink
St. Louis County Commissioner

TwinCities.com

Chris Niskanen: Legislative micromanagers cook up some 'bad sausage'

Chris Niskanen
cniskanen@pioneerpress.com

Updated: 05/18/2010 09:36:32 PM CDT

Have lawmakers gone bonkers and finally overstepped their bounds in micromanaging the Minnesota Department of Natural Resources?

Certainly they passed some boneheaded laws on Saturday that give sausage-making a positive image.

If Gov. Tim Pawlenty signs the so-called Game and Fish bill, a new law would allow anglers to use two fishing lines during the open-water season, a proposal the DNR argued would increase pressure on fish stocks. But to use two lines, you'll have to pay an extra \$10 for a "second line endorsement" on your fishing license.

But that's not all.

To allay the DNR's concerns, the two-line law prohibits anglers from using an extra line on water bodies where the DNR has reduced the fish limit or has a special regulation that doesn't involve fish size restrictions. Moreover, anglers using two lines can keep only one half the daily and possession limit for individual species.

Confused? Plan on bringing your attorney in your

boat.

To be sure, the Legislature has every right to tell the DNR what to do, and lawmakers often have properly applied pressure to push the DNR's lumbering bureaucracy in the right direction.

But increasingly, lawmakers are ignoring sound biology, micromanaging lakes or issues to suit small constituencies and creating laws that have so many exceptions that they're virtually worthless.

Sen. Satveer Chaudhary, DFL-Fridley, was issuing mea culpas Tuesday after he pushed for a last-minute law requiring the DNR to

put special walleye regulations on Fish Lake near Duluth, where the senator has a cabin.

Chaudhary said he had heard from lake anglers and a county commissioner who were frustrated the DNR wasn't addressing their desire for a walleye regulation. The commissioner called Chaudhary and told him "people were overwhelmingly in favor of it, but the DNR would take three to four years to implement it," Chaudhary said.

But in rushing the DNR mandate, Chaudhary badly misjudged public sentiment. "I've got good friends on the lake, and now they're calling me and they're pretty angry about it," said Chaudhary, who quickly organized a community meeting at Fish Lake for Thursday. "We'll repeal the law right away next session."

Chaudhary admits he did not do enough to vet the bill, which he introduced in the last days of the session without any public hearings. But he defended the Legislature's role in managing the DNR, calling lawmakers "social scientists" to the

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DNR biological scientists.

But where does it end? This session, the legislature created a rule restricting shore angling for crappies at Lake Florida in Kandiyohi County. Another rule keeps spring bass fishing closed for an extra two to three weeks on portions of the Rum and Mississippi rivers and Elm Creek. In both cases, the rules are meant to "protect" spawning fish, even though DNR experts say angling poses no threat to fish populations. The areas are popular places for shore anglers, including Hispanic and Southeast Asian anglers.

"We think this takes away angling opportunities for folks who don't have boats," said Dave Schad, director of the DNR's Fish and Wildlife Division.

The DNR isn't happy with all this legislative meddling. Last week, DNR commissioner Mark Holsten sent lawmakers a three-page list of complaints about the Game and Fish bill, telling lawmakers they were "demonstrating a cavalier attitude toward natural resources." Schad said Tuesday he's frustrated lawmakers are ignoring the DNR's biological advice and the agency's thorough public vetting process for new laws. He said lawmakers have the right to dictate DNR policy, but lately it has created some "bad sausage."

Well, we can expect bad sausage during election years. Eager to please the sportsman vote, lawmakers jump quickly to fix small problems and create more in the process. The lake trout season in the Boundary Waters has changed twice in recent years; so has the rule restricting grouse hunting from an ATV (it's a law again this year after a one-year hiatus).

The frequent complaint by lawmakers that the DNR lacks common sense is richly ironic this session.

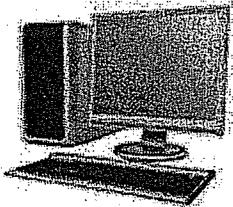
The only thing missing from the ridiculous two-line fishing law is a special "conservation" stamp. Maybe the DNR could hold a contest for the best stamp artwork featuring a very confused angler holding two fishing rods?

What a great idea. I'm calling my legislator and introducing the bill.

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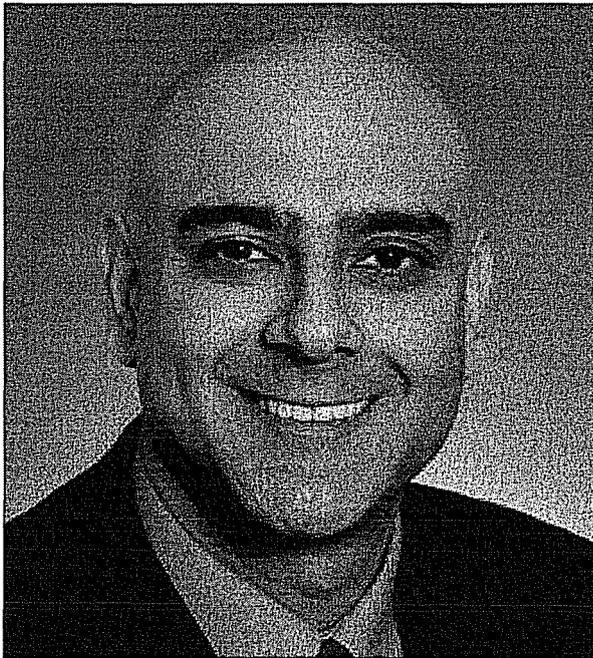
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Fridley senator regrets fishing change that irked DNR

Associated Press
Updated: 05/20/2010 12:19:52 PM CDT



Sen. Satveer Chaudhary, DFL-Fridley

A state senator who secured a special walleye regulation on a northeastern Minnesota lake where he owns a cabin said he wasn't self-dealing and may try to repeal the change next year.

Sen. Satveer Chaudhary, DFL-Fridley, said in a published report today that he had received "completely wrong" information that a large majority of residents near Fish Lake thought walleyes from the reservoir were too small, and that they wanted action taken to improve fishing.

"That was an error on my part," Chaudhary said.

The Duluth News Tribune first reported Chaudhary's actions in the closing days of the legislative session. Rep. David Dill, DFL-Crane Lake, said he was explaining a complicated fish and game proposal during debate in the Minnesota House last Wednesday when Chaudhary kneeled at his desk and urgently requested special language to improve walleye fishing at Fish Lake.

Dill agreed, he said, as a courtesy to Chaudhary — but now says he was duped. Chaudhary said he has "egg on my face" but denied he was motivated by owning a cabin on his lake, where he fishes regularly.

"I'm not sure how I benefit from it. I'm not lining my pockets with anything," Chaudhary said. He disclosed to members of a House-Senate conference committee his cabin ownership prior to their vote on the fish and game bill.

The legislation itself does not specify what the new regulations will be, only that Department of Natural Resources Commissioner Mark Holsten put something

in place by March 2011 aimed at increasing the stock of larger walleyes in the lake.

But DNR officials said that would require significant limits on the total fish harvest from the lake, which

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they said could be unpopular with local anglers. Tim Wagner, owner of Hi-Banks Resort on Fish Lake, said such restrictions could put him out of business. "I had tears in my eyes" when he heard about Chaudhary's provision, Wagner told the Duluth News Tribune.

DNR officials said they would normally go through a long public hearing process before changing fishing regulations. Chaudhary said he was stricken to hear reactions like those of resort owner Wagner, and said he would look at repealing the provision when the Legislature reconvenes early in 2011 — prior to when the DNR commissioner would have to implement the change.

It's not Chaudhary's first brush with controversy. Two years ago, he was cleared by a Senate ethics panel over allegations that he hosted a cable TV outdoors show and approached Arctic Cat and a carpenters union as possible sponsors. Chaudhary also was sold a snowmobile by Arctic Cat at a discount.

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StarTribune.com



Last-minute lake rule looks fishy

Legislator admits to having "egg on my face" after getting special fishing regulations for lake on which he has a cabin.

By MIKE KASZUBA, Star Tribune

Last update: May 20, 2010 - 1:02 PM

It was an unusual move that immediately raised eyebrows.

There was Sen. Satveer Chaudhary, rushing onto the floor of the Minnesota House last Wednesday as legislators were about to approve a complicated fish and game proposal.

Chaudhary kneeled at the desk of Rep. David Dill -- who was presenting the bill at the time -- and whispered an urgent request.

Could Dill quickly insert special language to improve walleye fishing on Fish Lake Reservoir? Although few in the House chamber realized it at the time, Chaudhary owns a cabin on the northeastern Minnesota lake.

Dill agreed, and the bill was adopted. Now the

episode has exploded, inflaming tempers all the way from the State Capitol to northeastern Minnesota and back.

Dill argues he was duped. Chaudhary confesses that he has "egg on my face." The state Department of Natural Resources opposed Chaudhary's request as soon as it found out about it, in the waning hours of the legislative session.

Chaudhary, a DFLer from Fridley who was the chief author of the fish and game bill in the Senate, says he may seek to repeal the Fish Lake Reservoir language, partly because of the criticism aimed at him.

"That was an error on my part," said Chaudhary. He says he was supplied with "completely wrong" information that indicated a large majority of residents near the lake thought the reservoir walleyes were puny and wanted state officials to take action that would improve fishing.

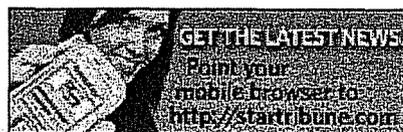
Chaudhary denied he was motivated because he owned a cabin on the lake, where he fishes regularly. "I'm not sure how I benefit from it. I'm not lining my pockets with anything," he said, maintaining he does not have a conflict of interest.

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StarTribune.com



It is not Chaudhary's first brush with controversy.

Two years ago he was cleared by a Senate ethics panel over allegations that he hosted a cable TV outdoors show and approached Arctic Cat and a carpenters union as possible sponsors. He was backing legislative measures favorable to them at the time. Chaudhary also was sold a snowmobile by Arctic Cat at a discount.

The events at the State Capitol last week involving Fish Lake Reservoir occurred in the blur of the final stages of an almost four-month legislative session. The language amounted to a single paragraph buried in a 59-page bill.

It asked the DNR to adopt special regulations that could restrict walleye catches on Fish Lake Reservoir, a 3,000-acre lake northwest of Duluth. Moments after Chaudhary got Dill to insert the paragraph, Dill persuaded House members to approve the bill.

Three nights later, at 9 p.m. last Saturday, Chaudhary and Dill -- who co-chaired a House-Senate conference panel on the legislation -- presided as the panel gave final approval to the legislation, which included the Fish Lake Reservoir language.

As the meeting was about to end, Chaudhary informed the panel: "My cabin is on Fish Lake Reservoir ... [but] I don't believe it is a conflict."

Chaudhary also reminded panel members that the Fish Lake Reservoir language was added by the House -- and that he was a member of the Senate.

'I need you to do this'

"I was standing at my desk on the House floor with the microphone in my hand, and I looked down and Chaudhary is kneeling next to my desk," said Dill, a DFLer from Crane Lake and the chief House author of the game and fish bill. "It looks pretty awkward, really."

He said Chaudhary told him, "I need you to do this Fish Lake amendment." Dill said he inserted the language as a "courtesy" to the senator. But with controversy erupting in northeastern Minnesota, Dill said, he has since talked to Chaudhary and told him the episode "made me look bad."

Dill said he knew Chaudhary owned a cabin on the lake. But, he said, Chaudhary persuaded him that lake residents overwhelmingly favored the amendment. He

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said Chaudhary even showed him an April 1 letter from St. Louis County Commissioner Dennis Fink, claiming that residents wanted the regulations.

But Fink says he pulled back from that assertion when he found that it wasn't necessarily true and says he informed Chaudhary before the legislation was finally passed.

Deserae Hendrickson, the DNR area fisheries supervisor in Duluth, said that a small crowd showed up at a March meeting and that about 60 percent of those favored "doing something" regarding the lake. The legislation itself does not specify what should be done to the lake, but instructs DNR Commissioner Mark Holsten to act by March 2011.

Hendrickson said she doubted that limiting fishing on the lake would help, because Fish Lake Reservoir was only moderately fished to begin with, logging only 26 "angler hours" of fishing per acre per year, compared with a statewide average of 35 angler hours. She said the DNR would have to reduce fishing by as much as 40 percent to make any difference and said the lake was simply a victim of nature. "The fish in this lake just don't grow very fast," she said.

Holsten said the Fish Lake Reservoir language was symbolic of special legislative requests that frustrate him. "This particular conference committee," said Holsten, referring to the panel co-chaired by Chaudhary, "... [made] some very significant changes throughout the entire bill."

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Inquiry would look into senator's maneuver on House floor

By Mike Kaszuba, Star Tribune

May 21, 2010

Senate Republicans are pushing for an ethics inquiry into state Sen. Satveer Chaudhary's role in obtaining special fishing regulations for a northeastern lake where he owns a cabin.

Chaudhary said Thursday that he welcomes an investigation, saying his action "doesn't come close" to a conflict of interest.

Chaudhary was on his way Thursday evening to meet with residents at Fish Lake Reservoir, a 3,000-acre lake near Duluth, to answer complaints from those who had been unaware of his maneuvering and were unsure it was needed to improve the lake's walleye fishing. The three-term DFL state senator, who said he had received some "hate e-mails" over his action and admitted he erred in seeking the special provision, said he thought the reaction to his maneuver "would be a lot worse."

His statements came as Senate Republicans, led by Sen. David Hann, R-Eden Prairie, sent a letter of inquiry Thursday to the head of the Senate ethics panel, asking for a review of the matter. "We are concerned that Senator Chaudhary will benefit from increased value of his cabin if walleye fishing improves on Fish Lake Reservoir," the letter stated. The two-page letter was signed by four Republican senators, including Senate Minority Leader David Senjem.

Tim Wagner, the owner of Hi Banks Resort and Campground, the Fish Lake resort where Thursday's meeting was to be held, said he's still angry at Chaudhary, who he said never informed him of his actions. "I just would have appreciated a call," said Wagner, who called Chaudhary a friend. "I was upset with his decision. I wasn't upset with him as a person."

But Wagner said that any regulations to limit fishing would "cripple my business." Last year, he said, "we about closed. We went through that recession and that was bad. ... My campers are all upset [with Chaudhary's push for special regulations]. They'll all go to another lake."

Chaudhary's actions, coming last week as the Legislature was ending its year, raised eyebrows at the State Capitol. As Rep. David Dill, DFL-Crane Lake, presented the fish and game bill, Chaudhary entered the House floor, knelt alongside Dill as he talked and asked him to insert language on Fish Lake. The language, though not specific, orders the state Department of Natural Resources to implement regulations by next March that would improve fishing there.

DNR officials opposed Chaudhary's language in the final days of the Legislature, and said that at a March meeting, residents surrounding the lake were split on whether to have the

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agency take action. Chaudhary said he had believed residents overwhelmingly supported special regulations, but now says he was given "completely wrong" information.

"It's beyond me how a conservation measure could be considered a conflict of interest," Chaudhary said Thursday. He said that by Senate rules, a conflict exists only if there is "substantial financial interest" or benefit. "This even doesn't come close to that," he said. "I think [a formal inquiry] is probably a good idea, instead of letting this fester."

At a news briefing at the State Capitol, Hann said he was unsure whether Chaudhary's actions constituted a conflict of interest, or whether the senator adequately informed legislators that he owned a cabin on the lake when he made a brief statement before a joint House-Senate panel late Saturday. Hann also said it was unclear whether Chaudhary lied when he told the House-Senate panel that the provision was inserted by the House, leaving out that he had sought the provision.

"I think technically what he said was accurate," Hann said. But "it clearly was not forthcoming in telling the members of the conference committee how that provision got in there."

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State Senate Republicans call ethics review on DFLer

By Dennis Lien
dlien@pioneerpress.com

Updated: 05/21/2010 12:02:39 AM CDT

Senate Republicans asked an ethics subcommittee Thursday to review whether state Sen. Satveer Chaudhary potentially violated conflict of interest rules when he sought and received a favor last week during deliberations on a fish and game bill.

Chaudhary, DFL-Fridley, went on the House floor May 12 and asked a member to insert language providing special walleye regulations on a northeastern Minnesota lake on which he has a cabin. The bill's chief sponsor, Rep. David Dill, DFL-Crane Lake, accommodated the request, and the language for Fish Lake Reservoir was added and retained in the final bill that passed the Legislature over the weekend.

Since word leaked out about the move, Chaudhary has apologized and said he will have the language repealed next session. In Wednesday's Pioneer Press, he said, "I've got good friends on the lake, and now they're calling me and they're pretty angry about it."

He was at the lake Thursday for a meeting with residents and was unavailable for comment. A day after Chaudhary made the request to Dill, the Department of Natural Resources sent both of them a letter opposing the special regulations aimed at producing bigger fish.

Chaudhary told the Pioneer Press that when he initially made the request, he had heard from anglers and a St. Louis County commissioner who were frustrated the DNR wasn't addressing their desire for a walleye regulation.

At a news conference Thursday, Sen. David Hann, R-Eden Prairie, and Sen. Geoff

Michel, R-Edina, contended more than an apology is necessary.

"We believe there is at least a need for a clarification," Hann said.

Michel said that's especially true in the current political climate, when skepticism and criticism of public officials is high.

The Rules and Administration Subcommittee on Ethical Conduct, chaired by Sen. James Metzen, DFL-South St. Paul, meets only when it has requests to consider. There was no official subcommittee response Thursday.

The letter of inquiry from Republicans doesn't allege wrongdoing; it simply raises questions brought up in the media and asks for an advisory recommendation on whether Chaudhary complied with state and Senate conflict of interest laws and rules.

After making the request to Dill, Chaudhary co-chaired a House-Senate conference committee that was putting the final touches to the legislation and then, before a final vote, noted he lived on the lake.

The letter, signed by Hann, Michel, Sen. Amy Koch of Buffalo and Minority Leader David Senjem of

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Rochester, questions whether Chaudhary's actions may benefit him financially and whether orally disclosing it when he did satisfies state and Senate requirements.

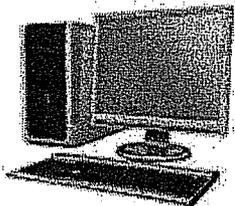
"We are concerned that Senator Chaudhary will benefit from increased value of his cabin if walleye fishing improves on Fish Lake Reservoir," it said. "We are also concerned that Senator Chaudhary failed to properly disclose the potential conflict of interest."

Two years ago, the Senate ethics panel cleared Chaudhary after allegations he approached Arctic Cat and a carpenters union as possible sponsors for a cable TV outdoors show he hosted.

Dennis Lien can be reached at 651-228-5588.

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Plenty of politics to go around

The game-and-fish-bill brouhaha brings into focus politics played not only by lawmakers but by the DNR, too

David Brewster, Star Tribune

Let's take a look at the flap following a last-minute amendment to the game and fish bill proposed by Rep. David Dill, DFL-Crane Lake, and Sen. Satveer Chaudhary, DFL-Fridley, that requires the Department of Natural Resources to implement some sort of special fishing regulation on the Fish Lake Reservoir near Duluth.

The bill has not yet been signed by Gov. Tim Pawlenty.

The intent of the regulation proposed by Dill and Chaudhary would be to increase the average size of walleyes in Fish Lake, and/or to boost the number of walleyes there in excess of 20 inches.

Dill offered the amendment in the House at the behest of Chaudhary. Because Chaudhary has a cabin on Fish Lake, he is being accused by some of conflict of interest.

Additionally, the insertion of the directive by Chaudhary without an airing of the proposal denied interested parties a chance to weigh in. Chaudhary has since apologized, saying he should have checked more widely to see whether new regulations were supported.

Pertinent questions: Was Chaudhary's attempt to intercede in the state's fish management business unusual in a state in which fish, wildlife and natural resource management is and long has been defined by politics?

And: To what degree are intercessions by Minnesota politicians into natural resource management a natural response -- perhaps even a logical one -- to the DNR's oftentimes glacial pace in addressing management of -- and especially improvement of -- the state's resources?

The answer to the first question is easy. Actions like Chaudhary's (for better and worse) are more the norm in Minnesota politics and resource management than the exception. This year's game and fish bill makes the point. In it, legislators, over the DNR's objections, a) open Cass Lake to spearing of northerns, b) set a deer season in the southeast, c) allow youth anglers 17 and under to fish for free, thereby costing the

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agency at least \$500,000, d) allow ATV riders to shoot grouse while only 10 feet from their machines, and e) most ridiculously, allow anglers to use two lines in summer, while being allowed to take only half the limit they would otherwise be allowed, if they pay \$10 extra ... and so forth, into resource-management nutso land.

That said, intercessions by legislators have also improved resource management. The best example this year was that of House Speaker Margaret Anderson Kelliher, who personally, in the session's final hours, brokered a deal to improve a bill governing expenditures from the Outdoor Heritage Fund.

Similarly, Sen. Tom Baak, DFL-Cook, was critical in the establishment this session of what might someday be Minnesota's best state park -- in Baak's district, on Lake Vermilion.

Other examples abound -- many of them necessary prods by legislators to a DNR that often trudges along slowly under the weight of its own bureaucracy.

Return now to Fish Lake.

In March, the DNR held a meeting to show

interested Fish Lake anglers results of recent DNR creel surveys of the lake, and to detail how various slot-limit regulations might affect the lake's walleyes, according to DNR computer models.

About 30 people showed up. Each filled out a questionnaire before the DNR laid out its creel survey and modeling results. Later, after the DNR told the anglers they would have to throw back walleyes in the 14-20 inch range if they wanted bigger walleyes, the anglers were queried again.

Result: 75 percent wanted new regulations before the DNR spoke, and 59 percent still favored new harvest rules afterward.

A fourfold digression: 1. The DNR in the past 20 years has implemented special regulations on many Minnesota lakes. 2. Oftentimes the DNR is painfully slow (Leech Lake is the most recent example), to begin the special regulations process, even when agreement is nearly universal that they're needed. Why? Because the DNR is itself political, and often follows more than it leads. 3. New slot regulations often are opposed initially by one or more constituencies, and 4. Slot regulations, together in some cases with other management techniques, usually in the end produce better fishing, with happier

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anglers among all strata of users.

The DNR's agenda was (and still is) to gauge the opinions of a larger sample of people regarding Fish Lake. Then the agency -- which doubtless will proceed frustratingly slowly -- will decide whether to begin the process that might lead to new walleye harvest rules.

Chaudhary and other legislators, meanwhile -- but in this case Chaudhary especially -- would do well to remind themselves the citizenry doesn't appreciate being left out of the legislative process.

Pawlenty, if he wishes, could serve that reminder personally. The game and fish bill is a mess, and he should veto it.

Dennis Anderson • danderson@startribune.com

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Angry Senate District 50 DFLers want to hear from Chaudhary

May 25, 2010

By Mike Kaszuba

Sen. Satveer Chaudhary, DFL-Fridley, is scheduled to appear Thursday at a special meeting of Senate District 50 DFLers to answer questions over his attempt to pass legislation to improve fishing on a lake in northeastern Minnesota where he owns a cabin.

William Krueger, the Senate District 50 DFL chair, said he called the meeting after receiving many calls and emails from DFLers upset with Chaudhary. "Since I've been chair almost 10 years, I've never had so many calls and emails," he added.

While Krueger acknowledged that some angry DFLers want to rescind the party's endorsement of Chaudhary, he said Thursday's meeting would be to "take everybody's pulse" before deciding a next move. "Nothing has lit up my district like this did," he added.

The meeting will take place at 7 p.m. Thursday at the Fridley community center, said Krueger, who added that Chaudhary has agreed to attend.

In an unusual move in the last days of the Legislature, Chaudhary walked onto the House floor on May 12 and had a colleague insert an amendment regarding Fish Lake Reservoir near Duluth just as a complex game and fish bill was about to be approved. The amendment asked the state Department of Natural Resources to adopt special regulations for the lake, where some residents have complained that the walleye population grows too slowly.

Chaudhary said he acted because he was led to believe an overwhelmingly majority of the lake's residents – the state senator owns a cabin on the lake – wanted him to act. But he has since said that it was not clear how many residents wanted something done. Chaudhary said that in hindsight he should not have acted, but maintains he did nothing unethical.

Senate Republicans meanwhile last week sent a letter of inquiry to a Senate ethics panel, asking the panel to find out what happened.

Chaudhary, a three-term senator, could not be reached for comment Tuesday. He filed for re-election Monday.

"I have to let him speak," said Krueger, who said Thursday's meeting may be closed to the media. "I have asked the people that are upset with him to show up and speak to him directly.

"I had people that . . . wanted his head on a plate, and I have people that don't want us to

do anything because they're embarrassed and they think this will make it worse," he said.

Senate Majority Leader Larry Pogemiller had little to say about Chaudhary when asked Tuesday. "All I know is what I read in the paper," he said.

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Pawlenty vetoes bill with walleye rule change for Fish Lake

Associated Press

Updated: 05/25/2010 06:28:15 PM CDT

Gov. Tim Pawlenty has rejected a bill containing a special walleye regulation sought by a state senator for a northeastern Minnesota lake where he owns a cabin.

Pawlenty's office said he vetoed the game and fish bill on Tuesday.

The Republican governor said in a veto letter "this provision may have been improperly inserted."

State Sen. Satveer Chaudhary secured the walleye provision for Fish Lake by asking the bill's House author to insert it during a floor debate. It would have increased the stock of larger walleyes in the lake, likely through limits on the fish harvest.

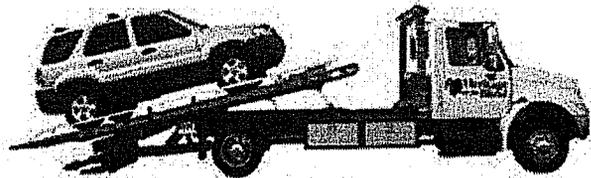
Chaudhary, a Democrat from Fridley, has said he received inaccurate information that a majority of nearby residents wanted the change.

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Chris Niskanen: Game and Fish bill deserved Gov. Pawlenty's veto

Chris Niskanen
Updated: 05/26/2010 12:26:22 AM CDT

For a long list of proposed hunting and fishing laws, it's back to the drawing board.

Gov. Tim Pawlenty vetoed a controversial Game and Fish bill Tuesday that would have made far-reaching changes in hunting and fishing laws.

The bill was a classic example of good legislation muddled with bad, and whether any of the changes will be resurrected next year will be for a new Legislature, a new governor and perhaps a new Department of Natural Resources commissioner to sort out.

Pawlenty had a tough choice. Several critical land deals and a popular walk-in hunter access program were part of the package, but Pawlenty said he would direct his administration to keep the deals and the walk-in program alive despite the veto.

Still, someone had to put this old hoss to sleep. The Game and Fish bill had two broken ankles, a sway back and maybe even rabies.

Pawlenty's historic veto makes moot a controversial, last-minute proposal that got Sen. Satveer Chaudhary, DFL-Fridley into a lot of hot water.

Chaudhary inserted language into the bill requiring the DNR to institute new, stricter walleye regulations

on Fish Lake near Duluth, where Chaudhary has a cabin.

Chaudhary said he believed anglers and cabin owners wanted the bill and were being stonewalled by the DNR, but he got just the opposite reaction from folks. He has had to apologize for the bill and offered to rescind it next session. He's holding another mea culpa meeting Thursday at the Fridley Community

Center.

Pawlenty addressed the Fish Lake legislation in his veto letter, saying "there appears to be no fisheries management reason to require this, and there are reports that this provision may have been improperly inserted into legislation."

But Chaudhary, who also co-authored of the entire Game and Fish bill, had the chutzpah to go on the offensive Tuesday, criticizing the governor's veto.

"A lot of sportsmen lost a lot of progress with that veto," he said. He said some of the proposals came from the public frustrated with the DNR's inaction. "The DNR just wasn't listening," he said.

No one seems to remember the last time a governor vetoed a Game and Fish bill. Former state Sen. Bob Lessard said it never happened during his 26 years at the Legislature starting in 1976. "Sometimes they're controversial, but I've never seen one vetoed," Lessard said.

Pawlenty's veto eliminates a provision allowing anglers to use two fishing lines during the open-water season, but only after they paid an extra \$10. They would have been restricted to half their possession limit with the two-line endorsement.

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"This provision was apparently developed to generate revenue, but without any evidence to support this belief," Pawlenty wrote in his veto letter.

While the veto eliminates the law creating the \$1.4 million pilot walk-in program for hunter access in 16 southwestern Minnesota counties, Pawlenty wrote in his veto letter he'll direct the DNR to work with the Board of Soil and Water Resources to continue developing the program.

It's unclear, however, where the money will come from to fund the walk-in program.

In his veto, Pawlenty specifically targeted legislative rules restricting fishing for certain species at different times of the year at two locations, Lake Florida in Kandiyohi County and portions of the Rum River, Elm Creek and the Mississippi River. The latter closure targeted smallmouth fishermen and Pawlenty wrote, "this type of legislative carve-out appears to be aimed at reducing access to popular shore fishing locations for no apparent natural resource management reason."

The veto also eliminates:

- A proposal giving anglers ages 16 and 17 free fishing licenses.
 - A proposal allowing northern pike spearing on Cass Lake.
 - A provision restricting grouse hunters from shooting grouse within 10 feet of a motor vehicle.
 - New, stiffer fines for poaching trophy deer.
- Pawlenty also directed the DNR to keep a citizen's Budget Oversight Committee, which provides oversight and advice on the DNR's budget. Are some sportsmen and women frustrated with DNR inaction? You bet, but not

on all issues, and lawmakers take big risks when they wade into political issues without the benefit of sound natural resources science. At a minimum, they need to do their due diligence on research. Chaudhary and other lawmakers are tapping into the public's frustration with the DNR, but in trying to move the agency forward they snatched defeat from the jaws of victory. Chris Niskanen can be reached at cniskanen@pioneerpress.com.

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