

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISIONS OF WILDLIFE AND ENFORCEMENT

IN THE MATTER OF PROPOSED ADOPTION OF
GAME AND FISH RULES

STATEMENT OF NEED AND REASONABLENESS

May 9, 2005

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 rules, and amendments to existing rules, cover a variety of areas pertaining to wildlife, including: special provisions for state wildlife management areas and game refuges; controlled waterfowl hunting zones; deer hunting regulations; licensing, application, and tagging provisions; moose zones; deer and bear registration blocks; falconry small game limits; raccoon, fox, badger and opossum seasons; bobcat, fisher and pine marten seasons and limits; use of snares; pelt registration provisions; wild turkey seasons and permit areas; prairie chicken hunting seasons and procedures; waterfowl shooting hours, goose hunting regulations; and migratory waterfowl feeding and resting areas.

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

A first request for comments was published in the State Register on November 5, 2001. An addendum requesting comments on three additional issue areas was published on November 25, 2002. The last of the minimum 60-day comment periods on these initial notices ended on January 24, 2003. These notices 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. The Department of Natural Resources (DNR) also provided additional notice to people who may be affected by the rules by publishing statewide news releases that described various proposals that are included in the proposed rules, by holding public meetings, and by sending notices to all parties on the DNR's official mailing list for rule notice. In addition, a draft of the proposed rules was sent to people who requested it.

Many of the proposals included in this rule have been the subject of previous public input, and a number of the provisions have been in effect temporarily through the expedited emergency rule process. In connection with that process, the Division of Fish and Wildlife seeks public comment through informal public meetings and local and statewide press releases. Since 2001, a total of 31 public meetings, attended by more than 2,400 people, have been held in various areas of the state that included many of the 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.

Additional Notice:

Additional notice on the proposed rules will be provided to persons or classes of persons who could be affected. A notice of intent to adopt rules with or without a public hearing will be sent to: Minnesota Falconers Association; Minnesota Chapter of the National Wild Turkey Federation; Minnesota State Archery Association; Minnesota Waterfowl Association; Minnesota Trappers Association; Ducks Unlimited, Minnesota; Minnesota Deer Hunters Association; Bluffland Whitetails Association; Minnesota Fish and Wildlife Legislative Alliance; Minnesota

Conservation Federation; and Pheasants Forever. In addition, all parties on the DNR's official list for rule notice will be sent notice of the proposed rules. Also, a statewide news release announcing the proposed rule will be distributed to all daily and weekly newspapers in the state and to all electronic media. The proposed rule will be available for public review and comment on the DNR's internet web site and will be published in the State Register. The dual notice, rules and SONAR will be sent to legislators as required under Minnesota Statutes, Section 14.116.

Statutory Authority

The adoption of the proposed rules is authorized by *Minnesota Statutes*, sections 86A.06; 97A.045; 97A.091; 97A.092; 97A.137; 97A.401; 97A.431; 97A.433; 97A.434; 97A.435; 97A.441; 97A.475; 97A.485; 97A.535; 97B.105; 97B.112; 97B.301; 97B.305; 97B.311; 97B.405; 97B.411; 97B.505; 97B.605; 97B.621; 97B.625; 97B.635; 97B.711; 97B.716; 97B.723; 97B.731; 97B.803; 97B.901; 97B.921; and 97B.925.

Statutory authority for the various provisions of the proposed rules is as follows:

<u>Rules Part</u>	<u>Minnesota Statutes, Sections</u>
6200.0200	97A.431-97A.435; 97B.305; 97B.405
6230.0200	97A.137
6230.0250	86A.06; 97A.137
6230.0400	97A.091
6230.0600-6230.0800; 6230.1000-6230.1100	97A.092
6232.0200	97B.311
6232.0300	97A.535; 97B.301
6232.0400	97A.535; 97B.311
6232.0500	97A.485
6232.0600-6232.0700	97B.311
6232.0900-6232.1100	97A.091; 97A.401; 97B.305; 97B.311
6232.1250	97B.301
6232.1300, 6232.1400, 6232.1600, 6232.1750,	97B.305; 97B.311;
	and 6232.1800
6232.1900	97A.441; 97A.485; 97B.301; and 97B.305
6232.1950	97B.301; 97B.305
6232.2000	97B.305; 97B.311
6232.2050	97A.475; 97B.305
6232.2100	97B.311
6232.2550-6232.2560	97A.091; 97A.401. subd. 4; 97B.112;
	97B.305; and 97B.311
6232.2900	97B.405; 97B.411
6232.3800	97A.431; 97B.505
6232.4100	97B.505
6232.4700	97B.311; 97B.411
6234.0300	97B.711
6234.0400	97B.711
6234.0800	97B.105
6234.1200	97B.621

6234.1300	97B.605
6234.1400	97B.605; 97B.635
6234.1600	97B.625
6234.1700	97B.635
6234.1800	97B.635
6234.2000-6234.2100	97A.045; 97B.921; 97B.925
6234.2300-6234.2400	97B.605
6234.2600	97B.901
6236.0300, 6236.0600-6236.0700 and 6236.0810	97A.435; 97B.711; 97B.723
6236.0900	97A.091; 97B.711
6236.1070	97A.435; 97B.112; 97B.711; and 97B.723
6237.0100-6237.0700	97A.434; 97B.716
6240.0200	97B.711
6240.0610	97B.112; 97B.803
6240.1000-6240.1200; and 6240.1500-6240.1750	97B.803
6240.1800	97A.401; 97B.803
6240.1850	97A.091; 97B.731; 97B.803
6240.1900	97B.803
6240.2000-6240.2100	97A.095
6240.2600	97A.137; 97B.731

II. REGULATORY ANALYSIS

Description of the Classes of Persons Affected by the Proposed Rules

The proposed rules would affect small game hunters, big game hunters, waterfowl hunters, wild turkey hunters, prairie chicken hunters, falconers, and furbearer hunters and trappers. The proposed rules will affect hunters with disabilities by providing expanded disability hunting options and access. 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

With the exception of the prairie chicken season, the proposed rules will not result in additional costs to the DNR or other agencies. In the case of the prairie chicken season, additional costs will be incurred to set up the license application process and program the lottery system. The additional cost will be covered by the revenue generated by application and license fees, as provided by statute.

The proposed changes to the deer season will reduce state costs for administering the antlerless deer lottery because of reduced mailings to permit applicants; will result in improved efficiency for the DNR and reduced paperwork for hunters by eliminating unnecessary applications; and will improve management of the deer population by facilitating licensing procedures for taking antlerless deer and multiple deer. For other species, there is already extensive monitoring of the wildlife populations and enforcement of the rules for species that would be affected by the proposed rules and no additional monitoring or enforcement is planned

if the rules are adopted.

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 in the areas and to provide additional disability access. The more restrictive provisions are to protect populations, to comply with deed restrictions, or for public safety.

For controlled hunting zone regulations, the changes are designed to accommodate changes in public land ownership and to provide consistency on public and private land. The changes are also to streamline procedures in the Thief Lake area where demand for controlled hunt blinds has declined and a less formal system of allocating blinds is needed. Registration block and permit area boundary changes are to improve population management and to provide standardization and consistency for hunters. Zones and permit areas established in these rules are considered the minimum necessary to manage deer, wild turkeys, and the various populations of geese that live in and migrate through various regions of the state. Larger units would be less intrusive, but would compromise effective population management and hunter distribution and ultimately could reduce opportunity or hunt quality.

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 unnecessary paperwork or 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, public 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 wildlife populations. For example, the changes to part 6232 are needed to increase deer harvests in problem areas

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 consistent 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. A good example is the wild turkey permit areas, where the proposed rules adopt a system of management units that is also used for deer and black bears. By using one set of management units as building blocks for a variety of purposes, it simplifies regulations for hunters and still accomplishes management goals. This system maximizes flexibility in changing future wild turkey permit zones that are open to hunting because the rule establishes the basic framework and allows future seasons to be established annually by simply listing open zones and quotas. It also simplifies regulations and adds flexibility for hunters who do not need to become familiar with different sets of management unit boundaries for each species.

Another example is the changes to the deer regulations. The creation of three different classes of deer management unit will greatly reduce the number of hunters who need to apply for a permit to take antlerless deer each year. In management units where historical information indicates everyone who applies will be drawn, the need for hunters to apply goes away. This will save paperwork by hunters and will save the state the considerable expense formerly involved in mailing notices to successful applicants.

In the case of more restrictive provisions for wildlife management areas, these changes are necessary to conform with donation agreements or to manage these areas consistent with public safety in a developing area.

Other portions of the rule are consistent with the goal of expanding opportunities and reducing restrictions, where possible, while addressing conservation, safety, and equity of opportunity.

Consultation with the MN Dept. of Finance on Local Government Impacts

The administration and enforcement of these proposed rule changes are the responsibility of DNR, and do not impact any units of local government. As a result, we do not see any direct fiscal impacts or fiscal benefits of these changes to units of local government. However, approximately one third to one half of Minnesota counties continue to serve as license vendors for DNR. These changes could slightly increase public demand for DNR licenses, and thus have a slight fiscal impact on those counties that continue to serve as DNR license agents. The effect would likely be a slight increase in revenue for the counties. Serving as a DNR license vendor is by choice. If a county or other unit of local government determines that serving as a DNR license agent is undesirable administratively or fiscally, they are free to discontinue the service. Following implementation by DNR of the Electronic Licensing System in 2000, and the resulting improvements in license availability to the public, many counties have discontinued DNR license sales due to low volume.

The Department of Finance has reviewed the Revisor's draft (RD3327) of the proposed rule, and the SONAR. Their consulting evaluation memo is attached (Appendix B).

III. RULE-BY-RULE ANALYSIS

Scope

Areas covered by the proposed rules include the following:

Changes in the rules to improve consistency of the wildlife regulatory processes, including provisions for accommodating electronic licensing system procedural changes and correcting for errors in processing applications for limited-entry drawings; modifying provisions for some Wildlife Management Areas, State Game Refuges, waterfowl Controlled Hunting Zones, and migratory waterfowl Feeding and Resting Areas; modifying procedures for licensing, applications, registration, and tagging for some wildlife game species; modifying limits for taking small game mammals by falconry; prescribing restrictions for the all-season deer license; modifying open areas for the muzzleloader deer season; modifying some deer, bear, moose, and wild turkey quota area descriptions and procedures; modifying some furbearer hunting and trapping season dates, bag limits, and pelting requirements; modifying wild turkey hunting zones, shooting hours, and seasons; modifying waterfowl shooting hours; modifying some goose seasons and open areas; establishing provisions for a limited entry prairie chicken hunting season; and modifying some deer zone, permit, and licensing provisions.

6200.0200 GAME AND FISH GENERAL PROVISIONS.

Subp. 6. Incomplete or improperly completed applications; correction of agent errors. The purpose of the change to this subpart is to prescribe procedures for correcting errors made by the DNR or the DNR's agents in the license application process by: increasing the quota of licenses to accommodate a hunter who was erroneously not drawn; or by restoring preference to an applicant whose preference was affected by an error not of the applicant's making. It is necessary because agents entering application information sometimes make errors. It is reasonable to provide options for correcting an error that is not the fault of the applicant when it can be done in an equitable way that does not compromise wildlife population management or safety concerns. It is also reasonable because, when processing several hundred thousand applications, some errors will inevitably occur and correcting them without penalty to the applicant is reasonable, particularly when the applicant was not at fault.

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

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

Subp. 3. Areas closed to migratory waterfowl hunting. The purpose of the change to this subpart is to limit firearms small game hunting on the Gordon F. Yeager wildlife management area in Olmsted County to shotguns using number 4 or smaller diameter shot. The change is necessary because the Gordon F. Yeager wildlife management area lies within a rapidly developing area of the City of Rochester where use of rifles or large shot for small game hunting

could pose a public safety risk. It is reasonable because the area around this refuge has rapidly urbanized and reckless discharge of .22 caliber rifles has increased, according to the DNR manager of the wildlife area. The Gordon F. Yeager wildlife management area lies within the Rochester state game refuge, which is closed to big game hunting and the taking of migratory waterfowl, but is open for hunting other small game species such as rabbits and squirrels.

Subp. 5. Areas closed to hunting and trapping. The purpose of the changes to this subpart are to close the Chapa Kay-Say-Za wildlife management area in Steele County to hunting and trapping and to open the Sand Prairie wildlife management area in Sherburne County to hunting by individuals with disabilities participating in special hunts.

The change for the Chapa Kay-Say-Za wildlife management area is necessary because this wildlife management area was a gift parcel from Mr. Ernest Hanson and the DNR agreed to close the area to hunting as a condition of that gift. This area has been closed under temporary rule in the past. It is reasonable because the area still provides wildlife habitat and non-hunting public use values, and because the wildlife management areas in Olmsted County still meet statutory criteria that a minimum of two-thirds of the total area acquired in a county must be open to public hunting (Minn. Stat. Sec. 97A.135, Subd. 1).

The change for the Sand Prairie wildlife management area is necessary to provide additional access for hunters with disabilities to quality hunting opportunities in areas where they are sustainable and can be safely provided. It is reasonable because the most effective areas where people with disabilities can safely and effectively hunt is in areas not generally open to the public because of the problems with disturbance by other hunters and the inability of people with disabilities to easily move to more secluded areas.

Subp. 6. Areas closed to hunting only. The purpose of the change to this subpart is to close the Carl and Verna Schmidt and the Bur Oak Wildlife Management Areas in LeSueur county to the hunting of all species. This area has been closed under temporary rule in the past. The change is necessary because these wildlife areas were donated to the state with a deed restriction that they be closed to hunting. It is reasonable because the area still provides wildlife habitat and non-hunting public use values, and because the wildlife management areas in Olmsted County still meet statutory criteria that a minimum of two-thirds of the total area acquired in a county must be open to public hunting (Minn. Stat. Sec. 97A.135, Subd. 1).

Subp. 12. Sanctuary areas open to hunting. The purpose of the change to this subpart is to allow hunters with disabilities who are hunting at designated stands in the Carlos Avery wildlife management area to take any legal species authorized by their permit, not just deer as provided for in current rule. The change is necessary because without this change the current rule limits these hunters to taking deer, even though these hunters are using these areas under the conditions of a special permit. It is reasonable because other seasons are open when these blinds are in use and safe harvest opportunities exist, without creating additional disturbance.

6230.0250 GENERAL PROVISIONS FOR USE OF WILDLIFE MANAGEMENT AREAS.

Subp. 9. Use of motorboats. The purpose of the change to this subpart is to authorize motorboat use on the Chub Lake 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 the primary access to Chub Lake is through the wildlife management area, which encompasses only the southern tip of the lake. Not allowing this use would effectively block public use of motorboats on the entire lake. Also, during the process of establishing the wildlife management area, the DNR testified in local meetings that historical boating use of the lake would not be compromised.

Subp. 10. General restrictions on vehicles. The purpose of the change to this subpart is to clarify existing restrictions on the use of all-terrain vehicles on wildlife management areas. It is necessary because the current wording has caused confusion. It is reasonable because the changes to this subpart describe specific exceptions, clarify that all-terrain vehicle use on designated trails is allowed, and provide a definition of all-terrain vehicles.

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

Subp. 2. Bemidji Game Refuge, Beltrami county. The purpose of the changes to this subpart are to: 1) extend the date that small game hunting closes in the refuge through the Thursday before the firearms deer season instead of October 31; 2) allow Canada goose hunting in this refuge during the September Canada goose season; 3) allow the trapping of otter along with beaver, mink and muskrat within the refuge; 4) to allow archery deer hunting to continue until the season closes, rather than closing on the first Sunday in December; and 5) to open the refuge to firearms deer hunting. A harvestable population of geese, deer, small game and furbearers exists in this refuge. The change for small game hunting is necessary to provide additional hunting time for small game hunters in advance of the firearms deer season. It is reasonable because the existing restriction was intended to discontinue small game hunting in the refuge prior to the deer season and this change continues to provide for that. The change for Canada goose hunting is necessary because Minnesota's resident Canada goose population is high and increasing, with the potential for even greater nuisance and damage problems in the future (Maxson, 2002). The change for otter trapping is necessary to authorize the taking of otter by beaver, mink and muskrat trappers. It is reasonable because there is a harvestable surplus of otter in the refuge and because otter are already being taken in beaver sets in this area. The change for archery deer hunting is necessary because deer populations in this area are increasing and there is no reason to close hunting inside the refuge while the archery season is still open outside the refuge. The change for firearms deer hunting is necessary and reasonable for the same reason and because the refuge is not densely populated by humans and firearms hunting can occur safely in this area. It is also reasonable because there has been extensive local discussions, public input and a hearing on opening this area, demonstrating support for the change.

Subp. 4. Claremont Game Refuge, Dodge county. The purpose of the change to this subpart is to open this refuge to muzzleloader deer hunting. It is necessary because without this change this area would remain closed to deer hunting and the deer population would continue to grow. It is reasonable because a harvestable surplus exists and there are no longer management needs for maintaining deer refuges. Minnesota deer populations and harvests over the past 10 years have been the highest on record (Dexter, 2004).

Subp. 5. Clay County Game Refuge, Clay county. The purpose of the change to this subpart is to open the Clay County Game Refuge to prairie chicken hunting and Canada goose hunting during the early goose season. The change for prairie chickens is necessary because a harvestable surplus of prairie chickens exists and this area is located in an open prairie chicken hunting zone. It is reasonable because the population of prairie chickens will not be affected by the carefully regulated harvest and additional public recreation will be provided. The change for Canada geese is necessary because Minnesota's resident Canada goose population is high and increasing, with the potential for even greater nuisance and damage problems in the future (Maxson, 2002). It is reasonable because harvestable surpluses of resident geese exist and there are no management needs for a goose refuge to continue offering the current level of protection.

Subp. 8. East Minnesota River Game Refuge, Blue Earth and Le Sueur counties. The purpose of the change to this subpart is to open this refuge to wild turkey hunting. It is necessary because without this change this area would remain closed to turkey hunting despite a healthy and growing wild turkey population. It is reasonable because there is not a management need for a wild turkey refuge and a harvestable surplus exists. This is a large refuge with over 10 miles of Minnesota River corridor that was primarily established to facilitate development of a breeding goose population. Wild turkey hunting is compatible with the purposes of the refuge. Minnesota has relocated over 4,200 wild birds at 189 sites, and the turkey population continues to grow and expand its range (Nelson, 2003).

Subp. 11. Evansville Game Refuge, Douglas county. The purpose of the change to this subpart is to open this refuge to Canada goose hunting during the September season. It is necessary because Minnesota's resident Canada goose population is high and increasing, with the potential for even greater nuisance and damage problems in the future (Maxson, 2002). It is reasonable because harvestable surpluses of resident geese exist and there are no management needs for a goose refuge to continue offering the current level of protection

Subp. 21. Lac qui Parle Game Refuge, Chippewa and Lac qui Parle counties. The purpose of the change to this subpart is to limit the application of special hunting provisions within the refuge to only the time that the Canada goose season is open in this refuge. It is necessary in order to allow hunting of other species of geese after the Canada goose season closes. The primary purpose of the refuge and special zone is to limit harvest of Eastern Prairie Population (EPP) Canada geese that use Lac qui Parle as a feeding and staging area during migration and that are vulnerable to overharvest. It is reasonable because after the limited Canada goose season closes, there are still other species of geese that use the area and that can be harvested under federal migratory bird hunting frameworks without detriment to the population.

Subp. 22. Lake Ripley Game Refuge, Meeker county. The purpose of the change to this subpart is to open this refuge to small game hunting and trapping after the close of the duck season, rather than after the close of the waterfowl season. It is necessary because in recent years the U.S. Fish and Wildlife Service has offered liberal goose hunting seasons that do not end until well into December. It is reasonable because the original intent of this restriction was to limit small game hunter and trapper disturbance of ducks during the open duck season. Once the duck

season closes, disturbance by small game hunters and trappers will not matter because even if there is still open water and the ducks are disturbed, they will not be chased out to an area where they will be shot because the season will be closed. Prior to extended goose seasons, there was late season pheasant hunting in this refuge. This change restores that opportunity.

Subp. 29. Minnetonka Game Refuge, Carver and Hennepin counties. [See repealer]

The purpose of the change to this subpart is to repeal the regulations for this refuge. It is necessary and reasonable because the refuge has been vacated under the process provided in Minnesota Statutes, Section 97A.085, subd. 8.

Subp. 31. Nerstrand Woods Game Refuge, Rice county. The purpose of the change to this subpart is to open the refuge to small game hunting. It is necessary because without this change this area would remain closed. It is reasonable because there is no management need to provide a protected refuge in this area, except for waterfowl. It is reasonable because hunting under established seasons and regulations will not adversely affect small game populations.

Subp. 54. Mud-Bardwell Game Refuge, Martin county. The purpose of the change to this subpart is to open the refuge to special goose hunts. It is necessary because without this change this area would remain closed to goose hunts and there is a growing population of resident geese in the state. It is reasonable because a harvestable surplus exists and there is not a management need for a season-long goose refuge in this area.

Subp. 55. Colleeville (St. John's) Game Refuge, Stearns county. The purpose of the change to this subpart is to open the refuge to firearms deer and bear hunting, with written permission of the landowner. It is necessary because without this change this area would remain closed. Written permission is necessary because the sole landowner will not allow hunting without it. It is reasonable because a harvestable surplus exists and there are no longer management needs for maintaining deer or bear refuges. The requirement of written permission of the landowner is reasonable because the sole landowner in the refuge requires it of all hunters. Minnesota deer and bear populations and harvests over the past 10 years have been the highest on record (Dexter, 2004).

Subp. 56. Carleton Refuge, Dakota and Rice counties. The purpose of the change to this subpart is to open the refuge to archery deer hunting after the firearms deer season. It is necessary because without this change this area would remain closed. It is reasonable because a harvestable surplus exists and there are no longer management needs for maintaining deer refuges. Minnesota deer populations and harvests over the past 10 years have been the highest on record (Dexter, 2004).

Subp. 57. Talcot Lake Game Refuge, Cottonwood county. The purpose of the change to this subpart is to provide consistent restrictions for waterfowl hunting at designated hunting stations within this refuge on both public and private lands. It is necessary because waterfowl hunting is prohibited within the refuge on all lands except as specifically provided by rule, and the rule needs to treat open hunting the same whether the land ownership is public or private. It

is reasonable because if hunting is to be allowed in a refuge, there is no logical distinction between how that hunting should be authorized based on land ownership. This provision makes it clear that spacing of designated hunting areas within the refuge is handled consistently, regardless of land ownership.

Subp. 58. Clear Lake Game Refuge, Sherburne county. The purpose of the change to this subpart is to allow deer hunting in this refuge. It is necessary because without this change this area would remain closed. It is reasonable because a harvestable surplus exists and there are no longer management needs for maintaining deer refuges. Also, landowners in and near the refuge have suffered significant damage and some have invested heavily in deer-proof fencing to try to minimize loss.

Dr. Chris DePerno, DNR Farmland Wildlife Deer Research Biologist, noted after a visit to the Refuge in August of 2000 "...the area has extensive browse damage; the forb component of the habitat is absent and the understory vegetation has been severely impacted. I have not observed deer damage of this extent anywhere else in Minnesota (C. DePerno memo to Area Wildlife Manager Fred Bengtson, Sept. 11, 2000). Dr. DePerno concluded that both deer population reduction and improved habitat management were needed if the problem was to be addressed.

Hunting in this refuge was the subject of a special meeting in September of 2000 at the Clear Lake Township Hall, attended by 40 people. There was a wide range of opinion expressed and a majority agreed that something needed to be done, but there were divided opinions on whether hunting should be allowed.

The refuge was first opened for deer hunting in the fall of 2000, and was continued open in 2001 and 2002. After each of the first two years of hunting, DNR Area Wildlife Manager Fred Bengtson estimated approximately 30 deer had been harvested each year, representing a harvest rate of about 40 percent. This harvest rate should slowly lower the summer population of deer in the refuge (Fred Bengtson, landowner letters and hunter survey results, April 2001 and February 2002).

The opening of the refuge has generated few complaints, but there continues to be some opposition to hunting in this refuge. This change is reasonable because with the recovery of Minnesota's deer population there is no longer a management need for deer refuges, and because it has the potential to reduce summer deer populations and damage to crops and other property within the refuge.

6230.0600 DESCRIPTIONS OF CONTROLLED HUNTING ZONES.

Subp. 7. Talcot Lake Zone, Cottonwood county. The purpose of the change to this subpart is to clarify the boundary of a controlled waterfowl hunting zone where special restrictions apply. The change is necessary because new acquisitions have added to the controlled hunting zone. It is reasonable because the controlled hunt zone provisions are designed to limit the rate and overall harvest of geese, as well as to improve the safety and quality of hunting opportunities by avoiding the establishment of uncontrolled "firing line" situations along the public road. These changes are consistent with providing public goose hunting opportunities while managing the overall goose harvest to maintain sustainable populations within federal guidelines.

6230.0700 LAC QUI PARLE SPECIAL PROVISIONS.

Subp. 1. Time periods for special provisions. The first purpose of the change to this subpart is to eliminate the prescribed special provisions, including a controlled hunt zone entry permit, as they apply to the Thief Lake controlled hunting zone, while maintaining those provisions for harvesting Canada geese in the Lac qui Parle Goose Zone. The second change to this subpart applies the restrictions in the Lac qui Parle Zone only during the Canada goose season, rather than the season for any species of goose.

The first change is necessary because there no longer exists a management need for continuing the special provisions in the Thief Lake controlled hunting zone. The special provisions were needed when the demand for hunting stations at the Thief Lake zone was much higher than the supply, but because of changes in goose distribution and goose hunting opportunity, that demand has subsided to the point that this level of restriction is no longer needed. It is reasonable because controlled hunt regulations should be no more restrictive than is necessary to meet goose harvest and hunting safety objectives.

The second change is necessary because other species of geese, besides Canada geese, use the Lac qui Parle Zone, and because of short Canada goose seasons the seasons for those other species are still open within Minnesota after the Canada goose season closes. By limiting this subpart to the Canada goose season, it will allow the other species of geese to continue to be hunted during the open season for those species. It is reasonable because populations of those geese can support the longer seasons and those seasons are authorized by the U.S. Fish and Wildlife Service under the federal migratory bird hunting frameworks.

Subp. 2. Hunting stations. The purpose of the change to remove the Thief Lake controlled hunt zone from this special provision, for the reasons explained for Subp. 1 above.

Subp. 3. Entry permit required. The changes to this part are a technical change of the name of the permit and a change to allow the use of carried permits rather than displayed permits for hunting in the controlled hunting zone. The change is necessary because hunters are no longer required to wear the permit on their backs while hunting. The change is reasonable because it is less intrusive on hunters participating in the controlled hunt while still providing that they carry the necessary documentation to show that they are authorized to hunt in the zone and are at the correct station.

6230.0800 Thief Lake Special Provisions

The purposes of the changes to this part are to simplify the controlled hunt zone regulations for the Thief Lake Controlled hunt zone and to make them consistent throughout the season. The changes are necessary and reasonable because shifts in goose concentrations and goose hunting pressure have resulted in reduced use of this zone by both geese and by hunters. This reduced use has eliminated the need for more restrictive controlled hunt zone rules early in the season.

Subp. 1. Time period for special provisions. The purpose of the change is to specify the time period that the special regulations apply, and to include small game under this restriction through the Monday nearest Oct. 22. It is necessary because under the previous rule in M.R.

6230.0700, all persons in the zone were restricted to the controlled hunt stations during this time period. This change continues that restriction for small game hunters during the first few weeks of the season. It is reasonable because, during the early part of the season, there is more potential for small game hunters entering the zone to disrupt goose hunting. After that date, goose concentrations and hunting pressure are typically low and the potential for disturbance by small game hunters greatly diminishes. It is reasonable because it improves goose hunting quality and effectiveness, reduces interference with permitted goose hunters, and continues a restriction that was previously in place for small game hunting in this zone during this time period.

Subp. 2. Designated hunting station. The purpose of the change is to allow hunters a maximum of two trips to a hunting station per day, rather than one. The change is necessary to provide additional hunting opportunity that is allowable because of the reduced hunting pressure in this zone. The change is reasonable because it allows hunters to take advantage of additional recreational opportunity that is made available by reduced competition for the designated hunting stations, while having no detrimental effect on populations of geese that use the zone.

Subp. 3. Revocation of permit. [REPEALER] The purpose of the change to this subpart is to repeal provisions for revoking a controlled hunt zone permit. It is necessary and reasonable because that permit is being eliminated so there will no longer be a permit to revoke.

Subp. 4. Firearms must be cased. The purpose of the change is to this part is to include all hunters under the same provisions as waterfowl hunters, during the time period specified in Subp. 1. The change is necessary to provide the same provisions for controlling disturbance of waterfowl and waterfowl hunters by small game hunters within the controlled hunting zone that is being eliminated under M.R. 6230.0700. The change is reasonable because it maintains restrictions on small game hunters in this zone in the early season that were previously in effect, and because all hunters during that part of the season have the same potential for disturbing waterfowl and interfering with hunters using the designated hunting stations.

Subp. 5. Limitations on number of shells possessed. The purpose of the change is to this part is to include all hunters under the same provisions as waterfowl hunters, during the time period specified in Subp. 1. The change is necessary to provide the same provisions for possessing shells by small game hunters within the controlled hunting zone as is being eliminated under M.R. 6230.0700. The change is reasonable because it eliminates a loophole for waterfowl hunters to bring in more than their allotted number of shells and maintains restrictions that were previously in effect on small game hunters in this zone during the early season.

Subp. 6. Restrictions on occupancy of designated parking lots and hunting stations. The purpose of this subpart is to specify hours that hunters may occupy controlled hunt 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. 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 and arriving hunters should have an expectation of being able to access hunting opportunity.

Subp. 7. Closed hunting stations. The purpose of the change is to restrict 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 the designated hunting

stations 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.

6230.1000 ROSEAU RIVER AND ROCHESTER REGULATIONS

Subp. 4. Firearms must be cased. The purpose of this change is to require that all firearms in the controlled hunting zone be cased except in or within ten feet of hunting stations. It is necessary for safety and hunt quality reasons to control and enforce restrictions on shooting in controlled hunting zones, except when the hunter is in or immediately adjacent to the designated stations. Without this restriction hunters could leave the stations some distance to shoot and would potentially interfere with other hunters as well as shooting too close to other hunters from a safety perspective. This provision was inadvertently omitted in this portion of the rules and reinstating this provision makes this controlled hunt restriction at Roseau River and Rochester consistent with other controlled waterfowl hunts. The change is reasonable because it addresses controlled hunt quality and safety issues.

6230.1100 TALCOT LAKE SPECIAL PROVISIONS

Subp. 1. Time period for special provisions. The purpose of the change to this subpart is to refer to controlled hunt zones and goose seasons in plural because there are two separate controlled hunt zones at Talcot Lake and the controlled hunt rules apply to all goose seasons in the zone, not just the regular season. The changes are necessary and reasonable to accurately reflect that the regulations apply to more than one controlled hunt zone and goose season. The changes are also reasonable because hunting of Canada geese in this zone during the early Canada goose season allows additional harvest opportunities for resident Canada goose populations, and controlling the hunt during the regular season limits the rate and overall harvest of Eastern Prairie Population Canada geese as well as improving the safety and quality of hunting opportunities.

Subp. 2. Hunting prohibited. The purpose of the change to this subpart is to clarify that the prohibition on hunting species other than waterfowl in controlled hunting zones applies only on public lands. The change is necessary and reasonable because the commissioner has authority to limit distribution of waterfowl hunters under Minn. Stat. Sec. 97A.092, but private landowners can set their own conditions related to hunter conduct in and around waterfowl blinds on their own lands.

Subp. 4. Designated hunting stations. The purpose of the change to this subpart is to clarify that the restriction on waterfowl hunters hunting only at the station corresponding to their parking stall number only applies on public lands within the controlled hunting zone. It is necessary and reasonable for the same reasons as cited for Subp. 2.

Subp. 5. Restrictions on entry to zone. The purpose of the change to this subpart is to clarify that restrictions on entry into the controlled hunting zone apply only to public lands within the controlled hunting zone. It is necessary and reasonable for the same reasons as cited for Subp. 2.

Subp. 7. Firearms must be cased. The purpose of this change is to require that all firearms in the controlled hunting zone be cased except in or within ten feet of hunting stations. It is necessary for safety and hunt quality reasons to control and enforce restrictions on shooting in

controlled hunting zones, except when the hunter is in or immediately adjacent to the designated stations. Without this restriction hunters could leave the stations some distance to shoot and would potentially interfere with other hunters as well as shooting too close to other hunters from a safety perspective. This provision was inadvertently omitted in this portion of the rules and reinstating this provision makes this controlled hunt restriction at Talcot Lake consistent with other controlled waterfowl hunts. The change is reasonable because it addresses controlled hunt quality and safety issues.

6232.0200 DEFINITIONS.

Subp. 3. Antlerless permit area. [REPEALER] The purpose of the repeal of this part is to eliminate an obsolete definition. It is necessary and reasonable because deer permit areas have been redefined in subpart 4a.

Subp. 4. Bait. The purpose of the change to this subpart is to clarify the definition of bait as any food capable of attracting or enticing deer that has been transported and placed by a person. It is necessary because the existing definition required a determination of the purpose for which the material was transported and placed, which made it largely unenforceable if the person said it was transported and placed for another purpose. It is reasonable because the change clearly identifies materials that are considered to be bait without forcing an enforcement officer to ascertain purpose or intent. It is also reasonable because it is a clarification of an existing regulation and does not change the intent of the existing definition of bait.

Subp. 4a. Deer permit area. The purpose of this subpart is to create a definition of "deer permit area," and to define categories of deer permit areas open for taking legal bucks and antlerless deer during the regular firearms deer season. It is necessary to establish a new system of categorizing deer permit areas so that the system for allocating permits, authorizing hunters to take deer of either sex, and authorizing hunters to take more than one deer can be streamlined. It is reasonable because the current system leads to unnecessary paperwork by hunters and the DNR that can be eliminated under the new system established in this rule. It is also reasonable because this change will facilitate harvest of antlerless deer and deer population management. Deer numbers in Minnesota are at near record levels (Lenarz, 2002) and effective harvest of antlerless deer is critical to maintaining populations at levels consistent with habitat availability and social tolerance. Excessive deer populations can damage personal property (Conover, 1997) and ecosystems (deCalesta, 1997).

Item A. The purpose of this item is to define "intensive deer permit area." It is necessary to define the type of deer permit area where firearms hunters can automatically take a deer of either sex on a regular license and where the taking of multiple additional antlerless deer is authorized under bonus harvest permits. It is reasonable because it eliminates the need for hunters to submit applications for available antlerless permits in the large number of areas where the number of applicants is not keeping pace with the number of permits available (DNR Deer Harvest Report, 2002). The lack of applicants is contributing to problems of not being able to harvest enough deer to keep populations within goal ranges. Simplifying the system will facilitate higher harvests of antlerless deer. It is also reasonable because the DNR will save the cost of mailing antlerless permits to hunters in these areas, because hunters save the time and inconvenience required to make applications for permits that are sure to be issued, and because it will allow hunters to purchase licenses right up to the season and still take antlerless deer, rather

than having to apply to do so three months before the hunt.

Item B. The purpose of this item is to define “managed deer permit area.” It is necessary to define the type of deer permit area where firearms hunters can automatically take a deer of either sex on a regular license and where the taking of additional antlerless deer is authorized by permit. It is reasonable because it eliminates the need for hunters to submit applications for available antlerless permits in what in recent years has been a large number of areas where the number of applicants is not keeping pace with the number of permits available (DNR Deer Harvest Report, 2002). The lack of applicants is contributing to problem of not being able to harvest enough deer to keep populations within goal ranges. Simplifying the system will facilitate higher harvests of antlerless deer. It is also reasonable because the DNR will save the cost of mailing antlerless permits to hunters in these areas, because hunters save the time and inconvenience required to make applications for permits that are sure to be issued, and because it will allow hunters to purchase licenses right up to the season and still take antlerless deer, rather than having to apply to do so three months before the hunt.

Item C. The purpose of this item is to add the definition of “lottery deer permit area.” It is necessary to define the type of deer permit area where firearms hunters can take a legal buck on a regular license and can take a deer of either sex only if they have applied in a lottery application process and have been authorized by permit to take an antlerless deer. It is reasonable because maintaining the lottery deer permit areas will allow the DNR to regulate taking of antlerless harvest where it is necessary to do so to manage the population. Because deer are polygamous, control of the antlerless portion of the deer harvest is critical to population management. It is also reasonable because hunters in lottery deer permit areas will continue to apply for either-sex permits exactly as they do under current rule.

Subp. 5. Bonus permit. The purposes of the changes to this subpart are to combine the previous ‘management’ and ‘intensive harvest’ permits into one generic ‘bonus’ permit for taking additional deer; to make the rule consistent with statute change regarding free landowner deer licenses; to clarify that this license is valid immediately when issued as provided for in Minn. Stat. Sec. 97A.411, subd. 3; and to require that deer taken and tagged with a bonus permit must be antlerless, unless otherwise prescribed. The change to one generic permit is necessary and reasonable to simplify the system for issuing hunters permits to take additional deer beyond what is allowed on a regular license. The change regarding landowners is necessary to make the rule consistent with Minn. Stat. Sec. 97A.441, subd. 7. The change indicating that this license is valid immediately upon issuance is necessary to make it clear in rule when the license is effective, as authorized under Minn. Stat. Sec. 97A.411, subd. 3. The change restricting deer taken on this license to antlerless deer only is necessary because these licenses are issued in situations where population management is a primary objective and taking antlerless deer is the most efficient method of population management. These changes are reasonable to conform the rule to current statutes and because restricting the type of deer taken on bonus permits to antlerless only does not prevent a hunter from taking a legal buck on a regular license if the hunter so desires.

Subp. 5a. Intensive harvest permit. [REPEALER] The purpose of the repeal of this part is to eliminate an obsolete definition because intensive harvest and management permits are being combined into one bonus permit type. It is necessary and reasonable because this license

type is being eliminated and for the reasons cited for 6232.0200, Subp. 5.

Subp. 9. Regular licenses. The purpose of this subpart is to define what is meant by the term “regular deer license.” It is necessary and reasonable because the term is referred to frequently in the rule, and because the legislature has provided for a variety of first or ‘regular’ licenses that hunters may purchase. It is also reasonable because hunters taking additional deer under bonus permits are tied to where and when they can hunt under regular licenses.

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER

Subpart 1. Zone and date options. The purposes of the changes to this subpart are to add reference to the new all season deer license and to clarify how license choices are indicated on a license under the Electronic Licensing System (ELS). The change referencing the all season deer license is necessary because Minn. Stat. Sec. 97B.301, subp.7 now authorizes an all season deer license. The change to how license choices are indicated on the license is necessary because electronic license transactions can print the hunter’s choice directly on the license when issued, rather than the license agent having to physically punch a choice the license. The changes are reasonable because the all season deer license is provided by statute and because printing license choices is more efficient and reduces errors that sometimes resulted from hand-punching.

Subp. 3. Party hunting. The purpose of the change to this subpart is to clarify that the restrictions on party hunting for antlerless deer by people with disabilities apply in lottery deer permit areas. It is necessary to specify that the statutory restriction on party hunting for antlerless deer for people with these permits applies only in areas where the taking of antlerless deer by all licensed hunters is not generally allowed. It is reasonable because the new deer permit system allows anyone to take an antlerless deer on a regular license without a permit, except in lottery deer permit areas, whether they are disabled or not.

Subp. 4. Baiting. The purpose of the change to this subpart is to clarify the prohibition on use of bait as a method for taking deer. It is necessary to make the language more specific because the current rule language has been ambiguous and has been ineffective in curbing baiting practices in some areas of the state. It is also necessary to establish that a violation has only occurred if the person knows or has reason to know that bait has been placed. It is reasonable because it clarifies and strengthens the language of a restriction that has been in effect for more than 10 years, without changing the intent of the restriction. It is also reasonable to regulate baiting because deer can be effectively hunted without the use of bait and because the use of bait unnaturally concentrates deer in small areas leading to more nose-to-nose contact, which increases the potential for disease transmission.

Subp. 5. Tagging. The purpose of the change to this subpart is to update rule language on tagging to reflect changes in procedure under the electronic licensing system. It is necessary because the new system uses adhesive tags and locking seals are no longer used. It is reasonable because tagging provisions have changed with the development of a new system of issuing licenses.

Subp. 6. License purchase and validation. The purpose of the change to this subpart is to clarify that the tag, not the license, must be validated at the time a deer is tagged. It is necessary because under the new licensing system, the validation information is printed on the

tag, not on the license. It is reasonable to change the validation method to correspond to the new system of issuing licenses and to document the same information that was formerly documented on the license.

Subp. 8. Bag limit. The purpose of the changes to this subpart is to prescribe the conditions under which a person may tag more than one deer during a license year. The changes are necessary because the legislature has provided several options by which a person may take more than one deer per year and because deer populations have grown to the point that higher season limits are needed to maintain populations at goal levels. The changes are also necessary to prescribe total bag limits for deer by deer permit area type, and to reflect terminology changes in 6232.0200. Bag limits vary according to the type of permit area and deer license type. It is reasonable to provide a summary of total deer bag limits by permit area and license type so that the limits on the maximum number of deer that can legally be taken are clear to hunters. The changes are also reasonable because they provide an impartial system for allocating higher limits of deer and because Minn. Stat. Sec. 97B.301, subd. 4 allows taking of more than one deer only as authorized by the commissioner.

6232.0400 REGISTRATION OF DEER

Subpart 4. **General provisions for registration of deer.** The purpose of the change to this subpart is a technical change to clarify where a possession tag must be affixed to a deer. It is necessary and reasonable because it clarifies existing rule language and it does not result in any substantive change.

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL

The changes to this part are to clarify provisions for issuing deer licenses to military personnel and disabled veterans. They are necessary and reasonable to make the procedures conform to the electronic licensing system (ELS) and to conform to statutory changes in deer licensing.

Item A. The purpose of the change to this item is to clarify where deer licenses for military personnel can be obtained and to substitute the term "either-sex permit" for "antlerless permit." It is necessary because these licenses are now available at special electronic license system agents and from the DNR license center, rather than from county auditors, and because either-sex permits are replacing antlerless permits to more accurately convey the purpose of the permit. The changes are reasonable because they correspond to the new licensing and deer permit system and because they result in deer licenses for military personnel being available at more locations than they were under the previous system.

Item B. The purpose of the change to this item is to clarify how zone and date options selected by the applicant are specified on the license. It is necessary because the DNR's ELS system prints the hunter's zone and date options directly on the license; the option is no longer hand-punched on the license. It is reasonable because this system is more efficient and accurate than hand punching the option.

Item C. The purpose of the change to this item is to make conforming changes for where military personnel can take antlerless deer, consistent with the rule changes on taking antlerless deer in various classifications of deer permit areas, and to reference the new statutorily authorized all season deer license. It is necessary and reasonable because the system for

designating how and where antlerless deer may be taken is changed and because a new license option has been added by statute.

6232.0600 SEASONS AND ZONES FOR TAKING DEER BY ARCHERY.

Subp. 2. Northeast border zone. The purpose of the change to this subpart is to remove antlerless permit areas 115, 117, 118, 130, and 194 from the area of the state designated as the northeast border zone. It is necessary because, with the changes in antlerless permit areas in forested portions of Minnesota under Minn. Rule 6232.4700, permit areas 117, 118, 130, and 194 have been eliminated. It is also necessary because: 1) antlerless permit area 115 now supports a deer population above 16 deer per square mile (Lenarz, 2002) which can better sustain a longer season; and 2) deer populations in antlerless permit areas 116 and 127 remain below 2 deer per square mile and are more vulnerable to harvest and disturbance when they begin concentrating in deer “yarding” areas in early winter. It is reasonable because these changes continue to provide late season protection to deer in areas where needed, while expanding hunting opportunity in areas where the additional protection is not currently needed.

6232.0700 LEGAL DEER BY ARCHERY. The purpose of the change to this part is to allow taking of antlerless deer by archery only in those deer permit areas that are open to taking antlerless deer by adult hunters during the firearms season. It is necessary to limit the taking of antlerless deer by all methods in deer permit areas closed to the taking of antlerless deer (or open only for youth to take antlerless deer) to prevent overharvest of antlerless deer. It is reasonable to apply restrictions on taking antlerless deer in areas of low population to all adult hunters so that the population can recover and so that all adult hunters are treated the same regarding antlerless deer harvest restrictions, regardless of hunting method used.

6232.0900 CAMP RIPLEY ARCHERY HUNT.

Subp. 2. Permit required to hunt. The purpose of the changes to this subpart are to reference the new all-season deer license, to specify that the person must not only have a valid license but also an unused tag, and to specify that the permit for the hunt authorizes taking only one deer unless otherwise specifically provided. The reference to the all-season deer license is necessary because this is a relatively new license that authorizes taking deer by archery as well as by firearms. It is reasonable because this is a provision in statute that allows taking deer by archery, which is the only method of take allowed for this hunt. The provision on requiring an unused possession tag is necessary to assure that permittees who are hunting in the Camp are able to tag the deer that they shoot, not just party hunt with someone else. It is reasonable because only a limited number of permits are available in the Camp to hunt and all permittees should have valid tags to maximize the number of deer that participants are authorized to take. The provision restricting permittees to taking one deer is necessary to establish the limit because more than one deer may now be taken in many areas of the state and to make it clear that taking other species is not allowed. It is reasonable because it makes it clear to hunters how many deer can be taken in the Camp, regardless of what might be allowed in the surrounding deer permit area.

6232.1000 APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT

Subpart 1. Preference drawing. The purpose of the change to this subpart is to standardize the Camp Ripley preference rating system as part of the ELS system for conducting drawings and allocating licenses, consistent with other hunting lottery application drawings. These changes are necessary to establish the procedures for license application drawings and preference under the ELS system and to make the Camp Ripley application process consistent with other special hunt application processes. The changes are reasonable because they: 1) reduce the complexity associated with having different application systems and standards for different special hunts; 2) increase convenience for hunters by allowing applications to be made electronically at any license agent, rather than by application to only one field office; and 3) increase administrative efficiency by freeing field staff time formerly spent administering a drawing and instead use an existing automated system to do the task.

Subp. 2. Group selection. The purpose of the change to this subpart is to change the group application size from six to four and to make modifications in procedures to correspond to ELS system changes. The change is necessary to standardize the group applications in Camp Ripley with other big game special hunt applications and to eliminate obsolete language related to a paper-based application process. The change is reasonable because it makes the rule consistent with ELS procedures and standardizes the process consistent with other big game special hunt applications.

Subp. 3. Application requirements. The purpose of the change to this subpart is to make the application procedures in rule consistent with the electronic licensing system, including elimination of the requirement to sign a paper application form. The change is necessary to bring rules on application procedures for the Camp Ripley special hunt into conformance with the ELS system, and to clarify the minimum age for participation in this hunt. It is reasonable because paper forms are no longer used, because access to applications is more convenient to hunters, and because the application system is consistent with other big game special hunt applications.

6232.1100 SPECIAL RESTRICTIONS FOR CAMP RIPLEY ARCHERY HUNT.

Subpart 1. Access to Camp Ripley. The purpose of the change to this subpart is to provide an additional hour for hunters to enter the Camp the day before the hunt. It is necessary because without this change the hunters could not legally enter before 1:00 p.m. It is reasonable because it provides additional time for hunters to check in and reduces the amount of time cars are lined up along state highways 115 and 371. Also, it does not add measurably to the administrative costs of conducting the hunt.

Subp. 5. Taking of coyotes and porcupines allowed. [REPEALER] The purpose of the repeal of this subpart is to eliminate the provision that allows deer hunters to shoot coyotes and porcupines. It is necessary because there is no management need for having hunters take porcupines and coyotes. Because there is little commercial timber management on the camp, damage by porcupines is not economically significant and there is no conflict with porcupines and pets or hunting dogs because pets are not allowed and the camp is not open for small game hunting. There is not a need to take coyotes because coyote populations in the camp have been effectively controlled or displaced since two wolf packs became established. These changes are consistent with other hunts being offered in the Camp and are supported by the Department of Military Affairs natural resource management staff.

6232.1200 ARCHERY DEER MANAGEMENT PERMITS. [REPEALER]

The purpose of the change to this part is to repeal an obsolete section of rule. It is necessary because deer management permits are being eliminated and replaced by generic bonus permits. This change is reasonable to simplify licensing options and to improve customer service by reducing licensing complexity. It is also reasonable because archery hunters can still purchase the same number of multiple deer permits, but they will all be bonus permits. One bonus permit can be used in a managed deer permit area. This is functionally the same thing that an archery hunter could formerly do with a management permit.

6232.1250 TAKING DEER BY ARCHERY UNDER BONUS PERMITS.

Subpart 1. Purchase. The purpose of the change to this subpart is to modify procedures for purchase of bonus permits to correspond to the ELS system. It is necessary because the DNR has adopted an electronic licensing system. It is reasonable because hunters no longer need to physically present an archery deer license in order to purchase bonus permits because the electronic system tracks that information, and because bonus permits are now available throughout the state, not just in the Twin Cities metro area.

Subp. 2. Restrictions. The purpose of the change to this subpart is to restrict use of bonus permits to taking antlerless deer and to specify the use of bonus permits by archers in intensive and managed deer permit areas. It is necessary to restrict bonus permits for taking antlerless deer only because they are used in areas where there is a need to control the deer population and taking antlerless deer is the most efficient way to do so. It is also necessary to restrict use of these permits to only intensive and managed deer permit areas because these are the areas where taking more antlerless deer than can be taken on a regular license is needed. This change is reasonable because it is part of simplifying licensing options and because it does not change the total number of deer that an archery hunter may take under existing rule.

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

Subp. 1. Zone 1. The purpose of the change to this subpart is to specify provisions for taking antlerless deer in Zone 1. It is necessary because areas formerly known as antlerless permit areas are being reclassified into one of three classes of deer permit areas to improve harvest management and simplify the permitting process for taking antlerless deer. It is reasonable because it will reduce unnecessary paperwork on the part of hunters who will no longer need to apply for antlerless deer permits in areas where everyone is drawn anyway, and because it will save the DNR the costs of mailing notifications to persons successful in those drawings. It is also reasonable because it will enhance the DNR's ability to manage deer populations by facilitating harvest of antlerless deer.

Subp. 2. Zone 2. The purpose, need, and reasonableness of the change to this subpart are the same as for subpart 1, but apply to Zone 2.

Subp. 3. Zone 3. The purpose of the change to item A of this subpart is to authorize the taking of antlerless deer in Zone 3A. It is necessary because this season was formerly a bucks-only season. It is reasonable because deer populations in this area are above goal (Osborne, personal communication, 2002) and the taking of antlerless deer will facilitate a population reduction. The purpose, need, and reasonableness of the change to item B of this subpart are the

same as for subpart 1, but apply to Zone 3B.

Subp. 4. Zone 4. The purpose, need, and reasonableness of the change to this subpart are the same as for subpart 1, but apply to Zone 4.

Subp. 5. Taking antlerless deer on firearms licenses. The purpose of this subpart is to prescribe that the provisions for taking antlerless deer in this part apply to the use of a regular firearms or all-season deer license tags, not to antlerless deer taken under bonus permits. It is necessary to clarify the scope of this part so that it is clear it is not referencing the additional antlerless deer that can be taken under bonus permits in specified deer permit areas within these zones.

Subp. 6. Permit quota adjustments. The purpose of this subpart is to prescribe that either-sex permit quotas may be reduced in response to tribal declarations of antlerless permits wholly or partially within the 1837 Treaty Ceded Territory. It is necessary for the DNR to comply with federal court order in the case of Mille Lacs Band of Chippewa v. Minnesota, 119 s. Ct. 1187 (1999). It is reasonable because there is little time between the court stipulated date for tribal declarations to be made (August 10) and the application deadline for either-sex permits (the first Thursday after Labor Day).

6232.1400 ZONE DESCRIPTIONS.

Subparts 1 and 2. Zones 1 and 2. The purpose of the changes to these subparts is to make technical changes to correspond to changes in the numbering of county state aid highway 27 in Beltrami County. It is necessary and reasonable because it does not physically change the zone boundaries, but makes the legal description of those boundaries consistent with changes in the numbering of the county state aid highways.

Subparts 3 and 4. Zones 3 and 4. The purpose of the changes to these subparts is to make a slight modification in the boundary between these two zones in the vicinity of Kasson in southeast Minnesota. The change is from the municipal boundary of Kasson to U.S. Highway 14, which runs through the center of the town. It is necessary and reasonable because it is a minor adjustment in the boundary and puts the boundary on a physically identifiable landmark (a U.S. highway), rather than a municipal boundary, which is not physically identifiable on the ground.

6232.1600 SPECIAL HUNT PROCEDURES.

Subparts 1 and 2. Deer license and permit required for special permit area; Application process. The purpose of the changes to these subparts is to modify procedures for obtaining special hunt area permits to correspond to the ELS system. They are necessary because the DNR has adopted an electronic licensing system. They are reasonable because hunters no longer need to complete and mail paper permit applications.

6232.1750. DEER PERMIT AREA DESIGNATION.

The purpose of this part is to specify that all deer permit areas will be designated into one of three categories annually. It is necessary so that hunters will know which deer permit areas will require lottery permit applications and which will be authorized for use of bonus permits. It is reasonable because designations of these areas can change annually based on changes in deer populations, hunter numbers, harvest success, and management objectives. This system will also allow for a more efficient and increased harvest of antlerless deer, while reducing paperwork for

hunters and reducing costs for the DNR.

6232.1800 EITHER-SEX PERMITS AND PREFERENCE DRAWINGS.

Subpart 1. Procedures for applying for an either-sex permit. The purpose of the change to this subpart is to update terminology to be consistent with the new system for authorizing taking of antlerless deer and to modify application procedures for either-sex permits to correspond to the ELS system. It is necessary because antlerless permits are being eliminated and replaced by either-sex permits and because the DNR has adopted an electronic licensing system. It is reasonable because the term "either-sex permit" more accurately describes the function of the permit; the regular license is valid for bucks only and the addition of a permit allows them to use the license to take deer of either sex. It is also reasonable because hunters no longer have to physically fill out a paper application.

Subp. 2. Preference drawings for either-sex permits in lottery deer permit areas and special hunt area permits. The purposes of the changes to this subpart are to change the term "antlerless permit" to "either-sex permit" and to change the term "antlerless permit area" to "deer permit area." These changes are necessary to implement changes to the deer management system to reduce paperwork and cost and to facilitate deer management. The changes are reasonable because the new system allows taking antlerless deer and multiple deer under a three-tiered approach that utilizes different designations of deer permit areas. It is also reasonable because the term "either-sex permit" more accurately describes the function of the permit, and because the new system allows multiple options for taking antlerless deer, not only by antlerless deer permit.

Subpart 3. Deer permit areas. The purpose of the change to this subpart is to eliminate all partial or grouped registration blocks, which formerly constituted "antlerless permit areas" and to reflect the new terminology of "deer permit area." It is necessary to implement changes to the deer management system and to provide consistent terminology. It is reasonable because elimination of partial or grouped blocks simplifies regulations and because the changes in terminology are conforming changes for the new deer permit are system.

6232.1900 FIREARMS DEER MANAGEMENT PERMITS.

[REPEALER] The purpose of the change to this part is to repeal management permit provisions. It is necessary because the new deer permit system eliminates management permits and instead authorizes bonus harvest permits. It is reasonable because the new system will still allow for taking of the same number of antlerless deer in special hunt areas.

6232.1950 TAKING DEER BY FIREARMS UNDER BONUS PERMITS.

Subpart 1. Purchase. The purpose of the change to this subpart is to modify procedures for obtaining firearms bonus permits to correspond to the ELS system and to cross-reference the new all season deer license. The change is necessary because the DNR has adopted an electronic licensing system and the legislature has established a new all season deer license (Laws of Minnesota for 2002, Chapt. 351, Sec. 11 and 17). The changes are reasonable because hunters no longer need to physically present a license because the system tracks that. Also, bonus permits now are available statewide and holders of the all season deer license are eligible to purchase these permits.

Subp. 2. Restrictions. The purpose of the change to this subpart is to prescribe where bonus permits may be used by firearms deer hunters during the regular firearms and muzzleloader seasons. It is necessary to conform to the new system for designating deer permit areas. It is reasonable because it continues to allow for the same level of use of bonus permits by regular firearms hunters as for management and intensive harvest permits in the past.

6232.2000 MULTIZONE BUCK LICENSE.

Subp. 2. Antlerless deer and special hunts. The purpose of the change to this subpart is to make conforming changes of the term "antlerless permit" to "either-sex permit" and the term "antlerless permit area" to "deer permit area." These changes are necessary to implement changes to the deer permit system to reduce paperwork and cost and to facilitate deer management. It is reasonable because the new system allows taking antlerless deer and multiple deer under a three-tiered approach that utilizes different designations of deer permit areas. It is also reasonable because the term "either-sex permit" more accurately describes the function of the permit (it authorizes a person with a basic buck license to then take a deer of either sex), and because the new system allows multiple options for taking antlerless deer, not just by antlerless deer permit.

6232.2050 ALL-SEASON DEER LICENSE.

Subpart 1. Season and open area. The purpose of this subpart is to prescribe areas and time periods for all-season deer licensees and to prescribe where licensees may take antlerless deer by firearms during the regular firearms season. It is necessary because Minn. Stat. Sec. 97A.475, subd 2 (11) provides that this license is valid in any open deer season except as restricted by the commissioner.

The restriction prohibiting use of this license in the Zone 3B late season is necessary because that is a small zone that is open after all other firearms zones in the state close. It is reasonable because it is consistent with the prohibition on use of the all-season buck license that was the predecessor to the all-season deer license.

There was strong public opposition to a preliminary DNR proposal to remove the restriction on using this license in the Zone 3B seasons. The main reason expressed by the public for this opposition was that hunters believed it would reduce hunting access to private property if hunters could obtain this license and hunt both Zone 3 seasons. Under the current system, many landowners hunt with friends or family during one of the seasons and allow others to hunt during the other part of the split season.

Subp. 2. Bonus permits. The purpose of this subpart is to authorize purchase and use of bonus permits by all-season deer licensees. It is necessary because when the all-season 'buck' license was expanded in 2002 to become the all-season 'deer' license, the statutory prohibition against holders of this license being able to take additional deer was removed (Laws of Minnesota for 2002, Chapt. 351, Sec. 11 and 17). It is reasonable because deer populations are above goal in many areas and there is no management reason why someone who purchases this license should not be able to have the same overall season limit of deer as those who purchase other license types.

6232.2100 MUZZLELOADER SEASON AND AREAS.

Subpart 2. Open zone. The purpose of the change to this subpart is change terminology from “antlerless permit area” to “deer permit area” and to specify changes in those deer permit areas that are closed during the muzzleloader season. It is necessary because deer permit area boundaries have changed, deer populations have recovered in portions of northeastern Minnesota to an extent that it is no longer necessary to provide protection during the muzzleloader season, and because some deer permit areas that are predominantly comprised of national wildlife refuges are closed to deer hunting during the muzzleloader season. This is reasonable because deer populations in the deer permit areas that are no longer closed have recovered to above goal populations (Lenarz 2001) and can support additional harvest resulting from muzzleloader hunting.

6232.2450 MUZZLELOADER DEER MANAGEMENT PERMITS. [REPEALER]

The purpose of the change to this part is to repeal an obsolete section of rule. It is necessary because muzzleloader deer management permits are being eliminated as part of a redesign of the deer licensing process. This change is reasonable to simplify licensing options and to improve customer service by reducing licensing complexity. It is also reasonable because muzzleloader hunters can still purchase the same number of multiple deer permits, but they will all be bonus permits. One bonus permit can be used in a managed deer permit area and up to four can be used in an intensive permit area. This is functionally unchanged from what a muzzleloader hunter could formerly do with management and intensive harvest permits.

6232.2550 YOUTH SPECIAL HUNTS

Subpart 1. General requirements. The purpose of this part is to create special youth hunt areas and times, and establish participation requirements for youth hunters and adult mentors. It is necessary to provide mentored youth hunting opportunities to persons who otherwise would not have the ability to participate in deer hunting and to provide participation requirements that increase both the quality and safety of the hunts. By providing hunts separate from other deer seasons, experienced deer hunters are available as mentors. It is reasonable because the hunts will recruit new young hunters, and provide hunts separate from other seasons without reducing other hunters’ opportunities.

Subp. 2. Application requirements. The purpose of this part is to create application procedures, establish hunt quotas, and conduct preference drawings when the number of applicants exceeds the hunt quota. It is necessary to ensure that deer are not locally overharvested, and that access to youth hunts is fair. It is reasonable and equitable to give preference in drawings to previously unsuccessful applicants. It is reasonable to limit the maximum age of participation, because the intent is to recruit and train young hunters, and not to provide additional hunting opportunity to the general hunting population.

6232.2560 YOUTH SPECIAL SEASONS

The purpose of this part is to establish special seasons and participation requirements for youth hunters and adult mentors. It is necessary to provide mentored youth hunting opportunities and to provide participation requirements that increase both the quality and safety of the hunts. It

is reasonable because the hunts will recruit new young hunters, and provide hunts separate from other seasons without reducing other hunters' opportunities.

6232.2900 BEAR PERMIT PROCEDURES

Subp. 2. Drawings. The purpose of the change to this subpart is to provide a procedure for expanding the issuance of remaining bear licenses on a first-come, first-served basis to non-applicants, after first offering them to applicants. It is necessary because not all licenses are taken when the pool of eligible purchasers is limited to unsuccessful applicants in the drawing. It is reasonable because the number of licenses made available is based on maintaining bear populations; bear harvests have consistently been below projections for the past several years; and bear populations have increased over the past twenty years (Garshelis, 2003).

Subp. 3. Required identification number, eligibility. The purpose of the change to this subpart is to correct an error in eligibility requirements in current rule. It is necessary because current rule says that a person must be at least 12 years old and have successfully completed a firearms safety course prior to the opening of the bear season. However, this is not true for those born before January 1, 1980. Under current statutes, a person born after December 31, 1979 is required to have successfully completed a firearms safety course to obtain a license to hunt by firearms (Minn. Stat. Sec. 97B.020) and a person under the age of 16 is required to have successfully completed a firearms safety course to obtain a license to hunt big game (Minn. Stat. Sec. 97A.451. Subd. 4). The change is reasonable because it will correct an error in current eligibility requirements and make the rule consistent with statute.

6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.

Subpart 1. General procedures. The purpose of the changes to this subpart are to: 1) modify procedures for obtaining moose licenses to correspond to the ELS system; and 2) establish criteria for verifying that an individual has unsuccessfully applied at least ten times for a moose license and has never received a license.

The first change is necessary because the DNR has adopted an electronic licensing system. It is reasonable because hunters no longer need to complete a physical permit application.

The second change is necessary because Minn. Stat., Sec. 97A.431, subd 4 (b) establishes a separate selection process for applicants who have been unsuccessful in the drawing at least ten times. It is reasonable because Minn. Stat., Sec. 97A.431, subd 4 (c) authorizes the commissioner by rule to establish criteria for verifying that an individual has made at least ten unsuccessful applications for the purposes of being eligible for the preference drawing.

Subp. 2. Modification of quota numbers for group applications. [REPEALER] The purpose of the change to this subpart is to repeal the provision that allows the quota to be increased if the last applicant to be selected is a member of a group. It is necessary and reasonable because for the moose drawing, only group applications are accepted so the quota is a quota on the number of groups, not the number of individuals. Therefore, this provision is unnecessary for this drawing.

6232.4100 MOOSE ZONES.

Subps. 19, 24a, 30, 33, 33a, and 38. Moose Zones. The purpose of the changes to this part is to create one new moose hunting zone and to modify the boundaries of five existing zones. The changes subdivide existing moose hunting zones 20, 26, and 63 in order to create a new moose hunting zone 64. They also change the boundaries of moose zones 60 and 74 to concentrate more easily accessed land into moose zone 74 and to concentrate the less accessible land (primarily the Boundary Waters Canoe Area) into moose zone 60. These changes are necessary to improve distribution of moose hunters and harvest by more clearly delineating permit areas according to their accessibility. Under the previous zones, moose harvest was concentrated in those portions of the zones that were more easily accessible. Harvest was very low in the less accessible portions of the zones. The changes are reasonable because moose permits are in high demand, harvest in the more accessible areas is allowed to continue as in the past, additional permits can be issued for less accessible areas, moose populations can be better managed by more evenly distributing harvest pressure, and the distribution of hunters is improved.

6232.4700 DEER AND BEAR REGISTRATION BLOCKS.

The purpose of the changes to this part is to realign and consolidate deer and bear registration blocks, primarily in the forested part of the state. The changes are necessary to simplify deer hunting regulations and to improve management of deer by adjusting permit area boundaries to better conform to current land use, land cover, and ecological boundaries used in guiding forest and other land management decisions. It is necessary to improve deer harvest management because populations have grown above goal levels in many areas (Lenarz 2002), and more efficient harvest management of antlerless deer is needed to keep populations in check. It is necessary to improve the distribution of hunters and the harvest of antlerless deer and bear on mostly private lands with an overabundant deer population without having to over-harvest in existing zones where more public land is available for hunting and deer populations are lower. The changes are reasonable because they result in a reduction of 29 deer and bear registration blocks and eliminate the confusing subdivision of many deer permit areas into registration blocks. They also consolidate areas of similar habitat, land ownership and deer population levels. Some previous blocks contained areas that were primarily agricultural in one portion of the block with primarily forested land in another portion. Similarly, some blocks contained primarily private lands in one portion of a block and primarily public lands in another. These contrasts within a block made management of deer populations more difficult because hunter distribution and deer harvests varied considerably depending on cover types and land ownership. By making these changes, the deer harvest can be managed more uniformly within a block. The problems of harvest pressure being concentrated in one portion of a block while another portion of the same block was under harvested are reduced. It is reasonable because by improving the distribution of hunters and harvest, additional hunting opportunities can be offered in an effort to reduce high deer populations without over-harvesting in adjacent permit areas.

Subp. 25. Registration Block 152. The purpose of the change to this subpart is a technical change to clarify that registration Block 152 consists the public lands within the area that is posted as the Mille Lacs Wildlife Management Area. It is necessary and reasonable

because it is more precise and accurate than the previous language, which described this block as "that portion of the state known as the Mille Lacs Wildlife Management Area."

6234.0300 TAKING SHARP-TAILED GROUSE.

Subp. 2. Open areas. The purpose of the change to this subpart is to specify that persons lawfully hunting prairie chickens in open prairie chicken hunting zones may also take sharp-tailed grouse. It is necessary because prairie chicken hunting was recently authorized in this area of the state and sharp-tailed grouse are a similar appearing species that occurs in the same area. It is reasonable because the only reason these areas are normally closed to sharp-tailed grouse hunting is to protect prairie chickens. Now that a tightly regulated prairie chicken season is allowed, it makes sense to let individuals legally taking prairie chickens take sharp-tailed grouse. The closure of this area was not designed to protect sharptails, and allowing this activity will provide additional opportunity for hunters and eliminate the potential for taking a sharptail illegally in a zone that is normally closed.

6234.0400 TAKING PHEASANTS

Subpart 1. Open season. The purpose of the change to this part is to change the closing date of the season from the Saturday nearest December 16 to December 31. It is necessary to increase pheasant hunting opportunities, and reasonable because the expected slight increase in harvest will not affect pheasant populations.

6234.0800 HUNTING BY FALCONRY

The purpose of the change to this part is to allow persons taking rabbits and squirrels by falconry to take and possess the same limits as hunters who take these species by other methods. It is necessary because current falconry regulations allow falconers to take three small game animals daily and to possess six small game animals in the aggregate, whereas the current limit for rabbits is 10 daily and 20 in possession and for squirrels is 7 daily and 14 in possession. It is reasonable because the current falconry limits were based on the fact that falconers have long seasons and do not have total control over what their birds kill, so some discretion was provided in limits to allow them three of any species, including animals like hen pheasants that are not allowed for daily limits taken by other methods. However, in the case of rabbits and squirrels, the Minnesota Falconry Association has requested higher possession limits because they use these species to feed their birds, and these are highly prolific and abundant species whose populations will not be affected by any slight additional harvest that may occur.

6234.1200 TAKING RACCOON.

Subpart 1. Open season. The purpose of the change to this subpart is to re-establish a closed season on raccoons from mid March to the third week in October. It is necessary to restore limited seasons on raccoons to provide that general hunting and trapping corresponds to the time of year that pelts are prime and have value and does not include the time of year that young are being produced. It is reasonable because existing laws and permitting will continue to allow running of raccoons (without taking), and taking of animals causing damage during the time of the year that the season is closed. It is also reasonable because this is the same season timing that was in effect prior to raccoon seasons being expanded and then made year around in

the early 1990s. That expansion was in response to public and legislative interest in controlling predation impacts on ground-nesting birds and other wildlife. However, evaluation of year around seasons after they were legislatively mandated (Laws of Minnesota for 1994, Chapter 623, Section 43) showed that relatively few fox or raccoons were taken during the time of year that the season is closed and that there was no impact on the overall population. Changes in general seasons have been found to be ineffective in addressing predation issues; effective management of the impacts of predation require programs of exclusion or of continuous, intensive removal of all predators during the nesting season (Sovada et al. 2001, Riley and Schulz 2001).

6234.1300 TAKING RED FOX AND GRAY FOX.

Subpart 1. Open season. The purpose of the change to this subpart is to re-establish a closed season on red fox from mid March to the third week in October. It is necessary and reasonable for the same reasons as stated for raccoons in 6234.1200.

6234.1400 TAKING BADGER AND OPOSSUM.

Subpart 1. Open season. The purpose of the change to this subpart is to change the opening of the badger and opossum seasons from mid September to the third week in October. It is necessary and reasonable because it restores the season timing that was in effect before the expansion of seasons on some predatory species in the early 1990s discussed for 6234.1200. It also makes seasons for these species, which are often trapped in conjunction with fox and raccoon, consistent with the seasons for those species.

6234.1600 TAKING BOBCAT

Subp. 1. Open Season. The purpose of the change to this subpart is to standardize the opening date of the bobcat season to always fall on the Saturday after Thanksgiving, rather than the Saturday nearest December 1. It is necessary and reasonable because this is an average change of only four days in the season, it was requested by the Minnesota Trappers Association, it provides for the season to consistently open on the Thanksgiving week-end rather than intermittently, and it still encompasses the time of year that the pelts are prime. The change is not expected to have any effect on overall harvest levels because the total season length will remain the same. It is also reasonable because reproductive information and age as determined by tooth cementum annuli are used to evaluate and model populations annually (Dexter 2004) and season length, timing, and limits can be adjusted as needed to maintain populations.

6234.1700 TAKING FISHER AND PINE MARTEN.

Subpart 1. Open season. The purpose of the change to this subpart is to standardize the opening date of the fisher and pine marten season to always fall on the Saturday after Thanksgiving, rather than the Saturday nearest December 1 and to combine fisher and pine marten in one part of rule. The change in opening date is necessary and reasonable for the same reasons enumerated above for 6234.1600, subp. 1. The change to combine fisher and pine marten in one rule part is necessary and reasonable because the statutes require a combined, aggregate limit for these species and because for the last several years the seasons, limits, and

zones have been the same.

Subp. 2. Bag limits. The purpose of the change to this subpart is to change the combined limit of fisher and pine marten from four per season to five per season. It is necessary because populations of this species have been increasing and the population is capable of sustaining the level of harvest that results from a season limit of five (Erb, 2002). It is reasonable because it better reflects current population and harvest levels and because the DNR annually evaluates populations based on mathematical models and population indices and can reduce or increase this limit as necessary to maintain populations at desired levels. Both fisher and pine marten continue to expand their numbers and extent in Minnesota, fisher populations expanding geographically south as far as Pine and Chisago counties and marten numbers increasing in the northwestern portion of their historic range.

Subp. 3. Tagging. The purpose of the change to this subpart is to eliminate the requirement that fisher and pine marten be tagged at the time and place where taken. It is necessary and reasonable because a legislatively mandated two-year moratorium against this practice did not result in substantial increases in harvest that could be attributed to the efficacy of site-tagging at controlling the season limit. The DNR had testified that the lack of site-tagging could compromise the enforcement of season limits by allowing wholesale transport of untagged animals. However, three years of harvest data have not yet borne out that concern.

Subp. 4. Open area. The purpose of the change to this subpart is to add pine marten to this subpart. It is necessary and reasonable because 6234.1800 is being repealed and because it results in no change in the open area for taking pine marten.

6234.1800 TAKING PINE MARTEN. [REPEALER] The purpose of the repeal of this part is necessary and reasonable to remove unnecessary language from rule because all relevant provisions for pine marten have been combined with those for fisher in 6234.1700.

6234.2000 TAKING OTTER.

Subp. 4. Tagging otter. The purpose of the change to this subpart is to eliminate the requirement that otter be tagged at the time and place where taken. It is necessary and reasonable for the same reasons as for 6234.1700, Subp. 3.

6234.2100 SPECIAL PROVISIONS FOR TAKING BEAVER AND OTTER.

Subp. 2. Damage to beaver house or dam. The purpose of the change to this subpart is to clarify that the prohibition on damaging beaver houses or dams does not apply to damage or removal of houses and dams as otherwise allowed by statute, under permit, or by employees of the DNR in the performance of their official duties. It is necessary and reasonable because the restrictions in this part are intended to govern trapping activities, not to restrict beaver damage management as allowed by statute, permit, or by DNR employees in the performance of their duties.

6234.2300 GENERAL RESTRICTIONS ON USE OF SNARES

Subp. 2. Snaring fox. The purpose of the change to this subpart is to remove the prohibition on the use of snares for taking fox in the Farmland Furbearer Zone. It is necessary because the proposed change to 6234.2400 will allow use of snares on private land in this zone

after the pheasant season, which will primarily provide opportunities for the taking of fox and coyotes. It is reasonable because snares in this zone are currently restricted to water sets only, which are ineffectual for taking fox, and because snaring of fox has long been allowed in the forest zone of the state.

6234.2400 SPECIAL RESTRICTIONS ON USE OF SNARES

Subp.2. Farmland Furbearer Zone Restrictions. The purpose of the change to this part is to allow use of snares on land in the farmland zone from December 1 to March 31, but to continue to restrict their use to water sets on public lands; road rights-of-way; fencelines along road rights-of-way; and on any land from April 1 to November 30. This change is necessary to allow use of snares primarily for coyotes and fox in winter when other capture methods become less effective due to frozen ground and snow accumulation. It is reasonable because snare use will be restricted to private lands where landowners will have discretion on whether to allow their use or not, and where efforts can be targeted to animals causing damage. It is also reasonable because use of snares on land has been allowed for years in the forest zone without significant problems, and it is legal in similar habitats in Iowa just south of the Minnesota border. Although domestic dogs may occasionally be caught, they typically can be released unharmed. A recent study of dry land cable restraints in Wisconsin found that 94% of captures were furbearers and that all dogs captured were uninjured (Olson and Tischaefter 2003)

6234.2600 PELT TAGGING AND REGISTRATION

Subp. 1. Possession tag application. [REPEALER] The purpose of the repeal of this subpart is to eliminate the procedure for applying for possession tags for fisher, pine marten and otter. It is necessary because the site-tagging requirement for these species is being eliminated. It is reasonable because a legislatively mandated two-year moratorium against this practice did not result in substantial increases in harvest that could be attributed to the efficacy of site-tagging at controlling the season limit. The DNR had testified that the lack of site-tagging could compromise the enforcement of season limits by allowing wholesale transport of untagged animals. However, three years of harvest data have not yet borne out that concern.

Subp. 2. Possession tagging. [REPEALER] The purpose of the repeal of this subpart is to eliminate the procedure for applying possession tags to fisher, pine marten and otter. It is necessary and reasonable for the same reasons as cited for Subp. 1.

Subp. 3. Registration of pelts. The purpose of the change to this subpart is to change the person to whom furbearers must be presented for registration from “conservation officer” to “state wildlife manager designee.” The change is necessary and reasonable because it makes conforming changes to rule to conform to statutory change (Minn. Stat. Sec. 97B.901; Laws of Minnesota for 2001, Chapter 206, section 3). It is also reasonable because it provides added customer service by allowing registration at wildlife offices and by officers designated by wildlife managers.

Subp. 5. Requirement for tags and seals to be affixed. The purpose of the change to this subpart is to make conforming changes to the possession tagging terminology to address the elimination of site tags as discussed in Subps. 1 and 2.

6234.2800 PAYMENT OF PELTING FEES.

The purpose of the change to this part is to set a reasonable cap on pelting fees. It is necessary because the purpose of pelting fees is to compensate individuals for recovering (for the State) the value of accidentally captured wildlife. Because fur prices for certain species may increase quickly and significantly, a constant rate of 50% of the pelt value may occasionally result in payments that provide an incentive to deliberately take animals for pelting fees. The cap is reasonable, because it fully covers the actual costs a person incurs in providing this service to the State.

6236.0300 TURKEY HUNT DRAWING.

Subpart 1. License application drawings. The purpose of the change to this subpart is to clarify that applications must be made according to application instructions, and to modify procedures for obtaining wild turkey licenses to correspond to the electronic licensing system. The change is necessary and reasonable because the DNR has adopted an electronic licensing system and hunters no longer need to complete a physical permit application.

Subp. 2. Participation in application drawings. The purpose of the first change to this subpart is to clarify that a person may not apply more than once for a hunt, whether as an individual or as a member of a group and to provide for a person to be able to indicate a first choice and a second choice when applying for a license. It is necessary and reasonable because allowing a person to make multiple applications would give an unfair advantage in the drawing and because providing for a first choice and a second choice will provide additional opportunity because many permit areas and time periods are currently undersubscribed.

The purpose of the change to item E. is to clarify procedures for applying as a group under the electronic licensing system. It is necessary and reasonable because the DNR has adopted an electronic licensing system and hunters no longer need to complete a physical permit application, so cannot submit their group applications in an envelope.

The purpose of the change to item F. is to prevent trivial or typographical application errors from disqualifying an applicant. It is necessary and reasonable because it allows all qualifying applicants to participate in drawings.

The purpose of the change to item G. is to change the deadline for fall wild turkey applications from late June to the last Friday in July. It is necessary and reasonable because it allows fall seasons to be set after the preceding winter conditions are known, and it allows hunters to wait to make applications until closer to the season.

Subp. 3. Landowner-tenant drawing. The purpose of the first change to this subpart is to define family members for the purposes of the drawing. It is necessary because Minn. Stat. Sec. 97A.435, Subd. 4(b) authorizes the commissioner to define eligible family members for purposes of the drawing. It is reasonable because it broadly defines family members.

Subp. 5. Drawing application fee. The purpose of the change to this subpart is to modify procedures for paying the statutorily authorized wild turkey license application fee to correspond to the electronic licensing system. The change is necessary and reasonable because the DNR has adopted an electronic licensing system and hunters no longer need to submit payment directly to the DNR.

Subp. 6. Undersubscribed wild turkey permit areas. The purpose of the change to this subpart is to provide procedures for distributing remaining wild turkey licenses that have not

been awarded after the application drawing. It is necessary to provide an impartial method for distributing leftover licenses so that interested hunters have an opportunity to purchase remaining licenses. It is reasonable because demand for licenses is approximately double the annual supply that is available, and because distributing these licenses provides additional hunting opportunity and revenue, without jeopardizing turkey populations or hunt quality.

6236.0600 SPRING TURKEY SEASON

Subpart 1. Open Dates. The purpose of the change to this subpart is to add an additional spring hunting season, for a total of eight, and to add two days to each of the last two hunting seasons. It is necessary to provide additional hunting opportunity that is desired by hunters. It is reasonable because wild turkey populations are capable of sustaining these seasons, and because the additional days in the final two seasons are designed to attract more applications to these chronically undersubscribed seasons and better distribute applications for hunting seasons. In 2003, there were 44,406 applicants for 25,016 permits. By allowing for an extra time period 3,127 more permits were available in 2003 than would have been available without this season. Wild turkey populations in Minnesota are increasing both in numbers and in range and can support this limited increase in harvest.

Subp. 2. Shooting Hours. The purpose of the change to this subpart is to change spring wild turkey hunting shooting hours from 12:00 noon to 5:00 p.m. It is necessary to provide additional spring turkey hunting opportunities for individuals selected to hunt in the spring turkey season. It is reasonable because it will provide additional outdoor recreation and will not have any adverse effect on turkey populations. The 12:00 noon regulation was established in 1978 with Minnesota's first spring turkey season. At that time, the DNR imposed conservative shooting hours because of concern that hunters in the field after 12:00 noon might disturb nesting hens. When spring turkey hunting was initiated in the southern United States, biologists assumed a mid-day closure was necessary to protect nesting hens. It was assumed that during incubation, hens would only leave the nest in the afternoon, the warmest part of the day. This assumption was proven false when radio-telemetry studies demonstrated that incubating hens will leave the nest during the morning (Dr. Richard Kimmel, DNR Farmland Wildlife Research). Many state agencies have now extended legal shooting hours for wild turkeys. Currently, of the 49 states with spring turkey seasons, most (61%) have extended hours to close between 4:00 p.m. to ½ hour after sunset. All of the states bordering Minnesota have extended shooting hours to 5:00 p.m. or later.

Subp. 4. Open areas. The purpose of the change to this subpart is to clarify that turkey licenses are valid only in the permit area specified on the license, except for archery only licenses. It is necessary because this is currently not explicitly stated in rule. It is reasonable because licenses are distributed by permit area to maintain hunting quality and safety and to distribute harvest pressure on the birds. Excepting archery only licenses is necessary and reasonable because MS97A.435, Subd. 5A authorizes hunting in multiple permit areas.

Subp. 5. Registration. The purpose of the change to this subpart is to change the deadline for registering harvested wild turkeys from "2:00 p.m. on the day taken," to "within 24 hours on the day taken." The change is necessary and reasonable because, with the change in shooting hours in Subp.2, wild turkeys may now be taken until 5:00 p.m. The change also makes registration times for wild turkeys taken during spring seasons the same as for wild turkeys taken

during fall seasons.

6236.0700 FALL TURKEY SEASON

Subp. 4. Open areas. The purpose of the change to this subpart is to clarify that turkey licenses are valid only in the permit area specified on the license. It is necessary and reasonable for the same reasons as for 6236.0600, Subp. 4.

6236.0810 WILD TURKEY PERMIT AREA DESCRIPTIONS.

The purpose of the change to this part is to standardize the description of wild turkey permit areas. This change is necessary to provide a standard framework for designating open and closed areas for wild turkey hunting. Wild turkey populations have expanded to cover a large portion of the state. It is reasonable because as wild turkey populations continue to expand into new areas, additional open hunting areas are added annually. This system is also consistent with the management units used for deer and leads to standardization and simplification of regulations for hunters.

6236.0900 SPECIAL PROVISIONS FOR TAKING TURKEYS.

Subp. 2. Electronic devices. The purpose of the change to this subpart is to allow use for wild turkey hunting of electronic sights that self-illuminate, but that do not cast rays of light. It is necessary because there is currently a general prohibition on use of electronic devices of any type for turkey hunting, except for hearing aids or other devices designed to enhance hearing. It is reasonable because new technology has produced a commonly used type of scope that uses holographic or electronic projection of a reticle, rather than a physical or optical reticle. It is reasonable because the electronic device accomplishes the same function in aiming the firearms that the optical device does.

Subp. 4. Game refuges open to taking turkeys. The purpose of the change to this subpart is to update the list of game refuges that are open for wild turkey hunting during the open wild turkey seasons in the zones in which they are located. It is necessary because the Minnetonka Game Refuge in Carver and Hennepin counties has been abandoned through the process described in Minn. Stat. Sec. 97A.085, subd. 8, and because the Nerstrand State Game Refuge in Dodge county has harvestable numbers of wild turkeys and has been opened to small game hunting.

6236.1070 YOUTH WILD TURKEY SPECIAL HUNTS

The purpose of this part is to designate youth wild turkey hunts, areas, and times, and to establish participation requirements. It is necessary to provide youth hunting opportunities separate from other seasons. It is reasonable because it enhances the quality and safety of youth hunts, and does not reduce other turkey hunting opportunities.

PRAIRIE CHICKEN HUNTING (Parts 6237.0100 – 6237.0700)

Parts 6237.0100 to 6237.0700 are new parts in Minnesota rules that establish procedures for limited prairie chicken hunting as authorized by Laws of Minnesota for 2002, Chapter 351. These rules are necessary and reasonable because Minnesota has a limited prairie chicken population of approximately 3,000 that is capable of sustaining closely regulated harvest. The

population would not be able to support a season where the number of hunters and the season limit was not tightly regulated. These parts are also reasonable because they parallel similar successful provisions already in place for regulating harvests and opportunity for hunting of wild turkeys, moose, and bear.

6237.0100 PRAIRIE CHICKEN LICENSE ELIGIBILITY.

The purpose of this part is to establish criteria for eligibility for prairie chicken licenses to make it clear that a person may not have small game hunting privileges revoked at the time of purchase of a prairie chicken license. It is necessary and reasonable because prairie chickens are classified as small game.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING.

Subpart 1. License application drawings. The purpose of this subpart is to establish procedures for prairie chicken license applications. It is necessary and reasonable to establish standardized procedures for hunters to submit applications for a limited number of licenses, and to establish an impartial method for assigning preference to unsuccessful applicants, as provided by law (Minn. Stat. Sec. 97B.716, subd. 3).

Subp. 2. Participation in application drawings. The purpose of this subpart is to prescribe specific application procedures for individual and group applications. It is necessary and reasonable for the same reasons as stated for subp. 1.

Subp. 3. Landowner-tenant drawing. The purpose of this subpart is to establish procedures for the landowner-tenant special drawing and to define eligible family members. It is necessary and reasonable to prescribe standardized procedures for the statutorily authorized landowner-tenant drawing, and to establish criteria for eligible family members, as provided by law (Minn. Stat. Sec. 97A.434, Subd. 4(b)).

Subp. 4. Modification of quota numbers for group applicants. The purpose of this subpart is to allow adjustment of the specified quota for a hunting zone if the last applicant to be selected is a member of a group. It is necessary and reasonable because group applications are allowed, and because it provides flexibility to accommodate an entire group when a group is drawn as the last applicant. It is also reasonable because the small incremental increase that this would represent to the total number of permits is not of sufficient magnitude to affect prairie chicken populations or hunter interference.

Subp. 5. Drawing application fee. The purpose of this subpart is to clarify that the application fee must be paid at the time of application and that refunds of application fees will not be made. It is necessary and reasonable to prescribe the specific conditions of how the statutorily authorized fee will be collected.

Subp. 6. Undersubscribed prairie chicken permit areas. The purpose of this subpart is to prescribe procedures for distributing remaining prairie chicken licenses that have not been awarded after the application drawing. It is necessary to provide an impartial method for distributing leftover licenses so that interested hunters have an opportunity to purchase remaining licenses. It is reasonable because distributing these licenses provides additional hunting opportunity and revenue, without jeopardizing prairie chicken populations or hunt quality.

6237.0300 OBTAINING A LICENSE.

Subpart 1. Notification. The purpose of this subpart is to clarify that only successful applicants will be notified. It is necessary and reasonable because it saves costs of notifying unsuccessful applicants and because other means including press releases and interactive information on the DNR web site allows applicants to know when they should be notified and to individually check the status of their application if they are so inclined.

Subp. 2. Obtaining licenses. The purpose of this subpart is to specify that successful applicants will be sent instructions on how to obtain licenses. It is necessary and reasonable because it establishes a procedure for how notification will be given, yet retains flexibility to tailor instructions to changing processes as electronic licensing evolves.

6237.0400 TAKING PRAIRIE CHICKENS.

Subpart 1. Open season and methods. The purpose of this subpart is to prescribe the open season for taking prairie chickens. It is necessary and reasonable to establish dates for the annual season so that hunters can make plans and because the length and timing of the season can be standardized and annual harvests adjusted through opening or closing zones and establishing annual quotas on the number of hunters.

Subp. 2. Arms restrictions. The purpose of this subpart is to specify that legal arms for taking prairie chickens are shotgun and bow and arrow only. It is necessary and reasonable to specify legal methods of take for prairie chickens that are consistent with methods traditionally used in upland game bird hunting.

Subp. 3. Bag limit. The purpose of this subpart is to establish the season bag limit for prairie chickens at two. It is necessary and reasonable because this bag limit, combined with the annual quota on hunter numbers, will provide sufficient control over total harvest to assure that the season is not detrimental to prairie chicken populations. The bag limit can be standardized and the annual harvests adjusted through opening or closing zones and establishing annual quotas on the number of licensed hunters.

Subp. 4. Open areas. The purpose of this subpart is to specify that established prairie chicken permit areas will only be open for hunting as prescribed by the commissioner and that licenses are valid only in the area specified on the license. It is necessary and reasonable because, even though seasons, limits, and permit areas are established by this rule, there is need for annual assessment of populations and harvests to determine open zones and quotas so that harvests will not be detrimental to prairie chicken populations.

Subp. 5. Game refuges open to taking prairie chickens. The purpose of this subpart is to specify game refuges that are open to prairie chicken hunting. It is necessary because these areas are closed unless opened by the commissioner. It is reasonable because harvestable surpluses of prairie chickens exist in these areas.

6237.0500 PRAIRIE CHICKEN PERMIT AREA DESCRIPTIONS.

The purpose of this part is to establish prairie chicken permit area boundaries. It is necessary and reasonable to prescribe the boundaries of areas with established prairie chicken habitats and populations to provide for distribution of hunter harvest and pressure for population management and maintaining hunter dispersion to minimize interference. It is also reasonable to provide protection to prairie chickens in areas of the state where the populations are less

abundant or where prairie chicken reintroduction efforts are underway.

6237.0600 TAGGING PRAIRIE CHICKENS.

The purpose of this part is to prescribe procedures for tagging harvested prairie chickens. It is necessary and reasonable to provide a method for ensuring compliance with and enforcing the season limit on prairie chickens by issuing the hunter a number of tags equal to that limit and requiring validation and attachment of the tag before transit.

6237.0700 PRAIRIE CHICKEN REGISTRATION.

The purpose of this part is to prescribe that prairie chickens must be registered within 24 hours after the close of the season. It is necessary and reasonable to require registration to provide an accurate count of birds harvested so that the hunt can be managed in a way that assures that it will not be detrimental to prairie chicken populations. Registration of all harvested birds provides the most precise method for monitoring harvests.

6240.0200 GENERAL RESTRICTIONS FOR TAKING AND POSSESSION OF MIGRATORY GAME BIRDS

Subpart 1. Shooting Hours. The purposes of the changes to this subpart are to modify the shooting hours for migratory waterfowl, coots, gallinules, rails, and snipe so that the shooting hours begin at 9:00 a.m. on the opening day and so that the 4:00 p.m. closure applies from the opening day of the duck season to the Saturday nearest October 8. The change is necessary to reduce the number of days of the duck season that the 4:00 p.m. closure applies by 11 days. It is reasonable because, after a 3-year statutory imposition of this change (Laws of Minnesota for 1997, Chapter 226, Section 29; Minn. Stat. Sec. 97B.075), an evaluation by the DNR concluded that the primary function of the 4:00 p.m. closure, which is to provide additional protection in the early season to locally breeding mallards, could still be met in the shorter time (Jeff Lawrence, Wetland Wildlife Populations and Research Group Leader).

6240.0610 YOUTH WATERFOWL HUNTING.

Subpart 1. Dates, eligibility, and license. The purpose of this subpart is to specify that youth waterfowl hunting days can be authorized by the commissioner, and to specify license requirements and who may participate and assist. It is necessary to conform with federal rules authorizing this special hunting opportunity outside the normal federal waterfowl hunting framework. It is reasonable because Minnesota and other states are authorized to offer youth hunting days and because it is in conformance with federal rule.

Subp. 2. Shooting hours. The purpose of this subpart is to specify shooting hours for youth waterfowl hunting days. It is necessary and reasonable because the shooting hours are consistent with early season shooting hours during the regular season.

Subp. 3. Bag limits. The purpose of this subpart is to specify the bag limits for youth waterfowl hunting days. It is necessary and reasonable because the bag limits are governed by the federal waterfowl hunting rules and to make youth hunting during the early Canada goose season consistent with goose limits for that season.

6240.1000 TAKING GEESE IN THE SOUTHEAST GOOSE ZONE.

Subpart 1. Zone. The purpose of the change to this subpart is to change the description of the Southeast Goose Zone from following county boundaries to coincide with the Twin Cities Metro Zone boundary on the north and with the deer Zone 3 boundary south of that. It is necessary to establish a boundary with more consistent goose habitat and populations in terms of land use and land cover, and to standardize boundaries to simplify regulations as much as possible. It is also necessary and reasonable to facilitate the increased harvest of locally breeding Canada geese because higher harvestable surpluses are present and goose populations are causing increasing damage and nuisance problems.

Subp. 2. Seasons. [REPEALER] The purpose of the repeal of this subpart is to repeal language setting the open season for the southeast goose zone, because the season for that zone is now covered in 6240.1100.

6240.1100 TAKING CANADA GEESE IN REMAINDER OF THE STATE.

Subpart 1. Zone and season. The purpose of the change to this subpart is to reference only the taking of Canada geese and to delete reference to excluding the Southeast zone as part of the 'remainder of state.' It is necessary and reasonable because white-fronted geese and brant are now authorized for a longer season in 6240.1150 and because the regulations in the Southeast zone now conform with the remainder of the state.

Subp. 2. Daily limit. The purpose of this subpart is to specify the limit for Canada geese. It is necessary and reasonable because this part now establishes the Canada goose seasons and limits and because the seasons and limits for white-fronted geese and brant are in part 6240.1150.

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

Subpart 1. Seasons. The purpose of the change to this subpart is to add white-fronted geese and brant to the seasons specified for snow, blue, and Ross' geese; to extend the season to 86 days; and to remove the closure of the Lac qui Parle Goose Zone when the season for Canada and white-fronted geese closes. The change for white-fronted geese and brant is necessary and reasonable because federal frameworks allow longer seasons for these species. The change from 80 to 86 days is necessary and reasonable to conform with the number of days authorized under the federal framework. The change to remove the closure of the Lac qui Parle Goose Zone when the season for Canada and white-fronted geese closes is necessary and reasonable because some hunting for snow and blue geese is still possible after that closure and there is no biological or legal reason to close all goose hunting.

Subp. 2. Daily limit. The purpose of this subpart is to specify the bag limits for these species. It is necessary and reasonable because these bag limits conform with federal rules and because they are set to provide a limit that will not overharvest the populations.

6240.1200 SPECIAL PROVISIONS FOR TAKING GEESE DURING EARLY SEASONS.

Subpart 1. Taking near water. The purpose of the change to this subpart is to provide exemptions to the general rule prohibiting the taking of geese near or over water during the special early hunting season. It is necessary to increase hunting pressure on increasing populations of locally breeding Canada geese because higher harvestable surpluses are present

and goose populations are causing increasing damage and nuisance problems. It is reasonable because, as these goose populations expand and increase, there is a greater opportunity for hunters to take more of the harvestable surplus, and because these geese are causing more damage and nuisance problems for farmers.

6240.1500 TAKING GEESE IN TWIN CITIES METRO CANADA GOOSE ZONE.

Subpart 1. Open Season. The purpose of the change to this subpart is to expand the length of the early goose season. It is necessary to increase hunting pressure on increasing populations of locally breeding Canada geese because higher harvestable surpluses are present and goose populations are causing increasing damage and nuisance problems. It is reasonable because the U.S. Fish and Wildlife Service, which sets the regulatory framework for harvest of migratory birds, has authorized extended early seasons in September to increase harvests of locally breeding geese, as long as these seasons do not extend beyond Sept. 22 in most of the state or Sept. 15 in the far northwest where migrant geese begin to arrive the earliest. It is also reasonable to increase harvests because, as these goose populations expand and increase, there is a greater opportunity for hunters to take more of the harvestable surplus and because these geese are causing more damage and nuisance problems for farmers.

6240.1600 TAKING GEESE IN FIVE GOOSE ZONE.

Subpart 1. Open season. The purpose of the change to this subpart is to expand the length of the early goose season. It is necessary and reasonable for the same reasons as for 6240.1500, subpart 1.

Subp. 2. Daily limits. The purpose of the change to this subpart is to increase the daily bag limit during the early season. It is necessary to increase hunting pressure on increasing populations of locally breeding Canada geese because higher harvestable surpluses are present and goose populations are causing increasing damage and nuisance problems. It is reasonable because it is consistent with the federal framework and because, as these goose populations expand and increase, there is a greater opportunity for hunters to take more of the harvestable surplus, and because these geese are causing more damage and nuisance problems for farmers.

6240.1700 TAKING GEESE IN SOUTHEAST ZONE EARLY SEASON.

Subpart 1. Open season. The purpose of the change to this subpart is to change the name of the zone and to expand the length of the early goose season. The name change is necessary and reasonable because it is a minor technical change to provide consistent terminology. The season expansion is necessary and reasonable for the same reasons as for 6240.1500, subpart 1.

Subp. 3. Zone description. The purpose of the change to this subpart is to delete the old reference to a two goose zone and to cross reference the description of the southeast zone in part 6240.1000. It is necessary and reasonable to reflect a standardization and simplification in the number of zones for hunting geese and to establish the geographic area where the early season rules apply.

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. Open season. The purpose of this subpart is to establish the open season

dates for taking Canada geese in the Northwest Goose Zone. It is necessary because expanded September Canada goose season frameworks offered by the U.S. Fish and Wildlife Service allow Minnesota to extend its September Canada goose season to September 22, except in the extreme northwest part of the state where migrant Eastern Prairie Population geese first begin to arrive. The federal framework limits Minnesota to a season that closes on or before September 15 in this portion of the state. It is reasonable because it provides the maximum allowable season for hunting resident Canada geese consistent with the federal framework, and it protects migrating Canada geese from the Eastern Prairie Population.

Subp. 2. Daily limits. The purpose of this subpart is to prescribe the allowable daily harvest of Canada geese during the early season. It is necessary because resident goose populations are not as high in this zone and a lower daily limit provides adequate harvest of resident Canada geese. It is reasonable because it allows a sustainable harvest of Canada geese while protecting Canada geese from overharvest.

6240.1800 EARLY GOOSE HUNT LICENSE.

Subpart 1. License required. The purpose of the change to this subpart is to clarify that the early seasons are special seasons for purposes of the license required under Minn. Stat. Sec. 97B.802. It is necessary and reasonable to make clear what seasons this license is required for.

Subp. 2. Permit fee and Subp. 3. Possession of permit required. [REPEALER] The purpose of the repeal of these subparts is to repeal obsolete language because this fee and permit requirement are now covered by statute (Minn. Stat. Sec. 97A.475, Subd. 2(10)).

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

Subpart 1. Goose refuges. The purposes of the change to this subpart are to restructure this part into three subparts: one for goose refuges, one for game refuges, and one for waterfowl refuges, and to open the Ashby Goose Refuge to Canada goose hunting during the early September season. These changes are reasonable to help clarify the reference to each of the types of refuges. The opening of the Ashby Goose Refuge is necessary and reasonable because resident populations of Canada geese have increased dramatically and there is no management need for maintaining this area as a refuge during the early September season. Early September seasons are designed to target resident goose populations prior to the major arrivals of migrant geese in the state.

Subp. 2. Game refuges. The purpose of the change to this subpart is to standardize the opening of the Fox Lake Game Refuge as the Saturday nearest November 26 rather than the Saturday nearest November 20. It is necessary and reasonable because, with longer Canada goose seasons, this allows for the refuge to continue to be open for approximately the last week to ten days of the season.

Subp. 3. Waterfowl refuges. The purpose of the change to this subpart is to open the Mud-Bardwell Waterfowl Refuge the Saturday on or nearest Oct. 30 instead of Nov. 1 and to open the Rickert Lake Waterfowl Refuge to Canada goose hunting during the early September Canada goose season. The change for the Mud-Bardwell refuge is necessary and reasonable to provide for a Saturday opener rather than a set day of the month to provide more hunting pressure and opportunity by opening on a day of the week that is more likely to allow more hunters to participate in the opener. The change for the Rickert Lake refuge is necessary and reasonable to

allow harvest of resident giant Canada geese because populations are increasing and causing more damage to crops. Goose populations using these refuges have increased, harvestable surpluses exist, and higher goose populations are causing more damage and nuisance problems for adjacent landowners

6240.1900 LATE SEASONS FOR TAKING CANADA GEESE.

Subpart 1. Daily limit. The purpose of the change to this subpart is to change the limits for Canada geese in the late season from two to five, except in the Southeast Zone. It is necessary and reasonable because the late season in most areas of the state primarily targets resident Canada geese, whose populations are high and causing increasing damage, and because there is still a relatively high proportion of Mississippi Valley Population Canada geese present in the Southeast Zone and around Rochester, and that population needs the additional protection of a lower bag limit.

Subp. 3. Seasons. The purpose of the change to this subpart is to provide for a statewide late season, except in the West Central Goose Zone, and to eliminate restrictions on taking geese on or within 100 yards of surface water in the Twin Cities Zone. Dates are not specified because they are subject to federal frameworks and have not been standardized. The change on surface water in the Twin Cities Zone is necessary and reasonable because there is typically little open water during the late season. Also, the value of this restriction that occurs during the early season by providing areas of refuge within open hunting areas is less important during December when most water bodies are frozen.

Subp. 4. Special Canada goose season license required. The purpose of this subpart is to clarify that the late seasons are special seasons for purposes of the license required under Minn. Stat. Sec. 97B.802. It is necessary and reasonable to make clear what seasons this license is required for.

6240.2000 MIGRATORY WATERFOWL FEEDING AND RESTING AREA RESTRICTIONS.

Subp.4. Use of electric motors. The purpose of the change to this subpart is to continue authorization of use of electric motors of less than 30 pounds thrust on Minnesota Lake, Bear Lake, and Nelson Lake that was previously in effect through the expedited emergency rule process. The change is necessary and reasonable because Minn. Stat. Sec. 97A.095, subd. 2 authorizes the commissioner to designate lakes as migratory waterfowl feeding and resting areas and to prescribe on which lakes electric motors with less than 30 pound thrust may be used. The changes are reasonable because they reduce disturbance of waterfowl and increase hunting opportunities and have been supported by the hunting public.

6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

Subp. 1. The purpose of the change in this subpart is to designate Rice Lake, LeSueur county, as a waterfowl feeding and resting area. It is necessary because a petition was received and after taking public comment and evaluating the value of the lake as a feeding and resting area, it was temporarily designated through the expedited emergency rule process. It is reasonable because Minnesota is attempting to restore its historical share of the Mississippi Flyway waterfowl harvest, and one of the strategies for doing that is to increase security areas to

provide places for waterfowl to feed and rest (Plan to Restore Minnesota's Waterfowl Hunting Heritage, 2001).

Subp. 9. Minnesota Lake, Faribault and Blue Earth counties. The purpose of this subpart is to add Minnesota Lake in Faribault and Blue Earth counties as a migratory waterfowl feeding and resting area. The change is necessary because a petition was received and after taking public comment and evaluating the value of the lake as a feeding and resting area, it was temporarily designated through the expedited emergency rule process. It is reasonable because Minnesota is attempting to restore its historical share of the Mississippi Flyway waterfowl harvest, and one of the strategies for doing that is to increase security areas to provide places for waterfowl to feed and rest (Plan to Restore Minnesota's Waterfowl Hunting Heritage, 2001).

6240.2600 TAKING COMMON CROWS IN WATERFOWL PRODUCTION AREAS, GAME REFUGES, AND WILDLIFE MANAGEMENT AREAS.

The purpose of the change to this part is to allow taking of crows in wildlife management areas during the entire open crow seasons. It is necessary because currently wildlife management areas are closed to crow hunting from March 1 through August 31. It is reasonable because other types of hunting such as wild turkey and furbearer hunting are allowed in wildlife management areas during the traditional closed dates of March 1 through August 31 that these areas were once closed to reduce disturbance during nesting and young-rearing seasons. Also, crows prey on young birds and bird nests and federal waterfowl production areas, which are very similar to wildlife management areas, are already open leading to confusion by hunters.

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 Mike DonCarlos, Division of Fish and Wildlife, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4020, telephone: 651-296-0706, facsimile number: 651-297-4961, e-mail: Michael.doncarlos@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:

Mike DonCarlos, Wildlife Program Manager
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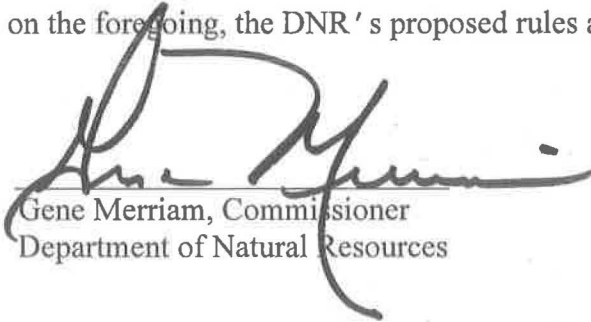
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Based on the foregoing, the DNR's proposed rules are both necessary and reasonable.

By:



Gene Merriam, Commissioner
Department of Natural Resources

Dated:

May 9, 2005

References

- Conover, Michael R. 1997. Monetary and intangible valuation of deer in the United States. *The Wildlife Society Bulletin* (25): 298-305.
- DeCalesta, David S. 1997. Deer and Ecosystem Management. pp 267-279 in *The Science of Overabundance, Deer Ecology and Population Management*. Edited by W J. McShea et al. Smithsonian Institution Press, Washington. 402 pp.
- Dexter, M.H., editor. 2004. Status of wildlife populations, fall 2004. Unpub. Rep., Division of Fish and Wildlife, Minn. Dept. Nat. Res., St. Paul, Minnesota. 176pp.
- Duda, Mark A. et al. 2002. Minnesota Deer Hunters' Opinions and Attitudes Toward Deer Management. *Responsive Management*, Harrisonburg, VA. 303 pp.
- Hallett D.L., W.R. Edwards and G.V. Burger, Editors of Proceedings of a Symposium, 49th Midwest Fish and Wildlife Conference, Madison, Wisconsin, December 8, 1987. Pheasants: Symptoms of Wildlife Problems on Agricultural Lands.
- Knox, W. Matt. 1997. Historical Changes in the Abundance and Distribution of Deer in Virginia. pp. 27-36 in *The Science of Overabundance, Deer Ecology and Population Management*. Edited by W J. McShea et al. Smithsonian Institution Press, Washington. 402 pp.
- Lenarz, Mark. 2002. White-tailed Deer of Minnesota's Forest Zone: Harvest, Population Trends, and Modeling 2002. Minnesota Department of Natural Resources, 6 pp.
- MNDNR, 2002. 2001 Minnesota Deer Harvest Report. Minnesota Department of Natural Resources, Division of Wildlife. Unpublished Report. 46pp.
- MNDNR, 2002. Electronic Licensing System Update Number 8. Minnesota Department of Natural Resources, License Center. *Get from Keefe*.
- MNDNR, 2002. 2002 Minnesota Hunting and Trapping Regulations. Minnesota Department of Natural Resources. 131pp.
- Olson, John F. and R. Tischafer. 2003. Cable restraints in Wisconsin; A guide to responsible use. Wisconsin Department of Natural Resources and Wisconsin Trappers Association, Madison, WI 20pp.
- Powell, Roger A. 1993. *The Fisher*. University of Minnesota Press. Minneapolis, Minnesota
- Riley, T.Z. and J.H. Schulz. 2001. Predation and ring-necked pheasant population dynamics. *Wildlife Society Bulletin* 29: 33-38.

Sovada, M.A., R.M. Anthony, and B.D.J. Batt. 2001. Predation on waterfowl in arctic tundra and prairie breeding areas: a review. *Wildlife Society Bulletin*. 29: 6-15.

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

2001. In 2001 six public input meetings, one in each DNR region, were held in Feb.-March, 2001. Meetings were held in Longville, International Falls, Buffalo, Minneota, Austin, and St. Paul. Attendance totaled approximately 140.

(210 commenters: 122 questionnaire responses; 98 letters, e-mails, or calls)

Proposal	Oppose		Support			
	No.	%	No.	%		
1. Extend spring wild turkey hunting hours from the current closing hour of 12:00 noon to 5:00 p.m.	22	17%	107	83%		
2. Issue two tags to bear hunters in some quota areas.	34	29%	84	71%		
3. Standardize the fisher, pine marten, and bobcat openers to always fall on the Saturday after Thanksgiving.	10	14%	61	86%		
4. Expand the otter season to encompass the beaver season.	16	20%	64	80%		
5. Establish a new Migratory Waterfowl Feeding and Resting Area on Rice Lake, Faribault County (electric trolling motors <30 lbs. thrust allowed).	18	23%	62	77%		
6. Establish a new Migratory Waterfowl Feeding and Resting Area on Minnesota Lake, Faribault County (electric trolling motors <30 lbs. thrust allowed).	17	22%	61	78%		
7. Allow electric trolling motors (<30 lbs. thrust) on the existing Nelson Lake Migratory Waterfowl Feeding and Resting Area in Pope County.	14	23%	46	77%		
8. Open the Bemidji Game Refuge in Beltrami County to Canada goose hunting during the early September season.	14	17%	69	83%		
9. Open the Ashby Goose Refuge in Grant County to Canada goose hunting during the early September season.	12	15%	69	85%		
10. Continue to allow goose hunting on or within 100 yards of surface water in the West Goose Zone during the early September Canada goose season.	19	20%	74	80%		
Which option do you favor Minnesota selecting for the additional youth waterfowl hunting days offered by the U.S. Fish and Wildlife Service (please mark only one):	Continue one- day youth hunt		Expand youth hunt to two days		Discontinue youth hunt	
	No.	%	No.	%	No.	%
	32	19%	62	37%	74	44%

2002. In 2002, six public input meetings, one in each DNR region, were held in Feb.-March, 2002. Meetings were held in Bemidji, Grand Rapids, Milaca, Willmar, Cannon Falls, and St. Paul. Attendance totaled approximately 180; 150 of the attendees completing a questionnaire indicating their degree of support or opposition for proposed changes related to snow goose hunting in the Lac qui Parle Zone; the deer baiting rule; procedures for allocation of

surplus wild turkey licenses; and allowing use of snares on land in the farmland portion of the state. In addition, a total of 78 written comments were received.

(230 commenters: 152 questionnaire responses; 78 letters, e-mails, or calls)

Proposal	Oppose		Support	
	No.	%	No.	%
1. Allow hunting of snow geese, Ross' geese, and white-fronted geese in the Lac qui Parle zone after the close of the Canada goose season.	10	8%	109	92%
2. Clarify provisions of the deer baiting regulation to make it more enforceable.	34	22%	122	78%
3. Allow purchase of surplus wild turkey licenses by those who have not previously applied, beginning the second day of over-the-counter sales.	33	25%	99	75%
4. Authorize a sponsored special youth wild turkey hunt on private lands during the open season under defined criteria.	34	28%	89	72%
5. Allow use of snares on private lands in the farmland zone, outside of road rights-of-way.	54	35%	102	65%
6. Establish a new waterfowl refuge at Willis Lake in Waseca County.	16	14%	97	86%
7. Establish a new waterfowl refuge at Donkey Lake in Cass County.	16	15%	92	85%

2003. In 2003, four public input meetings, one in each of the newly reorganized DNR regions, were held in Feb.-March, 2003. Meetings were held in Crookston, Ely, Nicollet, and St. Paul. Total attendance was approximately 130; with 115 attendees completing a questionnaire indicating their degree of support or opposition for proposed rule changes related to establishing a prairie chicken hunting season; streamlining antlerless deer permitting; simplifying licensing for taking multiple deer; expanding hunting of geese on or near water in the September season; and adding two days to each of the last two wild turkey hunting seasons. In addition, a total of 53 written comments were received.

(168 commenters: 115 questionnaire responses; 53 letters, e-mails, or calls)

Proposal	Oppose		Support	
	No.	%	No.	%
1. Establish a limited prairie chicken hunting season in specified zones.	14	15%	77	85%
2. Streamline the deer permit process and make it easier to obtain licenses to take multiple deer.	11	10%	96	90%
3. Expand hunting of Canada geese on or near water during the early September season to include all of the state except the Northwest, Southeast, and Metro Zones.	45	41%	65	59%
4. Add a migratory waterfowl feeding and resting area (no motorboats during the waterfowl season) on Rice Lake in LeSueur County.	20	27%	54	73%
5. Expand the Timber Lake WMA no-trespass duck refuge in Jackson County.	11	24%	35	76%
6. Add two days of hunting to each of the last two wild turkey seasons.	14	15%	80	85%
7. Extend the furbearer site tagging moratorium for two additional years.	8	11%	63	89%

2003 Zone 3 Deer Season Meetings. In 2003, an additional four public input meetings were held in deer hunting Zone 3 (encompassing southeast Minnesota plus the southern and western Twin Cities region) to solicit comments on proposed changes to the Zone 3 deer season framework. Meetings were held in Rochester, Red Wing, Shakopee, and Winona. Attendance totaled approximately 800 and more than 660 attendees completed questionnaire surveys regarding the proposals. In addition, a total of approximately 400 written comments were received. Summaries of the responses to the initial and revised proposals follows:

Initial DNR proposal for Zone 3 deer season changes, and summary of responses:

Questions

1. 3A will become a 5 day season (Saturday through Wednesday), versus the current 9 day season, opening on the regular firearms deer season opener
2. Either sex permits will be available during the 3A season
3. 3B will be lengthened to a nine day season, beginning on the Saturday immediately following the close of 3A.
4. The proposed changes would allow multi-zone and all-season license holders to hunt 3B, which would simplify regulations and increase hunting opportunity.

Results from surveys completed at public input meetings, Jan. 13-16, 2003

Rochester							
Question	Support		Neutral		Oppose		Total
	N	Percent	N	Percent	N	Percent	
1	59	28%	8	4%	147	69%	214
2	84	39%	12	6%	120	56%	216
3	62	29%	12	6%	139	65%	213
4	30	14%	10	5%	175	81%	215
Red Wing							
Question	Support		Neutral		Oppose		Total
	N	Percent	N	Percent	N	Percent	
1	41	43%	2	2%	53	55%	96
2	65	68%	5	5%	25	26%	95
3	33	35%	3	3%	58	62%	94
4	40	43%	11	12%	43	46%	94
Shakopee							
Question	Support		Neutral		Oppose		Total
	N	Percent	N	Percent	N	Percent	
1	20	32%	7	11%	36	57%	63
2	33	52%	3	5%	27	43%	63
3	27	43%	0	0%	36	57%	63
4	26	42%	1	2%	35	56%	62
Winona							
Question	Support		Neutral		Oppose		Total
	N	Percent	N	Percent	N	Percent	
1	38	13%	9	3%	246	84%	293
2	153	52%	25	9%	115	39%	293
3	80	28%	16	6%	191	67%	287
4	81	28%	42	15%	165	57%	288
Overall							
Question	Support		Neutral		Oppose		Total
	N	Percent	N	Percent	N	Percent	
1	158	24%	26	4%	482	72%	666
2	335	50%	45	7%	287	43%	667
3	202	31%	31	5%	424	65%	657
4	177	27%	64	10%	418	63%	659

There was little public support for the initial DNR proposal described above. Based on comments received, the department revised the proposed Zone 3 changes and issued another statewide press release in February 2003, announcing revisions to the proposal and requesting additional written comments. In response, more than 200 additional comments were received. There was little support for shortening Zone 3A from nine to five days, so the department proposed to add two days back to that season to provide greater opportunity, but to keep the season to one weekend. The either-sex permit option was retained for Zone 3A and youth hunters were provided the ability to harvest a deer of either sex under the authority of Minn. Stat. Sec. 97B.301, Subd. 6. A number of people commented that they would like the opening date of the season delayed to take it out of the peak of the rut and perhaps reduce pressure on adult bucks. However, the 2001 deer hunter survey indicated that 67% of 3A and 78% of 3B hunters liked the current timing for their respective seasons. Other comments included concerns about reduced opportunity for working people and students as they felt their hunt would be effectively reduced to two days if they could not take off work or school. However, the availability of either-sex permits and the opportunity for youth hunters to harvest a deer of either-sex provides some compensation for the loss of days. Overall, there was more support for the revised proposal than to the initial proposal. There was also general agreement among nearly all commenters that something had to be changed in the way the Zone 3 season was being conducted. The department made the revised changes for the 2003 season through the expedited rulemaking process and intends to continue and evaluate the changes over a three-year period.

2004. A total of seven public input meetings were held, two in the northwest region (Wadena and East Grand Forks), two in the central region (St. Paul and St. Cloud), two in the south region (Windom and Faribault), and one in the northeast region (Cloquet). Approximately 400 people attended the meetings and a total of 291 questionnaires were completed and returned. Topics included that are subject to this rule are deer season changes, raccoon and fox seasons, snaring in the farmland zone, pelting fees, pheasant seasons, and the Whitewater game refuge.

Proposal	Location	Oppose		No Opinion		Support		% Support W/Opinion
		No.	%	No.	%	No.	%	
1. Extend the pheasant season through December 31st.	Statewide	73	26%	57	20%	153	54%	68%
	Region 1 - Wadena, E. Grand Forks	10	11%	31	36%	46	53%	82%
	Region 2 - Cloquet	1	5%	4	21%	14	74%	93%
	Region 3 - St. Paul, St. Cloud	18	26%	6	9%	46	66%	72%
	Region 4 - Faribault, Windom	38	48%	8	10%	33	42%	46%
	Mail	6	21%	8	29%	14	50%	70%
2. Close the Whitewater State Game Refuge (contained within the Whitewater WMA) to small game hunting: November-December.	Statewide	89	32%	143	51%	50	18%	36%
	Region 1 - Wadena, E. Grand Forks	19	22%	59	69%	8	9%	30%
	Region 2 - Cloquet	5	26%	7	37%	7	37%	58%
	Region 3 - St. Paul, St. Cloud	26	37%	34	49%	10	14%	28%
	Region 4 - Faribault, Windom	30	38%	32	41%	17	22%	36%
	Mail	9	32%	11	39%	8	29%	47%
3. Eliminate requirement that deer hunters in "managed" and "intensive" permit areas be restricted to taking antlerless deer in an area they declare in advance (allow to take antlerless deer in any managed or intensive area in the zone where licensed).	Statewide	44	15%	48	17%	193	68%	81%
	Region 1 - Wadena, E. Grand Forks	12	13%	10	11%	67	75%	85%
	Region 2 - Cloquet	2	11%	1	5%	16	84%	89%
	Region 3 - St. Paul, St. Cloud	7	10%	12	17%	52	73%	88%
	Region 4 - Faribault, Windom	16	21%	21	27%	41	53%	72%
	Mail	7	25%	4	14%	17	61%	71%

4. Eliminate separate “management” and intensive harvest” permits and replace with a single type of “bonus” deer permit for taking extra antlerless deer, at the same cost.	Statewide	21	7%	47	16%	217	76%	91%
	Region 1 - Wadena, E. Grand Forks	7	8%	13	15%	68	77%	91%
	Region 2 - Cloquet	0	0%	1	5%	18	95%	100%
	Region 3 - St. Paul, St. Cloud	6	8%	15	21%	51	71%	89%
	Region 4 - Faribault, Windom	6	8%	16	21%	56	72%	90%
	Mail	2	7%	2	7%	24	86%	92%
5. Allow multi-zone buck licensees to purchase bonus deer permits.	Statewide	48	17%	29	10%	208	73%	81%
	Region 1 - Wadena, E. Grand Forks	5	6%	5	6%	78	89%	94%
	Region 2 - Cloquet	0	0%	2	11%	17	89%	100%
	Region 3 - St. Paul, St. Cloud	11	15%	10	14%	51	71%	82%
	Region 4 - Faribault, Windom	28	36%	11	14%	39	50%	58%
	Mail	4	14%	1	4%	23	82%	85%
7. Establish a closed season on raccoon and red fox, mid-March to mid-October.	Statewide	181	65%	44	16%	55	20%	23%
	Region 1 - Wadena, E. Grand Forks	64	72%	18	20%	7	8%	10%
	Region 2 - Cloquet	8	42%	6	32%	5	26%	38%
	Region 3 - St. Paul, St. Cloud	45	63%	11	15%	15	21%	25%
	Region 4 - Faribault, Windom	53	71%	3	4%	19	25%	26%
	Mail	11	42%	6	23%	9	35%	45%

8. Allow land snaring in the farmland furbearer zone only on private lands (excluding rights-of-way) from Dec. 1 through March 31.	Statewide	89	32%	77	28%	112	40%	56%
	Region 1 - Wadena, E. Grand Forks	25	28%	32	36%	31	35%	55%
	Region 2 - Cloquet	3	16%	7	37%	9	47%	75%
	Region 3 - St. Paul, St. Cloud	21	30%	17	24%	32	46%	60%
	Region 4 - Faribault, Windom	34	46%	13	18%	27	36%	44%
	Mail	6	22%	8	30%	13	48%	68%

9. Cap pelting fees for recovering, treating, preserving, or transporting accidentally captured furbearers at 50% of the value of the pelt, not to exceed \$25. Current rules provide for a flat 50%.	Statewide	43	16%	124	45%	108	39%	72%
	Region 1 - Wadena, E. Grand Forks	20	23%	40	46%	27	31%	57%
	Region 2 - Cloquet	0	0%	11	58%	8	42%	100%
	Region 3 - St. Paul, St. Cloud	6	9%	30	43%	34	49%	85%
	Region 4 - Faribault, Windom	15	21%	32	44%	26	36%	63%
	Mail	2	8%	11	42%	13	50%	87%

POTENTIAL LEGISLATIVE CHANGES - Waterfowl Decoys

A. Change the current law on use of motorized decoys in the early duck season (through the Sat. nearest Oct. 8) to cover use of all motorized decoys statewide during those dates	Statewide	73	27%	83	31%	111	42%	60%
	Region 1 - Wadena, E. Grand Forks	24	30%	34	43%	22	28%	48%
	Region 2 - Cloquet	2	11%	6	32%	11	58%	85%
	Region 3 - St. Paul, St. Cloud	22	33%	17	25%	28	42%	56%
	Region 4 - Faribault, Windom	21	28%	15	20%	39	52%	65%
	Mail	4	15%	11	42%	11	42%	73%

B. Close water bodies and lands fully contained within Wildlife Management Areas to the use of motorized decoys during the duck season.	Statewide	95	35%	69	26%	105	39%	53%
	Region 1 - Wadena, E. Grand Forks	35	43%	31	38%	15	19%	30%
	Region 2 - Cloquet	1	5%	5	26%	13	68%	93%
	Region 3 - St. Paul, St. Cloud	25	37%	13	19%	30	44%	55%
	Region 4 - Faribault, Windom	29	39%	13	17%	33	44%	53%
	Mail	5	19%	7	27%	14	54%	74%

C. Provide authority for the Commissioner by rule, to designate certain lakes or portions of lakes closed to the use of motorized decoys.	Statewide	97	36%	72	27%	99	37%	51%
	Region 1 - Wadena, E. Grand Forks	33	41%	32	40%	16	20%	33%
	Region 2 - Cloquet	4	21%	6	32%	9	47%	69%
	Region 3 - St. Paul, St. Cloud	26	38%	13	19%	29	43%	53%
	Region 4 - Faribault, Windom	27	36%	13	17%	35	47%	56%
	Mail	7	28%	8	32%	10	40%	59%

D. Prohibit leaving decoys unattended on public waters.	Statewide	61	23%	47	18%	160	60%	72%
	Region 1 - Wadena, E. Grand Forks	17	21%	25	31%	39	48%	70%
	Region 2 - Cloquet	1	5%	3	16%	15	79%	94%
	Region 3 - St. Paul, St. Cloud	18	26%	6	9%	44	65%	71%
	Region 4 - Faribault, Windom	21	28%	7	9%	46	62%	69%
	Mail	4	15%	6	23%	16	62%	80%

POTENTIAL LEGISLATIVE CHANGES - Permanent Deer Stands

A. Which options would you favor for managing deer stands on State Forest lands?

1. Allow portables only; removed each year (attachment to trees or shrubs only by removable screw-in or non-penetrating steps or anchoring devices).
2. Allow portables only; removed each day.
3. Allow permanent stands, but restrict size of stands by setting a maximum number of square feet for the platform area and prohibiting roofs or sides
4. I do not favor any changes for permanent deer stand use on state forest lands
5. Other (please specify below)

A. Which options would you favor for managing deer stands on State Forest Lands?	1		2		3		4		5	
	78	31%	58	23%	63	25%	51	20%	4	2%
Statewide										
Region 1 - Wadena, E. Grand Forks	32	39%	19	23%	12	15%	19	23%	0	0%
Region 2 - Cloquet	6	32%	0	0%	12	63%	0	0%	1	5%
Region 3 - St. Paul, St. Cloud	10	17%	11	19%	19	32%	17	29%	2	3%
Region 4 - Faribault, Windom	21	30%	23	33%	13	19%	12	17%	1	1%
Mail	9	36%	5	20%	7	28%	3	12%	1	4%

Proposal	Location		Oppose		No Opinion		Support		% Support W/Opinion
	No.	%	No.	%	No.	%	No.	%	
B. Clarify that any stand or platform on state administered forest lands is available for use by the public and may not be used to pre-empt hunting locations and that the use of threat or force against another person to gain possession of such a stand or platform is unlawful	Statewide		21	9%	36	15%	187	77%	90%
	Region 1 - Wadena, E. Grand Forks		10	13%	16	21%	49	65%	83%
	Region 2 - Cloquet		0	0%	0	0%	19	100%	100%
	Region 3 - St. Paul, St. Cloud		7	13%	7	13%	42	75%	86%
	Region 4 - Faribault, Windom		1	1%	10	14%	58	84%	98%
	Mail		3	12%	3	12%	19	76%	86%

6. Which option (check one) would you favor for changing the rifle-shotgun boundary in the Red River Valley area of Northwest Minnesota? (current boundary allows rifles east and north of a line from I-94 at Barnesville, then along State Hwys. 34 and 32 to Fertile, then along State Hwy. 102 to Crookston, then along State Hwy. 75 to the Manitoba border)

- A) Allow Rifles North of U.S. Hwy. 2 from Crookston to E. Grand Forks
- B) Allow rifles north of I-94 from Barnesville to Moorehead
- C) Do not change the boundary
- D) Other

Which option (check one) would you favor for changing the rifle-shotgun boundary in the Red River Valley area of Northwest Minnesota?	A		B		C		D	
	26	11%	73	31%	125	53%	14	7%
Statewide	26	11%	73	31%	125	53%	14	7%
Region 1 - Wadena, E. Grand Forks	9	10%	37	43%	38	44%	2	3%
Region 2 - Cloquet	1	8%	1	8%	11	85%	0	0%
Region 3 - St. Paul, St. Cloud	7	11%	16	26%	31	51%	7	13%
Region 4 - Faribault, Windom	4	7%	15	25%	36	60%	5	9%
Mail	5	28%	4	22%	9	50%	0	0%

Appendix B. Department of Finance evaluation of proposed rules.

April 12, 2005

TO: Commissioner Gene Merriam
Department of Natural Resources

FROM: Marsha Battles-Jenks
Executive Budget Officer
Department of Finance

RE M.S. 14.131 Review of Proposed Game and Fish Rules and Amendments;
Rules, Minn. R.6200.0200, 6230.0200, 6230.0250, 6230.0400,
6230.0600-.0800, 6230.1000-1100, 6232.0200,6232.0300, 6232.0400,
6232.0500, 6232.0600-0700, 6232.0900-1100,6232.1250, 6232.1300,
6232.1400, 6232.1600, 6232.1750, 6232.1900, 6232.1950, 6232.2000,
6232.2050, 6232.2100,6232.2550-2560, 6232.2900, 6232.3800,
6232.4100, 6232.4700, 6234.0300, 6234.0400, 6234.0800, 6234.1200,
6234.1300, 6234.1400, 6234.1600, 6234.1700, 6234.1800, 6234.2000-
2100,6234.2300-2400,6234.2600, 6236.0300, 6236.0600-0700,
6236.0810, 6236.0900, 6236.1070, 6237,0100-0700, 6240.0200,
6240.0610, 6240.1000-2000, 6240.1500-1750,6240.1800, 6240.1850
6240.1900, 6240.2000-2100, 6240.2600.

BACKGROUND

The Department of Natural Resources (DNR) proposes to amend the above-referenced rules governing game and fish regulations. The proposed changes establish regulations for controlled waterfowl hunting zones; deer hunting regulations; licensing, application and tagging provisions; moose zones; special provisions for state wildlife management areas and game refuges; deer and bear registration provisions; falconry small game limits; raccoon, fox, badger and opossum seasons; bobcat, fisher and pine marten seasons and limits; allowed uses of snares; pelt registration provisions; wild turkey seasons and permit areas; prairie chicken hunting seasons and procedures; waterfowl shooting hours, goose hunting regulations; and migratory waterfowl feeding and resting areas. Pursuant to M.S. 14.131, the DNR has asked the Commissioner of Finance to help evaluate the fiscal impact and fiscal benefit of the proposed rules on local units of government.

EVALUATION

On behalf of the Commissioner of Finance, I have reviewed the proposed rule and related Statement of Need and Reasonableness (SONAR) and consulted with DNR staff to explore the potential impact of the proposed changes on local units of government. My evaluation is summarized below:

- 1) This rule modifies regulations governing hunting of wildlife. Enforcement of this rule is the sole responsibility of the DNR and does not result in increased costs to local units of government.
- 2) The proposed rule also specifies that purchase of specialized hunting licenses must be made from electronic licensing vendors or from the department. Approximately 50% of local government units currently issue hunting licenses affected by this rule and collect a \$1.00 fee for each license issued. All local governments who issue game licenses are electronic licensing vendors, so no lost revenue will result from enactment of this requirement.
- 3) The proposed rules also allow for additional hunting opportunities that were previously unavailable. These changes could increase demand for DNR licenses, resulting in a slight increase in license revenues collected by Minnesota counties.

Based on this information, I believe that the proposed rule will have little fiscal impact on local units of government.

Cc: Tom Harren
Joe Kurcinka
Mike DonCarlos

