

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

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SUBJECT: **Expedited Emergency Game and Fish Rule: Deer and Elk Feeding Ban;  
Minnesota Rule 6232.4800.**

The above-referenced rule has been approved as to legality by the Attorney General on February 7, 2011, pursuant to Minnesota Statutes §§ 84.027, subd. 13(b) and 97A.0455.

The electronic copy of the approved rule accompanies this electronic transmission, with multiple hardcopies to follow via interoffice mail.

Enc.

AG: #2767958-v1

Department of Natural Resources

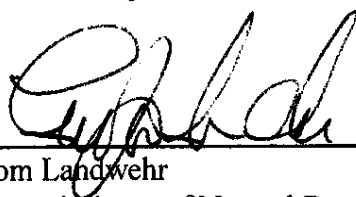
Adopted Expedited Emergency Game and Fish Rules: Deer and Elk Feeding Ban

Notice is hereby given that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97A.045,

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that this action was first taken in 2006 at the direction of the Legislature (Laws of 2006, chapter 281, article 5, sec. 1) and in cooperation with the United States Department of Agriculture as part of a larger interagency plan to eliminate bovine TB and regain bovine tuberculosis accredited free status for Minnesota livestock producers. Maintaining a deer and elk feeding ban in this area is part of the state's Memorandum of Understanding with USDA/APHIS-Veterinary Services and other agents for ongoing management of Bovine TB in this area.

Four counties in southeast Minnesota are being added to the prohibition on deer feeding after a wild deer harvested near Pine Island during the fall of 2010 tested positive for Chronic Wasting Disease. Because CWD infectious agents are extremely resistant in the environment, transmission may be both direct and indirect. Concentrating deer and elk in captivity or by artificial feeding probably increases the likelihood of both direct and indirect transmission between individuals.

Dated: Feb 2, 2011

  
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Tom Landwehr  
Commissioner of Natural Resources

1.1 **Department of Natural Resources**

1.2 **Adopted Expedited Emergency Game and Fish Rules Relating to Deer and Elk**  
1.3 **Feeding Ban**

1.4 **6232.4800 FEEDING DEER AND ELK PROHIBITED.**

1.5 **Subpart 1. Definitions.**

1.6 **A. "Attractants" means liquid food scents, salt, minerals, and other consumable**  
1.7 **natural or manufactured products that are capable of attracting or enticing deer or elk.**

1.8 **B. "Feed" means grains, fruits, vegetables, nuts, hay, and other food that is**  
1.9 **capable of attracting or enticing deer or elk.**

1.10 **Subp. 2. Prohibition.**

1.11 **A. Except as provided in subparts 3 and 4, a person may not place or distribute**  
1.12 **feed or attractants, or allow another person to place or distribute feed or attractants on**  
1.13 **property under the person's ownership or lease, within the areas described in item B.**

1.14 **B. Item A applies in the area of the state lying:**

1.15 **(1) within the counties of Dodge, Goodhue, Olmsted, or Wabasha; and**

1.16 **(2) within the following described boundary:**

1.17 **Beginning at State Trunk Highway (STH) 89 and the Canadian border to longitudinal**  
1.18 **reference 95 degrees, 09 minutes, 11 seconds; thence due south; thence along the Canadian**  
1.19 **border to the shore of Lake of the Woods; thence along the shore of Lake of the Woods to**  
1.20 **County Road (CR) 17; thence along CR 17 to STH 11; thence along STH 11 to STH 72;**  
1.21 **thence along STH 72 to the north shore of Upper Red Lake; thence along the north shore**  
1.22 **of Upper Red Lake to the boundary of the Red Lake Indian Reservation; thence along the**  
1.23 **boundary of the Red Lake Indian Reservation to STH 89; thence along STH 89 to STH**  
1.24 **1; thence south along STH 1 to the Clearwater County line; thence along the Clearwater**  
1.25 **County line to the Pennington County line; thence due west to the intersection of CR 27**

2.1 and CR3; thence along CR3 to CR 24; thence along CR 24 to STH 1; thence along STH  
2.2 1 to STH 32; thence along STH 32 to STH 11; thence along STH 11 to CR 115; thence  
2.3 along CR 115 to STH 89; thence along STH 89 to the point of beginning.

2.4 Subp. 3. **Wildlife feeding.** Wildlife feeding is allowed if:

2.5 A. the feed is placed in such a manner as to exclude access to deer and elk; or

2.6 B. the feed is placed at least six feet above the ground.

2.7 Subp. 4. **Exceptions.** The prohibition in subpart 2 does not apply to feed that is:

2.8 A. present solely as a result of normal agricultural, forest management, or  
2.9 wildlife food planting practices; or

2.10 B. for agricultural or livestock purposes if:

2.11 (1) placed for domestic livestock that are present and actively consuming  
2.12 the feed on a daily basis;

2.13 (2) covered to deter deer or elk from gaining access to the feed; or

2.14 (3) stored consistent with normal agricultural practices.

2.15 Subp. 5. **Cleanup.**

2.16 A. In addition to any other penalties imposed, a person in violation of this part  
2.17 must immediately remove any feed and attractants that had been placed.

2.18 B. Notwithstanding item A, the landowner or lessee of property where feed or  
2.19 attractants were improperly placed must immediately remove any remaining feed and  
2.20 attractants upon being given notice of the improper placement.

2.21 C. Failure to comply with this subpart is a separate violation, in addition  
2.22 to violation of subpart 2.

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Adopted Expedited Emergency Game and Fish Rules Relating to Deer and Elk Feeding Ban

**AGENCY:** Department of Natural Resources

**MINNESOTA RULES:** Chapter 6232

APPROVED AS TO FORM AND LEGALITY

*2/11/2011*

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MINNESOTA ATTORNEY GENERAL

BY *Tom Ouster*  
\_\_\_\_\_  
ASSISTANT ATTORNEY GENERAL

The attached rules are approved as to form

*Cindy K. Maxwell*

Cindy K. Maxwell  
Senior Assistant Revisor