

Department of Natural Resources

Chapters:

Adopted Expedited Emergency Game and Fish Rules; 6234
6236
Taking Sharp-Tailed Grouse in Prairie Chicken Zones; 6237
Fall Wild Turkey Hunting; Prairie Chicken Hunting

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6234.0300 TAKING SHARP-TAILED GROUSE.

[For text of subpart 1, see permanent rules.]

Subp. 2. Open area.

A. The open area to take sharp-tailed grouse is statewide except in that portion of the state lying within the following described boundary:

Beginning on U.S. Highway 2 at the west boundary of the state; thence along U.S. Highway 2 to U.S. Highway 71; thence northeast along U.S. Highway 71 to State Trunk Highway (STH) 1; thence east along STH 1 to STH 73; thence south along STH 73 to U.S. Highway 2; thence west on U.S. Highway 2 to STH 200; thence west on STH 200 to STH 6; thence south on STH 6 to STH 18; thence east on STH 18 to STH 65; thence south on STH 65 to STH 70; thence east on STH 70 to the east boundary of the state; thence along the east, south, and west boundary of the state to the point of beginning.

B. In the closed sharp-tailed grouse area, a person with a valid prairie chicken license may take sharp-tailed grouse in an open prairie chicken hunting zone when the person is licensed to take prairie chickens during the time the license is valid. The taking of sharp-tailed grouse by a licensed prairie chicken hunter is subject to all other restrictions for taking sharp-tailed grouse and the person must meet small game hunting license requirements to take sharp-tailed grouse.

[For text of subp 3, see permanent rules.]

6236.0300 TURKEY HUNT DRAWING.

[For text of subpart 1, see emergency rules published 11-22-2004.]

Subp. 2. Participation in application drawings. Applicants may complete an application form for either the spring or fall turkey hunt or both. Qualifying individuals may apply for the resident landowner-tenant turkey drawing. All of the information in items A to G must be supplied on the application forms.

[For text of items A and B, see permanent rules.]

C. A resident or nonresident applicant under age 12 to 15 16 by the opening day of the season may provide one of the above numbers or may participate in the drawing without a number by providing the applicant's full first, middle, and last name and date of birth. Youthful applicants who do not provide a number will be placed into the drawing using a number generated by the department.

[For text of item D, see emergency rules published 11-22-2004.]

E. Up to four persons desiring to hunt together as a group may apply ~~by submitting their drawing applications in one envelope. Applications by a group must all be for the same wild turkey permit area and time period. The person within a group with the lowest preference rating will determine the preference rating of the group. Properly completed applications which are submitted in one envelope will either all be selected or none selected. Mixing landowner-tenant applications with general applications will not be permitted for purposes of applying as a group. Group applications shall either all be selected or none selected. All group members must apply for the same wild turkey permit areas and time periods. The preference rating of applicants who apply as a group shall be determined by the individual in the group with the lowest preference. Group applications may be made up of all general or all landowner-tenant applications, but not both.~~

F. A person who ~~makes a faulty application or who~~ applies as a landowner or tenant but does not meet the definition as provided by this part will be ineligible for that season's drawings.

G. Application deadlines are as follows:

- (1) spring season: the first Friday in December; and
- (2) fall season: the last Friday nearest June 29 in July.

[For text of subps 3 and 4, see permanent rules.]

Subp. 5. Drawing application fee. An applicant must ~~submit, along with the application, a cashier's check, money order, or personal check payable to the Minnesota Department of Natural Resources~~ pay a fee as provided by statute at the time of application at the electronic license system-point of sale (ELS-POS) agent. Any check that is returned to the department for nonpayment will invalidate the application and the check will be destroyed. Refunds of application fees will not be made for any

reason.

[For text of subp 6, see emergency rules published 11-22-2004.]

6236.0700 FALL TURKEY SEASON.

[For text of subps 1 to 3, see permanent rules.]

Subp. 4. Open areas. Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. Permit areas shall be identified in application materials and on electronically issued licenses by their three-digit number. The following wild turkey permit areas are open for the 2005 fall season: 228, 236, 337, 338, 339, 341, 342, 343, 344, 345, 346, 347, 348, 349, 442, 443, 448, 449, 461, 462, 464, 465, 466, and 467.

Subp. 5. Registration. Turkeys must be registered within 24 hours after being taken during the fall turkey season.

Subp. 6. Turkey hunt quotas. Permit quotas for the 2005 fall season are as follows:

2005 Wild turkey permit area quotas (fall)
Permit quota by time period

<u>Wild turkey permit area number</u>	<u>A</u> <u>October 12-16, 2005</u>	<u>B</u> <u>October 19-23, 2005</u>
<u>228</u>	<u>35</u>	<u>35</u>
<u>236</u>	<u>50</u>	<u>50</u>
<u>337</u>	<u>50</u>	<u>50</u>
<u>338</u>	<u>70</u>	<u>70</u>
<u>339</u>	<u>70</u>	<u>70</u>
<u>341</u>	<u>250</u>	<u>250</u>
<u>342</u>	<u>225</u>	<u>225</u>
<u>343</u>	<u>65</u>	<u>65</u>
<u>344</u>	<u>100</u>	<u>100</u>
<u>345</u>	<u>125</u>	<u>125</u>
<u>346</u>	<u>195</u>	<u>195</u>
<u>347</u>	<u>75</u>	<u>75</u>
<u>348</u>	<u>150</u>	<u>150</u>
<u>349</u>	<u>280</u>	<u>280</u>
<u>442</u>	<u>125</u>	<u>125</u>
<u>443</u>	<u>50</u>	<u>50</u>
<u>448</u>	<u>5</u>	<u>5</u>
<u>449</u>	<u>5</u>	<u>5</u>
<u>461</u>	<u>80</u>	<u>80</u>
<u>462</u>	<u>80</u>	<u>80</u>
<u>464</u>	<u>20</u>	<u>20</u>
<u>465</u>	<u>25</u>	<u>25</u>
<u>466</u>	<u>40</u>	<u>40</u>

<u>467</u>	<u>35</u>	<u>35</u>
<u>Subtotals</u>	<u>2,205</u>	<u>2,205</u>
<u>Grand Total</u>	<u>4,410</u>	

6237.0100 PRAIRIE CHICKEN LICENSE ELIGIBILITY.

To be eligible for a prairie chicken license, a person must not have any small game hunting privileges revoked.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING.

Subpart 1. License application drawing. Applications for all prairie chicken hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply at an electronic license system agent or the Department of Natural Resources License Center. Drawings shall be conducted by the commissioner to determine persons who are eligible to purchase licenses for the season. The drawings are subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for the prairie chicken hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt prairie chicken. Upon issuance of a prairie chicken license, all accumulated preference for prairie chicken hunting is lost.

Subp. 2. Participation in application drawings.

A. Applicants must complete an application for the prairie chicken hunt. A person may not apply more than once as an individual or as a member of a group. Qualifying individuals may apply for the resident landowner-tenant prairie chicken drawing.

B. A resident applicant must provide the applicant's individual Minnesota driver's license number of 13 characters, a 13-character firearm safety number, or an official Minnesota identification number of 13 characters issued by the Department of Public Safety.

C. An applicant must choose one of the prairie chicken permit areas and one of the time periods.

D. Up to four persons desiring to hunt together as a group may apply as a group. Group applications shall either be all selected or none selected. Applications by a group must all be for the same prairie chicken permit area and time period. The preference rating of applicants who apply as a group shall be based on the individual in the group with the lowest preference. Group applications may be made up of either all general or all

landowner-tenant applications.

E. A person who makes a faulty application or who applies as a landowner or tenant but does not meet the definition under subpart 3 is ineligible for that season's drawing.

F. The application deadline is the last Friday in July.

Subp. 3. Landowner-tenant drawing.

A. For purposes of parts 6237.0100 to 6237.0700, "landowner or tenant" means a person who is an owner or tenant of at least 40 acres of prairie or grassland within the zone being applied for. A landowner-tenant license application drawing shall be held subject to the restrictions in items B to G.

B. An applicant must meet all eligibility requirements and must provide a complete and accurate description of the qualifying land.

C. An applicant must be a landowner or tenant or a member of the landowner's or tenant's immediate family. Family members include those related by blood, marriage, or adoption.

D. For each prairie chicken permit area and time period, no more than 20 percent of the successful participants shall be drawn from the special landowner-tenant applications.

E. An individual participant in the landowner-tenant drawing may submit only one application and only for the prairie chicken permit area in which the participant's qualifying property is located.

F. Landowners or tenants unsuccessful in the landowner-tenant drawing shall be included in the general drawing.

G. Landowner-tenant licensees must allow public prairie chicken hunting on their land during that prairie chicken season and the commissioner shall provide descriptions of these lands to licensed prairie chicken hunters.

Subp. 4. Modification of quota numbers for group applications.

The quota of licenses or permits for a drawing may be increased to accommodate group members if the last applicant to be selected is a member of a group.

Subp. 5. Drawing application fee. An applicant must pay a fee as prescribed by statute at the time of application at the electronic license system-point of sale (ELS-POS). Refunds of application fees shall not be made for any reason.

Subp. 6. Undersubscribed prairie chicken permit areas. in permit areas with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful

applicants for other permit areas on a first-come, first-served basis. An eligible person must apply individually and in person at an ELS-POS agent location or individually through the ELS-Internet or ELS-telephone system to obtain a remaining available license. Any remaining available licenses not purchased by unsuccessful applicants may then be issued as prescribed by the commissioner to any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.

6237.0300 OBTAINING LICENSE.

Subpart 1. Notification. Only successful applicants for a prairie chicken license shall be notified.

Subp. 2. Obtaining licenses. Successful applicants shall receive instructions from the commissioner on how to obtain their license through the electronic license system.

6237.0400 TAKING PRAIRIE CHICKENS.

Subpart 1. Open season. Prairie chickens may be taken during the five-day period beginning on the Saturday nearest October 20.

Subp. 2. Arms restrictions. Prairie chickens may be taken by shotgun or bow and arrow. A person may not take prairie chickens with a rifle or handgun.

Subp. 3. Bag limit. A person may not take more than two prairie chickens per season or possess more than two prairie chickens.

Subp. 4. Open areas. Prairie chicken permit areas are open for the prairie chicken season as prescribed by the commissioner. Prairie chicken licenses are valid only in the prairie chicken permit area specified on the license. Permit areas shall be identified in application materials and on electronically issued licenses by a three-digit number plus a letter. The following prairie chicken permit areas are open with prescribed quotas for the 2005 season:

<u>Permit Area</u>	<u>Quota</u>
<u>405A</u>	<u>12</u>
<u>407A</u>	<u>13</u>
<u>407B</u>	<u>15</u>
<u>407C</u>	<u>13</u>
<u>420A</u>	<u>14</u>
<u>420B</u>	<u>18</u>
<u>421A</u>	<u>15</u>
<u>Total</u>	<u>100</u>

Subp. 5. Clay County Game Refuge. The Clay County Game Refuge in Clay County is open for taking prairie chickens during open prairie chicken seasons in the zone in which it is located.

6237.0500 PRAIRIE CHICKEN PERMIT AREA DESCRIPTION.

Subpart 1. Generally. Prairie chicken permit areas are comprised of partial, single, or grouped deer and bear registration blocks, as established in part 6232.4700, and are described according to this part.

Subp. 2. Area 405A. Prairie chicken permit area 405A consists of those portions of registration block 405 described as follows:

Beginning at the intersection of U.S. Highway 2 and State Trunk Highway (STH) 9; thence along U.S. Highway 2 to STH 32; thence along STH 32 to STH 102; thence along STH 102 to STH 9; thence along STH 9 to point of beginning.

Subp. 3. Area 407A. Prairie chicken permit area 407A consists of those portions of registration block 407 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and STH 102; thence along STH 102 to STH 32; thence along STH 32 to STH 200; thence along STH 200 to STH 9; thence along STH 9 to point of beginning.

Subp. 4. Area 407B. Prairie chicken permit area 407B consists of those portions of registration block 407 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and STH 200; thence along STH 200 to STH 32; thence along STH 32 to County State-Aid Highway (CSAH) 34, Clay County; thence along CSAH 34 to STH 9; thence along STH 9 to point of beginning.

Subp. 5. Area 407C. Prairie chicken permit area 407C consists of those portions of registration block 407 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and County State-Aid Highway (CSAH) 34, Clay County; thence along CSAH 34 to STH 32; thence along STH 32 to U.S. Highway 10; thence along U.S. Highway 10 to STH 9; thence along STH 9 to point of beginning.

Subp. 6. Area 420A. Prairie chicken permit area 420A consists of those portions of registration block 420 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and U.S. Highway 10; thence along U.S. Highway 10 to STH 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to STH 9;

thence along STH 9 to point of beginning.

Subp. 7. Area 420B. Prairie chicken permit area 420B consists of those portions of registration block 420 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 26, Wilkin County; thence along CSAH 26 to STH 9; thence along STH 9 to point of beginning.

Subp. 8. Area 421A. Prairie chicken permit area 421A consists of those portions of registration block 421 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and County State-Aid Highway (CSAH) 26, Wilkin County; thence along CSAH 26 to Interstate Highway 94 (I-94); thence along I-94 to STH 210; thence along STH 210 to STH 9; thence along STH 210 to STH 9; thence along STH 9 to point of beginning.

6237.0600 TAGGING PRAIRIE CHICKENS.

Immediately after taking a prairie chicken, a hunter must validate the tag as prescribed by the commissioner and must attach a tag provided with the license to the prairie chicken as specified by the commissioner. The tag must remain attached to the prairie chicken during transit.

6237.0700 PRAIRIE CHICKEN REGISTRATION.

Prairie chickens must be registered no later than 24 hours after the close of the season.

EFFECTIVE PERIOD. The emergency amendments to Minnesota Rules, parts 6234.0300 and 6236.0700, expire December 31, 2005. The emergency amendments to Minnesota Rules, part 6236.0300, expire 18 months after adoption or upon adoption of a superseding permanent rule, whichever is sooner. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. Minnesota Rules, parts 6237.0100 to 6237.0700, expire December 31, 2005.