

Minnesota Department of Natural Resources

Division of Fish and Wildlife

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Game and Fish Rules Governing Wildlife Management Areas, Game Refuges, and Hunting, *Minnesota Rules*, chapters 6230, 6232, 6234, 6236, 6237 and 6240; Revisor's ID Number R-04489

Introduction. The Department of Natural Resources (DNR) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until January 22, 2019.

The DNR contact person is Jason Abraham at the Fish and Wildlife Division, Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4020, phone 651-259-5197, fax 651-297-7272, and jason.abraham@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The DNR is considering rule amendments and repeals that:

- Streamline or eliminate regulations on wildlife management areas and state game refuges to improve harvest distribution, provide clarity or increase flexibility for hunters
- Eliminate requirements for archery equipment that are redundant to those already in statute
- Eliminate requirements for taking or tagging deer with bonus permits that are redundant to those already in statute
- Clarify that bonus permits are valid in special hunts unless otherwise specified
- Reduce the aggregate bag limit in intensive deer permit areas from 5 deer to 3 deer
- Clarify deer registration requirements
- Clarify rules for the Camp Ripley archery hunt
- Allow additional opportunity during youth deer season
- Clarify the use of disease management permits
- Modify references to clothing color requirements for deer hunting so they are consistent with statute
- Modify requirements for registering and identifying bear bait stations
- Modify bear quota area boundary descriptions
- Make no-quota bear license validity consistent with other big game licenses
- Allow additional flexibility in identifying and licensing bear hunters who are willing to take nuisance bears

- Require that successful bear hunters submit a bear tooth sample as a condition of eligibility for future bear hunting licenses.
- Modify eligibility and reporting requirements for bear hunting outfitters
- Clarify and provide additional flexibility for elk hunting orientation, registration and drawing procedures
- Modify deer registration block boundary descriptions
- Reduce the daily bag and possession limits for white-tailed jack rabbits
- Provide standard dates for the opening and closing of the falconry season for hunting migratory birds
- Provide a trapping season for weasels, which are under statutory protections requiring formal opening and closing season dates.
- Clarify procedures and provide additional hunting opportunity by modifying rules for selecting spring wild turkey hunters
- Repeal obsolete rules that reference paper applications for wild turkey licenses
- Modify spring turkey hunting seasons to provide additional hunting opportunities
- Modify wild turkey registration block boundary descriptions
- Simplify procedures for transporting and registering harvested wild turkeys
- Modify the prairie chicken season and permit area boundaries to improve hunting opportunity
- Modify early-season shooting hours for waterfowl hunting and make the possession limit for migratory game birds consistent with federal regulations
- Allow open water hunting for migratory waterfowl, coots, gallinules, rails and snipe in limited areas in the state
- Extend the dove season by 30 days, as authorized by federal regulations
- Standardize spring light goose harvest as authorized by federal regulations
- Standardize the sandhill crane hunting season as authorized by federal regulations
- Establish waterfowl zone boundaries
- Allow increased opportunity for September goose hunting while maintaining prohibitions on hunting near water in specific areas
- Designate three lakes as migratory waterfowl feeding and resting areas
- Provide as much crow hunting opportunity as allowed under federal regulations

The statutory authorities to adopt the rules are outlined in the following list:

<u>Statutes sections:</u>	<u>Rules part(s)</u>
86A.06.....	6230.0200, 6230.0250
97A.045, subd. 2; 97A.137, subd. 1.....	6230.0295
97A.091, subd. 2; 97A.085, subd. 9.....	6230.0400
97A.092.....	6230.0600, 6230.0700
97B.035, subd. 1a; 97B.311.....	6232.0100
97B.311	6232.0200
97A.411; 97B.301, subd. 1, 4	6232.0300
97A.535, subd. 2	6232.0400
97A.091 subd. 2; 97A.401, subd. 4.....	6232.0900
97A.401, subd. 4	6232.1000

97B.112.....	6232.1100
97B.305, 97B.311	6232.1300
97B.305, 97B.311	6232.1800
97B.301, subd. 4; 97B.311.....	6232.1950
97B.301, subd. 4; 97B.305; 97B.311	6232.1250, 6232.2000, 6232.2050
97A.045, subd. 11; 97B.305; 97B.311	6232.1980, 6232.2200
97B.301, subd. 4	6232.2400
97B.112, 97B.311	6232.2550
97B.112	6232.2560
97B.411	6232.2600, 6232.2800, 6232.3100, 6232.3300
97B.405, 97B.411	6232.2900, 6232.3000
97B.411, 97B.425	6232.3200
97B.431	6232.3500
97A.433, subd. 2; 97A.535, subd. 2.....	6232.4400
97A.433, subd. 1, 2, and 4	6232.4500
97B.311, 97B.411	6232.4700
97B.605	6234.0300, 6234.0600, 6234.1400, 6236.0600, 6236.0810, 6237.0400
97B.105; 97B.731, subd. 1.....	6234.0800
97B.722	6236.0100
97A.435, subd. 1, 2	6236.0300
97B.723	6236.0400
97B.721	6236.1000
97B.716, subd. 2	6237.0550
97B.731, subd. 1, 3	6240.0200, 6240.0250, 6240.0600, 6240.0630, 6240.0640, 6240.0950, 6240.2300
97A.091, subd. 2; 97B.731, subd. 1.....	6240.1850
97A.095, subd. 2	6240.2000

The statutory authority to adopt the rules under the expedited rulemaking process is *Minnesota Statutes*, section 84.027, subdivision 13a (a) (1).

A copy of the proposed rules is published in the State Register and attached to this notice as mailed. A free copy of the rules is available upon request from the DNR contact person listed above. The proposed expedited rules may be viewed on the [DNR Public Input Rulemaking webpage](http://www.dnr.state.mn.us/input/rules/index.html) at www.dnr.state.mn.us/input/rules/index.html.

Comments. You have until 4:30 p.m. on Tuesday, January 22, 2019, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the DNR contact person by the due date. The DNR encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period.

Modifications. The DNR may modify the proposed expedited rules using either of two avenues: The DNR may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the DNR may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the DNR will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the DNR must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the DNR encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the DNR contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Expedited Rules. The DNR may adopt the rules at the end of the comment period. The DNR will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the DNR submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the DNR to receive notice of future rule proceedings, submit your request to the DNR contact person listed above.

November 28, 2018

/s/ TOM LANDWEHR
Tom Landwehr
Commissioner