

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

File No.: 1949 Docket No.: 05 0009 0700

GAME AND FISH RULES

Date Received 9-14-92

Date (Dis)Approved and Faxed 9/16/92
Chuck Armstrong Fax 296-4799

Due Date 9-21-92

Date Rule Sent 9/16/92 (rec'd 4p)
Chuck Armstrong
DNR - 500 Lafayette Road
6th Floor, Box 33

Attorney Amy
Phone 296-9422

Date Rule Sent
Revisor

Minnesota Rules:

<1>

✓ Rules (7 copies)

✓ Revisor's Certificate

✓ Statement of Emergency Conditions

<1> Minnesota Rules 6230.0400, ~~6230~~ 6230.0600, 6230.0700, 6240.0700, 6240.0800, 6240.1000, 6240.1100, 6240.1200, 6240.1300, 6240.1400,

<2> Approval Date 9-16-1992

con't 6240.2100, 6240.2200, 6240.2300,

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

GOVERNMENT SERVICES SECTION
525 PARK STREET
SUITE 500
ST. PAUL, MN 55103
TELEPHONE: (612) 297-2040
FACSIMILE: (612) 297-2576

FACSIMILE TRANSMISSION

MINNESOTA ATTORNEY GENERAL'S OFFICE
Government Services Section
525 Park Street, Suite 500
St. Paul, Minnesota 55103
Telephone: (612) 297-2040
Facsimile: (612) 297-2576

DATE: 9/16/92 TIME: _____ NO. OF PAGES: 9
(Including this Page)

TO: Chuck Armstrong - DNR

FROM: Amy Kvaloth

MESSAGE:

IF THERE ARE PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL:
Julie Jackson AT (612) 297-5919

Equal Opportunity Employer

STATE OF MINNESOTA

Office of the Attorney General

TO : CHUCK ARMSTRONG
DNR - 500 Lafayette
6th Floor, Box 33
Fax 296-4799

DATE : September 16, 1992

FROM : AMY V. KVALSETH
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : **In the Matter of the Adopted DNR GAME and FISH Rules; Controlled Hunting Zones; Taking Ducks, Coots, Moorhens, Geese; Migratory Waterfowl Feeding and Resting Areas, 6230.0400, 6230.0600, 6230.0900, 6240.0700, 6240.0800, 6240.1000, 6240.1100, 6240.1200, 6240.1300, 6240.1400, 6240.2100, 6240.2200, 6240.2300**

The above-referenced rules have been approved as to legality by the Attorney General on September 16, 1992.

Enclosed is your copy of the approved rule(s). Your next step is to:

1. publish a notice in the State Register, pursuant to Minn. Stat. § 3.846, subd. 2, which contains: (1) a citation to the statutory authority for the exempt rule(s) and, (2) contains two of the certified copies of the rule(s),

2. file a copy of the notice and two certified copies of the rule(s) with the Secretary of State,

3. file a copy of the notice and one copy of the certified rule(s) with the legislative commission to review administrative rules, and

4. retain one certified copy for your rule file.

If you have any questions in this regard, please contact me.

Enclosure

AVK:jj.rules.ba8

Department of Natural Resources

Adopted Emergency Game and Fish Rules; Controlled Hunting Zones; Taking Ducks, Coots, Moorhens, Geese; Migratory Waterfowl Feeding and Resting Areas

ADOPTED EMERGENCY AMENDMENTS TO AND PARTIAL EMERGENCY REPEAL OF COMMISSIONER'S ORDERS

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

[For text of subps 1 to 5, see 16 SR 2800]

Subp. 6. **Goose Refuges open to goose hunting.** The Douglas County Goose Refuge in Douglas county, the Fox Lake Game Refuge in Martin County, the Otter Tail County Goose Refuge in Otter Tail county, the St. James ~~Goose~~ Game Refuge in Watonwan county, and the Sauk Rapids-Rice Goose Refuge in Benton county may be open to the taking of geese as prescribed in the annual hunting regulations and as follows:

A. The Douglas County Goose Refuge, the Otter Tail County Goose Refuge, and the Sauk Rapids-Rice Goose Refuge are open to goose hunting October 3 through November 21, 1992. Taking waterfowl from public roads and their rights-of-way is prohibited.

B. The Fox Lake Game Refuge and the Saint James Game Refuge are open to goose hunting November 14 through November 21, 1992.

6230.0600 DESCRIPTIONS OF CONTROLLED HUNTING ZONES.

[For text of subps 1 to 7, see 16 SR 2804, 2805]

Subp. 8. **Orwell zone.** On the Orwell Wildlife Management Area Sanctuary in Otter Tail County, the controlled hunting zone includes the following:

The west 200 yards of Section 26, Township 132 North, Range 44 West, adjacent to County Road 15 from the northwest corner of the Orwell Wildlife Sanctuary south to the Otter Tail River.

6230.0900 ELM LAKE AND ORWELL SPECIAL PROVISIONS.

Approved by Revisor PER

Subpart 1. **Time period for special provisions.** In addition to the general regulations, the following subparts apply to all persons in the Elm Lake Controlled Hunting Zone during the period from the opening date of the goose season to the Monday nearest October 22 and in the Orwell Controlled Hunting Zone during the regular goose season.

[For text of subps 2 to 6, see 16 SR 2806]

6240.0700 TAKING OF DUCKS, COOTS, AND MOORHENS.

Subpart 1. **Open seasons.** Open seasons for ducks, coots, and moorhens are determined annually by the commissioner. Information on open season dates can be found in the annual hunting regulations and as follows:

Ducks, coots, and moorhens (gallinules) may be taken statewide during three time periods: October 3 to October 11, October 15 to November 1, and November 6 to November 8.

Subp. 2. **Daily limits.** Daily limits for ducks, coots, and moorhens are determined annually by the commissioner. Information on these limits can be found in the annual hunting regulations and as follows:

A person may not in any one day take more than three ducks other than mergansers, five mergansers, and a total of fifteen coots and moorhens (gallinules). The daily limit of ducks other than mergansers may not include more than two mallards of which not more than one may be a female mallard, one black duck, one redhead, one pintail, and two wood ducks. The daily limit of mergansers may not include more than one hooded merganser. Canvasbacks may not be taken at any time.

6240.0800 TAKING GEESE IN WEST CENTRAL GOOSE ZONE.

Subpart 1. **Open season.** The open season for geese in the West Central Goose Zone is determined annually by the commissioner. Information on open season dates can be found in the annual hunting regulations and as follows:

Canada and white-fronted geese may be taken during the 40-day period beginning the Saturday on or nearest October 1, except that the season may close earlier in the Lac qui Parle

Approved
by Revisor _____

Zone as provided in part 6240.1000.

[For text of subp 2, see 16 SR 2860]

6240.1000 TAKING GEESE IN LAC QUI PARLE GOOSE ZONE.

Subpart 1. **Open season.** The open season for geese in the Lac qui Parle Goose Zone is determined annually by the commissioner. Information on open season dates can be found in the annual hunting regulations and as follows:

Geese may be taken during the 40-day period beginning the Saturday on or nearest October 1, except that the season on geese will be closed earlier if and when the harvest index of Canada geese in the Lac qui Parle Zone reaches 6,000 as determined by the commissioner. The commissioner will provide public notice of such closing, no less than 48 hours prior to the effective time of closing, by: (1) issuing a news release specifying the time of closing and describing the zone, and (2) posting written notices of the same at the headquarters of the Lac qui Parle Wildlife Area and at four other points around the perimeter of the zone.

[For text of subp 2, see 16 SR 2860]

6240.1100 TAKING GEESE IN SOUTHEAST GOOSE ZONE.

Subpart 1. **Open season.** The open season for geese in the Southeast Goose Zone is determined annually by the commissioner. Information on open season dates can be found in the annual hunting regulations and as follows:

Canada and white-fronted geese may be taken during the 70-day period beginning the Saturday on or nearest October 1. In Olmsted county and in the Twin Cities Metropolitan Goose Zone, Canada geese may also be taken as provided in part 6240.2100.

[For text of subp 2, see 16 SR 2860]

6240.1200 TAKING GEESE IN REMAINDER OF STATE.

Subpart 1. **Open season.** The open season for geese in the remainder of the state is determined annually by the commissioner. Information on open season dates can be found in

Approved
by Revisor _____

the annual hunting regulations and as follows:

Canada and white-fronted geese may be taken during the 50-day period beginning the Saturday on or nearest October 1.

[For text of subp 2, see 16 SR 2860]

6240.1300 TAKING SNOW GEESE.

The open season for snow geese is determined annually by the commissioner. Information on open season dates can be found in the annual hunting regulations and as follows:

Snow geese may be taken statewide during the 80-day period beginning the Saturday on or nearest October 1, except that the snow goose season in the Lac qui Parle Goose Zone will be closed when the season for Canada and white-fronted geese closes as provided in part 6240.1000.

6240.1400 DAILY LIMITS ON TAKING GEESE.

Daily limits on the taking of geese are determined annually by the commissioner. Information on daily limits can be found in the annual hunting regulations and as follows:

A person may not take more than seven geese in any one day. The daily limit may not include more than two white-fronted geese and two Canada geese or subspecies, except in the West Central Goose Zone (including the Lac qui Parle Goose Zone) where the daily limit of Canada geese is one.

6240.2100 LATE SEASON FOR TAKING GEESE.

Subpart 1. **Open season.** Canada geese may be taken in the Twin Cities Metropolitan Canada Goose Zone and in Olmsted County during the ten-day period in December as determined annually by the commissioner. Information on this season can be found in the annual hunting regulations and as follows:

Canada geese may be taken during the ten-day period beginning December 15.

[For text of subp 2, see 16 SR 2862]

Subp. 3. [See repealer.]

Subp. 3a. **Taking near water.** Taking Canada geese on or within 100 yards of all surface waters is prohibited in the Twin

Approved by Revisor _____

Cities Metropolitan Canada Goose Zone during the late season established by this part.

[For text of subp 4, see 16 SR 2862]

6240.2200 MIGRATORY WATERFOWL FEEDING AND RESTING AREA RESTRICTIONS.

[For text of subps 1 to 3, see 16 SR 2862]

Subp. 4. **Use of electric motors.** On the lakes listed in items A to ~~I~~ G, a person may use an electric motor of less than 30 pounds thrust within the designated migratory waterfowl feeding and resting area during the open waterfowl season:

~~A. Aitkin county: Part of Flowage Lake and the Sandy River Flowage, part of Sandy River Lake, and Prairie and Savanna River Flowage;~~

~~B.~~ Beltrami county: Puposky Lake, Little Puposky Lake;

~~C.~~ B. Carver county: Tiger Lake;

~~D. Freeborn county: Bear Lake;~~

~~E.~~ C. Jackson county: Part of South Heron Lake, all of North Heron Lake, except Winger Bay and North Marsh;

~~F.~~ D. Kandiyohi county: Wagonga Lake, Lake Lillian;

~~G.~~ E. McLeod county: Bakers Lake, Unnamed Lake, in T. 114 N., R. 29W, S. 28;

~~H.~~ F. Polk county: Turtle Lake; and

~~I.~~ G. Traverse county: Part of Mud Lake.

6240.2300 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

Subpart 1. **Designation of entire lakes.** The following lakes are designated as migratory waterfowl feeding and resting areas:

	Name	Location	County
A.	Bakers Lake	T.114N; R.29W	McLeod
B.	Bear Lake	T.101N; R.22W	Freeborn
C.	Big Rice Lake	T.140, 141N; R.26W	Cass
D.	Cottonwood Lake	T.106N; R.25W	Blue Earth
E.	Diamond Lake	T.110N; R.23W	Le Sueur
F.	Dora Lake	T.110N; R.23W	Le Sueur
G.	Lake Johanna	T.123N; R.36W	Pope
H.	Lake Lillian	T.117N; R.33, 34W	Kandiyohi
I.	Little Puposky Lake	T.149N; R.33, 34W	Beltrami

Approved by Revisor _____

J.	Mud Lake	T.131N; R.43W	Otter Tail
K.	Mud Lake	T.114N; R.26W	Sibley
~~I.~~ L.	Nelson Lake	T.124N; R.38W	Pope
~~J.~~	~~Oak-Leaf-Lake~~		
M.	Oakleaf Lake	T.110N; R.26W	Nicollet
~~K.~~ N.	Pleasant Lake	T.113N; R.23W	Scott
~~L.~~ O.	Puposky Lake	T.149N; R.33, 34W	Beltrami
~~M.~~ P.	Rice Lake	T.148, 149N; R.27W	Itasca
~~N.~~ Q.	Sanborn Lake	T.112N; R.23W	Le Sueur
~~O.~~ R.	Scotch Lake	T.110N; R.25W	Le Sueur
~~P.~~ S.	Squaw Lake	T.148, 149N; R.27W	Itasca
~~Q.~~ T.	Tiger Lake	T.115N; R.26W	Carver
~~R.~~ U.	Turtle Lake	T.148N; R.39W	Polk
~~S.~~ V.	Unnamed Lake	T.114N; R.29W; S.28	McLeod
~~T.~~ W.	Upper Rice Lake	T.145N; R.36, 37W	Clearwater
~~U.~~ X.	Wagonga Lake	T.118, 119N; R.34, 35W	Kandiyohi
~~V.~~ Y.	Washington Lake	T.114N; R.26W	Sibley

[For text of subps 2 to 8, see 16 SR 2863]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

REPEALER. Commissioner's Order Number 2450, parts 6240.2100, subpart 3; and 6240.2300, subparts 9, 10, and 11, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Emergency Game and Fish Rules; Controlled Hunting Zones; Taking Ducks, Coots, Moorhens, Geese; Migratory Waterfowl Feeding and Resting Areas

AGENCY: Department of Natural Resources

APPROVED AS TO FORM AND LEGALITY
September 16 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Amy V. Kvalseth
SPECIAL ASSISTANT ATTORNEY GENERAL

The attached rules are approved as to form

Paul E. Rhode

Paul E. Rhode
Senior Assistant Revisor

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: Natural Resources

DATE: September 14, 1992

RECEIVED

SEP 14 1992

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
Paul, MN 551

TO: Patty Nolte
Attorney General's Office

FROM: Chuck Armstrong Chuck
Administrative Rules Coordinator
Commissioner's Office

PHONE: 297-7031

SUBJECT: Review Of Emergency Game & Fish Rules

I am submitting the attached language for review by the Attorney General's Office as prescribed by Minnesota Statues, section 14.29, subd. 4(b). The Revisor's Office number for this document is RD2128. I have included seven copies of the document and a signed copy of a statement of emergency conditions. Please bill this to Division Code Number 065 and Client Code 0700.

If you have any questions, please call.

Thank you.

STATE OF MINNESOTA
Office Memorandum

DEPARTMENT: Natural Resources

DATE: 9-11-92

TO: Attorney General's Office, c/o Patty Nolte

FROM: Rodney Sando, Commissioner

BY: Ron Nargang, Deputy Commissioner

PHONE: 6-2549

SUBJECT: Statement of Emergency Conditions: Rulemaking on Waterfowl Hunting

The attached rulemaking is being promulgated under authority of M.S. 14.29, Subd. 4(b). The emergency conditions that do not allow compliance with M.S. Sections 14.29 to 14.36 are:

1) Biological and harvest data used in decision-making on seasons, quotas and limits are not available until July. Regulations must be in effect by the end of September; and

2) M.S. 97B.731 and M.S 97B.803 require that seasons for migratory birds be in accordance with federal law. Federal rulemaking for migratory birds is not finalized until September each year.

Att.