

Commissioner's Advisory Committee on Natural Heritage
Minnesota Department of Natural Resources
Box 25, 500 Lafayette Road, St. Paul, MN 55155

August 9, 2019

Bob Meier
Assistant Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155

Dear Bob:

Re: CAC Legislative Priorities – 2020 Session

Thank you again for attending our August 7, 2019 CAC meeting and for inviting CAC to submit our recommendations regarding DNR's legislative priorities for the 2020 Legislative Session. During our August 7, 2019 meeting, CAC voted to adopt the following recommendations to the DNR Commissioner as Legislative Priorities for the 2020 Legislative Session:

A. Non-toxic fishing tackle and non-toxic ammunition. The science is irrefutable that lead tackle and lead ammunition are hazardous to human health and the environment. Non-toxic alternatives are available and cost-effective. Therefore, CAC recommends the following legislation:

1. **Non-toxic fishing tackle.** "Effective on _____, 2021 [opening day of Minnesota walleye fishing season], no fish, or other wild animal, shall be taken in Minnesota waters by any method while possessing or using lead or other toxic fishing tackle."
2. **Non-toxic ammunition.** "A person may not take wild animals, within the State of Minnesota, while possessing or using ammunition containing lead or other toxic materials."

B. Repeal "ditch and right-of-way" exemption to Minnesota endangered species law. Minn. Stat. 84.0895, Subd. 2(a)(1) exempts plants from protection under the Minnesota endangered species law that are located on "... a ditch or on an existing public road right-of-way as defined in section 84.95, subdivision 6a, except for ground not previously disturbed by construction or maintenance ..." This language should be repealed for the following reasons:

1. An unknown number of listed plants exist within public road right-of-ways;
2. Road authorities have asserted that virtually all right-of-ways have been "previously disturbed by construction or maintenance" and, therefore, this exception to the exemption is only theoretical;
3. There is no rational basis to grant road authorities an exemption to the requirements of the Minnesota endangered species law;

4. There is no evidence in the record that road authorities are less able to comply with the law than any other person or entity; and
5. It is only fair and equitable that road construction and maintenance by road authorities should be subject to the same requirements as any other activity under the Minnesota endangered species law.

C. Repeal the “ignorance” exemption to Minnesota endangered species law. Minn. Stat. 84.0895, Subd. 2(d), exempts from protection under the Minnesota endangered species law:

“The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking ...”

This statute unjustifiably rewards ignorance and creates no incentive to investigate the consequences of a proposed action. Ironically, the statute creates no exemption for “threatened” species, which are, by definition, in less immediate danger of extinction. In most legal situations, ignorance is not a defense to a harmful activity. Citizens should be responsible for their actions. Therefore, the above language should be repealed.


D. Update turtle harvest laws. Based on the best available science, commercial turtle harvest is unsustainable and laws need to be modernized to better conserve turtle populations. Therefore, CAC recommends the following legislation:

1. Repeal legislation allowing the commercial harvest of turtles in Minnesota;
2. Repeal the exemption that allows the use of commercial equipment (i.e., traps) for recreational harvest of turtle;
3. Require the possession of both an angling license and a recreational turtle harvest license to harvest turtles for recreational use; and
4. Specify seasons, sizes, and possession limits for painted, snapping, and spiny softshell turtles harvested for recreational use.

Please feel free to contact me any time if you have questions or comments. As we mentioned to you during our meeting, CAC looks forward to your reply and learning, as soon as possible, the DNR’s final decision on the 2020 Legislative Priorities.

CAC looks forward to your suggestions regarding the best ways to move forward to protect and enhance Minnesota’s precious natural resources. Thank you.

Sincerely,



Mike Spry, Vice Chair

Cc: Steve Colvin
Jan Wolff
Molly Roske