

CHAPTER 97

GAME AND FISH

97.40	Definitions.	97.4842	Trout stamp.
97.482	Surcharge on small game hunting licenses appropriated.	97.488	Protection of threatened and endangered species.
		97.51	Rewards.

97.40 DEFINITIONS.

[For text of subs 1 to 20, see M.S.1980]

Subd. 21. "Resident" means any citizen of the United States or resident alien who has maintained a legal residence in the state of Minnesota for a period of 60 days immediately preceding the date of application for license, a domestic corporation, or a foreign corporation authorized to do business in the state which has conducted the business licensed at an established place within the state for a period of at least ten years.

[For text of subs 22 to 35, see M.S.1980]

History: 1981 c 356 s 280

97.482 SURCHARGE ON SMALL GAME HUNTING LICENSES APPROPRIATED.

Subdivision 1. To provide funds for the purpose of carrying out the provisions of sections 97.481 to 97.484, there is hereby imposed upon all small game hunting licenses a surcharge of \$4, which shall be added to such license fee, and which surcharge shall be free from any commissions and so stated on the back of the small game hunting licenses, together with the following statement: "This \$4 surcharge is being paid by sportsmen for the acquisition and development of wildlife lands."

[For text of subd 2, see M.S.1980]

History: 1981 c 356 s 281

97.4842 TROUT STAMP.

Subdivision 1. **Stamp required.** No person over the age of 18 and under the age of 65 years who is otherwise required to possess a Minnesota fishing license shall take trout by angling in any trout stream within this state without first purchasing a stamp and having the stamp in his possession while angling for trout in any trout stream. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons who are interested in the improvement of trout streams.

Subd. 2. **Fee.** A stamp shall be issued to each fishing license applicant or other person interested in improvement of trout streams upon the payment of a fee of \$3. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.

Subd. 3. **Use of revenue.** The commissioner shall approve projects for the following purposes:

(a) Development, restoration, maintenance or preservation of trout streams; and

(b) Necessary related administrative costs in an amount not to exceed ten percent of the annual deposits into the game and fish fund attributable to the sale of stamps.

History: 1981 c 356 s 306

97.488 PROTECTION OF THREATENED AND ENDANGERED SPECIES.

Subdivision 1. **Prohibition.** Notwithstanding any other provision of law, the taking, import, transport, or sale of any endangered species of wild animal, plant or parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide, or any parts of any endangered species of wild animal or plant is prohibited, except as provided in subdivisions 1a and 6.

Subd. 1a. **Application.** The provisions of subdivision 1 do not apply to plants on land classified for property tax purposes as class 3 or 3b agricultural land pursuant to section 273.13, or on ditches and roadways. The provisions of subdivision 1 do not apply to noxious weeds designated pursuant to sections 18.171 to 18.315 or to weeds otherwise designated as troublesome by the department of agriculture. When control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as reasonable effort is taken to preserve the endangered plant species first.

The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land shall not be a violation of subdivision 1, as long as reasonable care is taken in the pesticide or other chemical application to avoid impact on adjacent lands.

The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, shall not be a violation of subdivision 1.

For the purpose of this subdivision, class 3 or 3b agricultural land does not include timber land, waste land, or any land for which the owner receives a state paid wetlands or native prairie tax credit.

Subd. 2. **Designation.** The commissioner of natural resources, not later than January 1, 1984, by adoption of rules pursuant to chapter 15, shall designate any species of wild animal or plant as:

(1) Endangered, upon a showing that such species is threatened with extinction throughout all or a significant portion of its range; or

(2) Threatened, upon a showing that such species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range; or

(3) Species of special concern, upon a showing that while a species is not endangered or threatened, it is extremely uncommon in Minnesota, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. Species on the periphery of their range which are not listed as threatened may be included in this category along with those species which were once threatened or endangered but now have increasing or protected, stable populations.

For purposes of this section, the range of the species in Minnesota shall be a factor in determining its status as endangered, threatened or of special concern. A designation by the secretary of the interior that a species is threatened or endangered shall be a prima facie showing for the purpose of this section. Until

the commissioner adopts rules, those species designated as endangered by Section 4 (c) (3) of the Endangered Species Act of 1973 (PL 93-205) at the time of enactment thereof shall be considered endangered within the meaning of this section.

The commissioner shall reevaluate the designated species list every three years after it is first adopted and make appropriate changes. In particular, the review shall consider the need for further protection of species on the species of special concern list. Species may be withdrawn from designation in the same manner that species are designated pursuant to this subdivision.

Subd. 3. Studies. The commissioner of natural resources may conduct such investigations as he shall deem appropriate to determine the status and requirements for survival of any resident species of wild animal or plant.

Subd. 4. Management. Notwithstanding any other provision of law, whenever any resident species of wild animal or plant has been designated as threatened or endangered pursuant to this section, the commissioner of natural resources may undertake management programs and in connection therewith may issue orders, related to wild animals, and adopt rules as he deems necessary to bring the species to a point at which it is no longer threatened or endangered. Subject to the provisions of subdivision 6, management programs for endangered or threatened species may include, but need not be limited to, methods and procedures such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation and regulated taking.

Subd. 5. Enforcement. Any peace officer or conservation officer, pursuant to chapter 626, may execute a warrant to search for and seize any goods, merchandise, plant or animal taken, sold or offered for sale in violation of this section, or any thing used in connection with a violation of this section. Seized property shall be held pending judicial proceedings. Upon conviction, seized property is forfeit. Goods, merchandise, plants or animals shall be offered to a scientific or educational institution or destroyed.

Subd. 6. General exceptions. The commissioner may permit, on prescribed conditions, any act otherwise prohibited by subdivision 1 if:

- (1) The act is for the purpose of zoological, educational or scientific study;
- (2) The act enhances the propagation or survival of the affected species;
- (3) The act prevents injury to persons or property; or
- (4) The social and economic benefits of the act outweigh the harm caused by it.

No member of an endangered species may be destroyed pursuant to clause (3) or (4) until all alternatives, including but not limited to live trapping and transplantation, have been evaluated and rejected. The commissioner may permit, on prescribed conditions, the propagation of a species or subspecies for its preservation. A member of a threatened or endangered species may be captured or destroyed without permit by any person when necessary in an emergency to avoid an immediate and demonstrable threat to human life or property.

The commissioner shall give any approval under this subdivision for forest management, including as part of a permit, sale, or lease of land for timber harvesting.

Subd. 7. Application. This section shall not apply retroactively or so as to prohibit importation into this state and subsequent possession, transport and sale of wild animals or, wild plants or parts thereof legally imported into the United States or legally acquired and exported from another territory, state, possession or political subdivision of the United States.

History: 1981 c 285 s 1

97.51 REWARDS.

Rewards may be paid by the commissioner to others than salaried conservation officers or peace officers, for information leading to the arrest and conviction of any person for violating provisions relating to big game, or to threatened or endangered species of wildlife, in a sum not to exceed \$1,000; for violating provisions relating to other wild animals, not to exceed \$500. The rewards shall only be paid out of any funds donated to the commissioner for these purposes.

History: *1981 c 324 s 1*