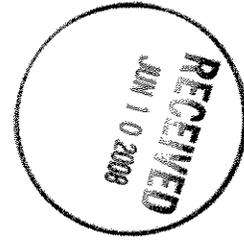




Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4000



May 30, 2008

Public Comments Processing
ATTN: RIN 1018-AV99
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive – Suite 222
Arlington, Virginia 22203

To whom it may concern:

The Minnesota Department of Natural Resources, Division of Fish and Wildlife recently reviewed the proposed rule changes for 50 CFR 80 and has the following comments on the proposed rule sections that are in italics below:

80.10 (a)(1)(iii): Ends no less than 1 year and no more than 2 years before the beginning of the Federal fiscal year that the apportioned funds first become available for expenditure; and

We understand that the change to this section is an attempt to standardize across states. Because our 12-month licensing year is March-February, this change will result in Minnesota using license year 2006 (March 1, 2006-February 28, 2007) for a second time. Submitted in 2007 for the apportionment distributed in FFY08, this data will again be submitted in 2008 for use in the calculation to determine the apportionment that will be distributed in FFY09. We understand that this is necessary to allow all states to use data from the same general time frame.

80.10 (b)(1): . . . The State may not count persons holding a license that allows the licensee to trap animals or engage in commercial activities.

As drafted, this statement is confusing and implies that a valid hunting or fishing license holder could not be counted as a licensed hunter or angler if the same individual also holds a trapping or commercial license. We do not think this is appropriate or was the intent and believe the rule would be more clear if it stated: “. . . *The State may not count persons who only hold licenses to trap animals or to engage in commercial activities.*” An alternative would be to leave the language the same as it is currently, “*Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation shall not be included*”, which also clearly states that licenses for trapping and commercial activities should not be included in the license certification.

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80.28: The Director may authorize exceptions to any provisions of this part that are not explicitly required by law.

It is not clear to us which provisions this exception would pertain to and which provisions are required by law. We also think this provision should include the process and criteria that would be followed for considering and making exceptions, including feedback from states, as well as the process for notifying states of exceptions that are made.

Thank you for providing this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "D R S C H", written in a cursive style.

David R. Schad, Director
Division of Fish and Wildlife
DNR Building – 500 Lafayette Road
Saint Paul, Minnesota 55155-4020
651-259-5180

DRS/JD/EKB/jls

c Ms. Jeanne Daniels, Federal Aid Coordinator, Division of Fish and Wildlife