

March 19, 2024

Representative Rick Hansen and Members  
House Environment and Natural Resources Finance and Policy

Chair Hansen:

Please know that I am opposed to the generalized restrictions and enhanced penalties under the DNR's Rare Species Law in Sections 4 and 5 of HF 3418. The Minnesota List of Endangered and Threatened Species has numerous additions over roughly the last 15 years. Those of us who use the list have not even received training on these. The list ranges from jumping spiders, caddis flies, bees, and moths to birds, bats, and large mammals and other candidate species that are known as Special Concern. As a forest planner, I am most familiar with the vascular plants. These now include some commercial species and one shrub. The DNR also has Landscape (regional) Plans that include "species of greatest conservation need" and "sentinel species". The restoration work that is anticipated through the listing has been understaffed and under-funded. Basically, the listing process results in a great deal of planning and very little action. Meanwhile, the populations continue to age and dwindle for reasons entirely unrelated to "takings".

Imagine yourself as a plant that is rooted in real property and has a persistent woody stem (raspberries on up). The widening weather extremes would be a real challenge. Reference the recent (March 17, 2024) Minneapolis Tribune article about EAB infestation in ash near Remer, MN. Foresters have a really big job to maintain forest habitats and carbon sequestration. I told this committee last year that the management tool that is needed to combat these infestations is infrared, aerial photography. Instead, we have a "silver bullet" that has been in the making for over 15 years. I am disappointed to report that there is not even a statewide canopy height coverage from all of the public money that has been spent on LiDAR. Instead this Committee and that in the Senate are picking fights with their own DFL supporters. When you prohibit "release" of rare species, you are dooming the remaining populations to a diminished gene pool, which will limit their ability to adapt to changing climate. Aside from some uses of the prohibited products through indigenous customs and religious practices, the markets are already curtailed through the confusion of the listing. We have the Ex Post Facto clause, but products have lost value. Most of the rare

vascular plants are in people's yards and small woodlots. Now you are proposing to "take" these genetic resources without any compensation.

This legislation violates the Commerce Clause and Equal Protection clauses of the US Constitution. Minnesota has the same in Section 13. If there were a legitimate State or Local purpose, it is not stated. I have not had a response, after numerous attempts, from the Senate author in over 4 weeks of asking. Rick has had only since Friday, but he hasn't responded, either. Did anyone even testify in favor during the initial hearing? I don't think so! The DFL Platform calls for compensation in taking of soil resources. Should not the same apply to genetic resources?

Please exclude woody plants, their parts and their seeds from this Act. Sorry, I am out of time.

Sincerely,

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