

# Minnesota DNR questions its rice-planting practice

## Officials didn't want to violate baiting law

*By Tony Kennedy  
Minneapolis Star Tribune*

Regulations controlling the baiting of ducks and other waterfowl have been around for a century and haven't been overlooked in Minnesota by federal agents or state conservation officers.

On the contrary.

For four full months leading up to this year's duck hunting season, which recently opened statewide, Department of Natural Resources (DNR) game managers have been forced to take a long, hard look at whether the state's fall tradition of seeding shallow waters with wild rice is against the law.

The short answer turned out to be "no, within limits."

But the question garnered serious debate in the game warden community, and a top DNR enforcement official said last week there's plenty of need for continued vigilance of wild rice seeding in duck hunting areas. Private citizens, conservation groups and some hunting clubs also practice seeding of wild rice near shore—primarily to benefit ducks, geese, swans, songbirds and even muskrats.

"You have to be very careful with the baiting issue," said Lt. Col. Greg Salo, assistant director of DNR's enforcement division. "It's a touchy subject."

According to a DNR briefing paper written last month by DNR wildlife specialists Ray Norrgard and Ann Geisen, a federal wildlife officer raised the issue after someone "dumped" a bunch of wild rice seed in waters within a wildlife refuge.

The Fish and Wildlife Service brought it to Salo's attention April 29, suggesting that seeded areas be closed for the entire waterfowl hunting season.

The concern sparked what DNR waterfowl specialist Steve Cordts described as a long, involved string of emails examining the agency's own wild rice seeding along with the practices of others.

"We've been doing it for decades," Cordts said. "Maybe 10 or 20 lakes a year."

The seeding of wild rice isn't part of any program that the agency tracks statewide, he said. Rather, it's an inexpensive tool for wildlife managers when they see a suitable site visited by waterfowl. Sometimes it's a bay in a lake where wild rice has lost its foothold as an annual plant. Other times it's to supplement an existing stand or to establish a stand in a new area.

Cordts said the seed is spread in the fall at a loose density of 50 pounds per acre. In the spring—if the seed sprouts out of the lake bottom—the plants provide vertical cover for nesting ducks and their chicks. The ducks and other wetland birds also forage in the area when the rice ripens. Seeding the same site for three years helps to ensure a self-sustaining seed bank.

According to the DNR, the typical range of natural wild rice in Minnesota includes 55 counties, with significant stands documented in more than 1,200 lakes or flowages. The biggest concentrations are in Aitkin, Cass, Crow Wing, Itasca and St. Louis counties in the northcentral part of the state.

The agency's briefing paper concentrated on the federal regulation that outlaws duck hunting over baited areas. The regulation defines "baited area" as "any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered" if it serves as a lure or attraction of migratory game birds where hunters are attempting to take them.

Cordts said DNR wildlife managers emphasized during the ensuing discussion that the agency's recipe of 50 pounds of wild rice seed per acre of water is too thin to be considered a lure.

It's the equivalent, he said, of scattering 50 sandwich bags full of seed over the area of a football field. Hulls and other scraps float, but the seeds sink to the bottom and corkscrew into the muck.

The DNR briefing paper said the key question is whether the planted wild rice could attract migrating ducks or is compelling enough to alter the birds' normal behavior.

"It's such a low density, they (ducks) are not attracted to it," Cordts said. "I mean,

c'mon, we're doing it for the benefit of wildlife.”

The wildlife specialists who wrote the briefing paper agreed. They conceded the possibility that ducks could discover the seed during typical foraging activity. But they concluded the density of the plantings are not enough to unduly attract the birds to the site.

“The Minnesota Department of Natural Resources Division of Enforcement and the Section of Wildlife conclude that hunting waterfowl over sites seeded with wild rice under the Natural Resource Conservation Service’s guidelines does not constitute baiting,” the briefing paper said.

Salo said the intra-agency rationale isn’t a blanket defense for anyone who wants to plant wild rice seed in waterfowl areas.

There are still legitimate concerns that some people might dump piles of wild rice seed into concentrated areas to attract diver ducks and dabblers. The baiting law would apply if people then hunted at the site, even on private land, he said.

Salo recommended that citizens refrain from seeding wild rice in waters just before the hunting season or during the season.

“Buy your seed in the spring,” he said. “Or plant in the fall, but don’t hunt it.”

Even if you’re a state wildlife manager, there’s an important caveat to follow to avoid crossing the line of the federal baiting, as the DNR sees it.

If duck behavior changes after an area is seeded by wildlife managers, Salo said, the state must close that area to hunting.

“We don’t want anyone to get in trouble,” he said.