



March 8, 2023

TO: House Environment and Natural Resources Finance and Policy Committee
FROM: Aaron Klemz, Chief Strategy Officer, Minnesota Center for Environmental Advocacy
RE: HF 2368 – Minnesota Swan Protection Act

Chair Hansen and Members of the Committee:

Thank you for your service to the people of Minnesota and thank you for the opportunity to testify on HF 2368. Minnesota Center for Environmental Advocacy (MCEA) is a nonprofit organization with almost 50 years of experience using law and science to protect Minnesota's environment and the health of its people.

MCEA supports HF 2368. Swan recovery in Minnesota is one of the biggest conservation success stories of the past few decades. Trumpeter swans were once on the path to extinction and were extirpated from Minnesota. Because of efforts across all levels of government, reintroduction of swans to Minnesota has been successful. The population of trumpeter swans has increased to over 25,000 birds, and the range of Trumpeter Swans continues to expand across the state.

As the population of Trumpeter Swans grows, they enter and rest on new waters, some of which contain lead. This bill is another step in the right direction for protecting vulnerable trumpeter swans and continuing their recovery. Swans are uniquely vulnerable to lead poisoning because of their physicality and the way they eat. They have long necks to get to the lake bottom and dig to access their food. Anything that sinks, like lead, is easily consumed along with the food.

It takes just one lead sinker to poison a swan. Once a swan has consumed a lead sinker or piece of lead shot, it is in grave danger. Lead poisoned swans are weakened and in pain for weeks and can only be helped by wildlife rehabilitators when they are so weak that they can be captured for treatment. At that point it costs thousands of dollars to treat each bird and is often too late. Many swans are too sick to save at that point, and even birds that recover suffer lifelong harm.

HF 2368 is a reasonable approach to address a horribly painful death for swans. We have already banned lead shot for waterfowl hunting in the 1990s specifically for this reason, and non-toxic alternatives for fishing tackle are widely available. Requiring the use of non-toxic alternatives to lead tackle in areas where swans rest is reasonable, and appropriating funds to continue the transition to non-toxic tackle is a wise investment.

Thank you, Chair Hansen, for this step in the right direction to protect Minnesota wildlife.

Sincerely, Aaron Klemz, Chief Strategy Officer, Minnesota Center for Environmental Advocacy



Minnesota Herpetological Society

PO Box 130366, Roseville, MN 55113

Chair Hansen and Committee Members
Environment and Natural Resources Finance and Policy
Minnesota House of Representatives

March 7, 2023

RE: Support for HF 2368, Swan Protection Act

Dear Chair Hansen and Committee Members:

The Minnesota Herpetological Society (MHS) represents over 300 members and supports a wide variety of programs aimed at amphibian and reptile education and conservation in Minnesota and beyond. In recent years there has been a growing body of evidence that accidental hooking of turtles can result in hook-induced injury, **lead poisoning**, and death (Borkowski, 1997; Steen et al., 2014; Steen and Robinson, 2017).

Turtles are one of the most imperiled groups of wildlife in the world, and a large body of research has found that even small increases in mortality of adult turtles – especially females – can have unsustainable impacts on turtle populations over the long term (Lovich et al., 2018).

The MHS supports the passage of the Minnesota Swan Protection Act (HF 2368) as well as the passage of additional legislation aimed at phasing out the use of lead ammo and tackle for all lands and waters within the State of Minnesota.

Sincerely,

Laura Windels
President, Minnesota Herpetological Society
president@mnherpsoc.org

Literature Cited:

Borkowski, R. (1997). Lead Poisoning and Intestinal Perforations in a Snapping Turtle (*Chelydra serpentina*) Due to Fishing Gear Ingestion. *Journal of Zoo and Wildlife Medicine*, 28(1), 109-113.

Lovich, J. E., Ennen, J. R., Agha, M., & Gibbons, J. W. (2018). Where have all the turtles gone, and why does it matter?. *BioScience*, 68(10), 771-781.

Steen, D. A., Hopkins, B. C., Van Dyke, J. U., & Hopkins, W. A. (2014). Prevalence of ingested fish hooks in freshwater turtles from five rivers in the southeastern United States. *PLoS One*, 9(3), e91368.

Steen, D. A., & Robinson Jr, O. J. (2017). Estimating freshwater turtle mortality rates and population declines following hook ingestion. *Conservation biology*, 31(6), 1333-1339.



Friends of Minnesota Scientific & Natural Areas

March 6, 2023

Representative Rick Hansen, Chair, and
House Environment and Natural Resources Finance and Policy Committee

VIA E-MAIL ONLY

Peter.Strohmeier@house.mn.gov

Re: Support of Minnesota Swan Protection Act (HF 2368)
For Committee Hearing, Wednesday, March 8, 2023

Dear Chair Hansen and Committee Members:

Friends of Minnesota Scientific and Natural Areas (FMSNA) is a Minnesota non-profit, tax-exempt [“501(c)(3)”] corporation organized to protect and enhance Minnesota’s Scientific and Natural Areas (SNAs). SNAs are the “crown jewels” of Minnesota’s state land base, protecting some of Minnesota’s rarest and most sensitive plant and animal species and the ecosystem upon which they depend.

First, it is important to state that FMSNA recognizes and fully supports the Minnesota Constitution, including Article XIII, Section 12, which states: “**Hunting and fishing** and the taking of game and fish are a valued part of our heritage that shall be **forever preserved** for the people and **shall be managed by law and regulation for the public good.**” [Emphasis added.]

FMSNA also recognizes that the science is clear. Lead is a potent neurotoxin, for which **no safe exposure level exists.** <https://www.lung.org/clean-air/at-home/indoor-air-pollutants/lead> [Last visited 3/4/23.]

Therefore, FMSNA supports the Minnesota Swan Protection Act (HF 2368) as an important legislative step forward, for “the public good”, towards “getting the lead out” of our hunting and fishing activities. If this bill is adopted, we urge the Minnesota Department of Natural Resources to consider “swan resting areas”, in or near Minnesota’s Scientific and Natural Areas, as a high priority for designation.

As a reminder, we are on record advocating that the Minnesota Legislature adopt comprehensive legislation to require the phase out of lead ammunition and lead fishing tackle – state-wide -on all Minnesota land and waters. Our advocacy is consistent with the Minnesota Environmental Partnership Collaborative Priorities 2023. (See attachment.)

FMSNAs looks forward to working with you – and other legislators on both sides of the aisle – to promote the passage of Minnesota Swan Protection Act (HF 2368) and to adopt subsequent legislation to **phase out the use of lead ammunition and lead fishing tackle on all of Minnesota’s land and waters.**

Rep. Rick Hansen, Chair
House Environment and Natural Resources Finance and Policy Committee
March 6, 2023

On behalf of FMSNA, I **thank you** in advance for your kind consideration. Please contact me any time, if you have questions or comments.

Very truly yours,

Thomas E. Casey

Thomas E. Casey
Board Chair
Friends of Minnesota Scientific and Natural Areas, Inc.

Please send correspondence to:
2854 Cambridge Lane
Mound, MN 55364
telephone: (952) 472-1099
e-mail: tcasey@frontiernet.net

Enclosure:
MEP Collaborative Priorities 2023 (page 5)

The Following 16 Organizations Have Signed On In Support of This Letter:

Audubon Minnesota Iowa Missouri
Austin Coalition for Environmental Sustainability
American Bird Conservancy
Clean River Partners
CURE (Clean Up the River Environment)
Friends of the Cloquet Valley State Forest
Friends of the Mississippi River
Minnesota Center of Environmental Advocacy
Minnesota Division, Izaak Walton League of America
Minnesota Environmental Partnership (MEP)
Minnesota Herpetological Society
Minnesota Ornithologists' Union (MOU)
Minnesota Well Owners Organization (MNWOO)
Mississippi Headwaters Audubon Society
Sierra Club North Star Chapter
St. Paul Audubon Society

Waste

- Require the accuracy of labels on compostable products to protect the quality of compost (Minnesota Composting Council, Eureka Recycling)
- Transition to a Zero Waste Economy, including supporting the Right to Repair, implementing Extended Producer Responsibility (EPR) to eliminate plastics, investing in recycling infrastructure for e-waste, researching alternatives for plastic and advanced recovery of minerals, and requiring clear labeling for plastics, PFAS, and compostable waste. (League of Women Voters Minnesota)

Mining

- Require that industry show a successful example of a copper nickel sulfide mine that has operated for 10 years and been closed for 10 years without polluting before building such a mine in Minnesota. *Prove it First* (Friends of Boundary Water Wilderness)
- Enact a ban on sulfide-ore copper mining on state lands and prohibiting the issuance of state permits, licenses or leases anywhere within the Rainy River Headwaters. *Boundary Waters Permanent Protection Bill* (Northeastern Minnesotans for Wilderness)
- Shift duty to promote mining from DNR to Department of Employment and Economic Development to prevent conflict between promotion and regulation (Friends of the Boundary Water Wilderness)
- Ban Minnesota from issuing non-ferrous mining permits to "bad actors" who have violated certain international laws including corruption, bribery, or natural resources destruction. (Friends of the Boundary Waters Wilderness)
- Require mining companies to fully fund any Financial Assurance package upfront and in cash. (Friends of the Boundary Waters Wilderness)

Water, Lands and Wildlife

- Repeal an exemption for endangered plants, otherwise protected by MN endangered species law, within Minnesota's 135,000 miles of public rights of way (Friends of MN Scientific and Natural Areas)
- Enact a statewide ban on lead fishing tackle and ammunition (Friends of MN Scientific and Natural Areas)
- Provide free water screening and financial assistance to well owners and communities to secure safe drinking water. (Minnesota Well Owners Organization)
- Fully fund Soil & Water Conservation Districts out of the Environment Finance Budget. (Land Stewardship Project)
- Adequately fund acquisitions of Scientific and Natural Areas. (Friends of Minnesota Scientific and Natural Areas)
- Fund the Conservation Reserve Enhancement Program (Land Stewardship Project)

Is your MEP member organization championing legislation that isn't on this list? This is a dynamic document. Contact Cecilia Calvo at cecilia@mepartnership.org



March 7, 2023

The Honorable Rick Hansen
407 State Office Building
St. Paul, MN 55155

Dear Chair Hansen,

On behalf of the American Sportfishing Association, the trade association representing the nation's recreational fishing industry, I am writing to seek clarification on HF 2368, a bill allowing designation of swan resting areas.

Lead has long been the most suitable metal for fishing sinkers, which are integral to many types of fishing and are a significant part of the recreational fishing economy. Recreational fishing is enjoyed by 1.8 million Minnesotans annually, supporting over 28,000 jobs with a \$4.4 billion economic impact in the state. The recreational fishing community is among the nation's leading conservationists, contributing \$1.7 billion annually to aquatic resource conservation through excise taxes, license fees and direct donations.

As we understand it, the intent behind HF 2368 is to limit the exposure of trumpeter and tundra swans to lead fishing tackle by designating certain water bodies in which use of lead sinkers would be prohibited. While we appreciate that the bill is more tailored to specific areas, we seek clarification on the need for the legislation.

While the death of individual animals is unfortunate and should be minimized, it is important to recognize that, with rare exception, fish and wildlife are managed at the population level in the United States. According to Audubon, the conservation status of tundra swans is, "stable, and large enough to sustain a limited hunting season in some areas." According to Minnesota Department of Natural Resources, the trumpeter swan population in the state has increased from 17,000 individuals in 2015 to over 30,000 in 2020.

Given the overall population health of tundra and trumpeter swans, we are unclear as to the need for legislation that could lead to restrictions on the use of traditional sinkers for Minnesotans throughout the state. While alternatives to lead sinkers exist, namely tin, steel and tungsten, these alternatives carry tradeoffs of cost and/or performance. Forcing anglers to purchase more expensive alternatives could deter fishing participation, harming fishing-dependent businesses and communities across the state, as well as reducing conservation funding provided by license fees and excise taxes. Therefore, such restrictions must be carefully considered.

Sincerely,

Mike Leonard
Vice President, Government Affairs

AMERICAN SPORTFISHING ASSOCIATION

1001 N. Fairfax Street, Suite 501, Alexandria, VA 22314 • 703-519-9691 • Fax: 703-519-1872
Web: www.ASAFishing.org • Email: info@ASAFishing.org

Dear Chair Hansen and Committee Members:

As a resident, elected official, river/watershed user and policy review committee member for the Lower St Croix River Partnership (established in the late 70s), I am pleased to see the proposed Minnesota Swan Protection Act (HF 2368). This bill has been a long time coming, with decades of substantive and proven science to support the lethality of lead tackle (and shot which is not included in this proposed bill) on wildlife.

While Trumpeter swans are an iconic and growing population within the St. Croix River Valley, know that the impacts from the use, discard and remnants of this metal have a much larger scope of impact than one bird species. With that said, I would recommend this as but a first step towards greater scoped legislation regarding the comprehensive impacts of lead upon wildlife. And humans.

Beyond aging lead pipe infrastructure, ingestion and exposure to lead particulate and lead shot from hunting and target shooting remains to be examined.

I would urge the passage of Minnesota Swan Protection Act (HF 2368) and to adopt subsequent legislation to **phase out the use of lead ammunition and lead fishing tackle on all of Minnesota's land and waters.**

Thank you for your attention to this important matter and we look forward to continuing to broaden the scope of this deadly issue.

Wendy Ward



Attn: House Committee on Environment & Natural Resource Finance & Policy
Re: House File 2368
Date: March 7, 2023
Position: Oppose

Honorable Members of the House Committee on Environment & Natural Resource Finance & Policy,

I write you today on behalf of the Congressional Sportsmen's Foundation in opposition of House File 2368, which would ban the use of lead sinkers in waters designated as "swan resting areas" by the Minnesota Department of Natural Resources (DNR). The language applies to a significant portion of the state's waters and does not adequately describe what criteria would constitute designation under this proposed law. Further, wildlife management decisions made by state agencies across the country, including the Minnesota DNR, are made at the population-level rather than based on individual instances, and there is no known scientific evidence that suggests lead sinkers impact fish and wildlife species, including swans, at the population-level. I respectfully request the members of this Committee to reject the passage of this bill.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

This bill does not specify the conditions that would warrant the Minnesota DNR to designate waters as swan resting areas, except that the water must be within the swan migration corridor. Presently, the DNR states that the swan migration corridor occupies the entire Mississippi River Valley,¹ which is essentially all waters in the State. This language is extremely broad and, without a list of narrow criteria, subjects nearly the entirety of Minnesota to a ban on lead sinkers. Earlier this year, DNR Commissioner Sarah Strommen reversed an emergency rule that would have required non-lead ammunition while hunting on specific state lands, citing that such ammunition is "not readily available and could significantly reduce participation."² Like non-lead ammunition, there is not enough functionally equivalent, non-lead sinkers to meet the demand of the many sportsmen and women that annually contribute to Minnesota's storied outdoor traditions and bolster its economy.

¹ *Minnesota Department of Natural Resources*, Tundra swans, Accessed March 7, 2023, <https://www.dnr.state.mn.us/birds/swans/tundra.html>

² *Minnesota State Register*, 47 SR 394, October 24, 2022. https://mn.gov/admin/assets/SR47_17%20-%20Accessible_tcm36-544924.pdf

Your Inside Connection to Outdoor Legislation

A functional ban on lead sinkers would jeopardize the state’s recreational fishing industry as anglers would have significant difficulties in complying with the requirements of this proposed bill and would therefore be unable to participate. Minnesota enjoys extreme benefits from its recreational fishing industry. According to the Minnesota Sportfishing Foundation Coalition, fishing supports over 28,000 jobs and generates more than \$4.4 billion annually for the state’s economy, and more than a quarter of Minnesotans participated in fishing in 2022.³ Further, through the unique “user pays – public benefits” approach of the American System of Conservation Funding, state fish and wildlife management agencies derive significant portions of their funding through license sales and excise taxes on outdoor goods such as fishing rods, tackle, motorboat fuel, and other angling-necessities.⁴ Because anglers would be challenged to fully comply with the requirements of HF 2368, they would likely be discouraged from purchasing a fishing license or these outdoor goods. In 2021, the sale of fishing licenses alone provided the Minnesota DNR with more than \$36.5 million, and excise taxes on outdoor goods generated an additional \$14.7 million.⁵ Banning lead sinkers creates a significant barrier to participation and puts this much-needed conservation funding at risk.

Finally, science-based management decisions made by state fish and wildlife agencies across the country are not made based on individual instances, but rather at the population-level, and yet there is no scientific evidence that suggests that lead sinkers impact fish and wildlife populations at the population-level. Management of swan populations should not follow a different standard than is applied to other Minnesota species managed by the DNR.

I respectfully urge the honorable members of this Committee to oppose the passage of House File 2368. There is no scientific evidence that indicates lead sinkers threaten fish and wildlife at the population level in Minnesota, but lead sinkers are a foundational component of an extremely strong and important pillar of Minnesota’s economy and conservation funding. Without adequate parameters for what constitutes swan nesting areas other than the broad migration corridor that encompasses essentially all waters of the state, many Minnesotans would be unable to participate in fishing, a time-honored tradition that has supported the state for generations, due to a significant lack of available functionally equivalent and affordable non-lead sinkers. I thank you for the opportunity to provide testimony on this important issue and welcome any questions.

Sincerely,



Robert Matthews

Senior Coordinator, Great Lakes States

Congressional Sportsmen’s Foundation

rmatthews@congressionalsportsmen.org | 517-210-2890

³ *MN-Fish*, “State of Minnesota Fishing Summit ‘Great Success’” Accessed January 27, 2023.

https://mn-fish.com/state-of-minnesota-fishing-summit-great-success/?utm_source=rss&utm_medium=rss&utm_campaign=state-of-minnesota-fishing-summit-great-success

⁴ *Congressional Sportsmen’s Foundation*, “American System of Conservation Funding,” Accessed January 30, 2023. <https://congressionalsportsmen.org/policies/state/ascf>

⁵ *Congressional Sportsmen’s Foundation*, “ASCF Fact Sheet – Minnesota.”

March 7, 2023

Dawn Tanner, PhD
Conservation Biologist

Representative Rick Hansen, Chair,
and House Environment and Natural Resources Finance and Policy Committee
VIA E-MAIL ONLY Submitted to: Peter.Strohmeier@house.mn.gov

Re: Support of Minnesota Swan Protection Act (HF 2368) for Committee Hearing, Wednesday, March 8, 2023

Dear Chair Hansen and Committee Members:

I submit this letter in support of the Minnesota Swan Protection Act (HF 2368). When adopted, this act will provide a clear process for protecting swans in known lead-poisoning areas. This will be an important step toward Getting the Lead Out more broadly in our state. The Vadnais Lake Area Watershed is a well-documented location where trumpeter swans have died of lead poisoning during winters when other area waterbodies are frozen over. The water stays open in our watershed because of the drinking water that is pumped from the Mississippi River, through the chain of lakes that includes Sucker and East Vadnais (the drinking water reservoir), and to residents of St. Paul and surrounding communities. During past years, residents in our watershed, including a local Girl Scout Troop have presented to the Environment and Natural Resources Finance and Policy Committee on behalf of the swans and in support of the current iteration of the Get the Lead Out program.

The Vadnais Lake Area Watershed has been a focal point and source of information regarding trumpeter swan deaths due to lead poisoning. A minimum of 25 swans have died at Sucker Channel and on East Vadnais Lake, Vadnais Heights, since 2019. The Watershed, County, MN Department of Natural Resources (DNR), and rehabilitation centers all receive calls and emails from residents concerned about dying swans. I personally retrieved 13 dead swans and brought them to the University of Minnesota Veterinary Diagnostic Center for testing, with support from the DNR from 2019 to 2021. All of the swans that were tested died of lead poisoning. Sediment and habitat testing at the channel showed that there is a concerning amount of continued input of lead sinkers at this high-use fishing area. This location has become an important education location and features a Get the Lead Out lead tackle dropbox that was established in partnership between the Watershed, Minnesota Pollution Control Agency (MPCA), and Ramsey County.

The DNR is no longer funding continued testing of dead swans because lead poisoning of swans at this site is so well documented. To prevent scavengers from feeding on poisoned carcasses, we are able to use the DNR account to drop off dead swans at the UMN Veterinary Diagnostic Center to be digested. This is a safe way of removing dead swans that could otherwise poison coyotes, eagles, and other scavengers that feed on them.

Swans are particularly susceptible to lead poisoning because they pick up lead sinkers and grind them in their gizzard. Lead is soft and becomes incorporated into the tissues of these birds. A dead carcass on the water is a poisoned carcass for other wildlife or pets that might eat it. Alternatives to lead sinkers and tackle are widely available. They are made of steel, tungsten, bismuth, tin, glass, and others. Voluntary programs have allowed new companies to enter into the market and expand into non-lead alternative products. However, studies such

as those done by the Minnesota Raptor Center show that there has been no reduction in the rate of lead poisoning in wildlife. Legislation is needed to advance the goal of getting lead out of our water and wildlife.

As I heard about this hearing, we have had our first reports of swans exhibiting signs of lead poisoning at Sucker Channel. Residents called Ramsey County Parks to report the most recent ailing swan on March 6, 2023. Swans dying from lead poisoning suffer a long, slow death that is highly visible and concerning to residents who witness these deaths. The swans will gape their mouth open, they are emaciated from being unable to eat, they wobble and shake their heads, they stumble and fall, and finally they tuck their heads under their wings and often die frozen into the ice at the water's edge. Their deaths appear to be agonizing, and they are preventable.

Minnesota worked hard and invested tax-payer dollars to bring trumpeter swans back from the brink of extinction. Their deaths, along with loons, eagles, and others today are unnecessary. The Swan Protection Act is one way to work to protect swans specifically and increase education about the harm caused to our wildlife through the use of lead sinkers, fishing tackle, and ammunition. I support promoting the passage of Minnesota Swan Protection Act (HF 2368) and continuing to work to adopt subsequent legislation to phase out the use of lead ammunition and lead fishing tackle on all of Minnesota's land and waters.

Sincerely,

Dawn Tanner

Please send correspondence to:
2040 Como Ave
St. Paul, MN 55108

telephone: (612) 859-2925
e-mail: tann0042@umn.edu

See photos attached below:

Swans that died at the channel and were brought in for testing



Dead swans found by residents visiting Sucker Channel



Photo by resident Debbie Hartmann showing a dead juvenile swan in the foreground, and live swans and other waterfowl at the open water of the channel on a cold winter day



Dear Representative Hansen,

I am writing to thank you for sponsoring HF 2368, Minnesota Swan Protection Act. As a member of Minnesota's Wildlife Rescue and Release, I am painfully aware of the threats to Minnesota's swans from lead poisoning. I urge you to do anything you can to protect swans, and loons from deadly lead poisoning, and I support this bill. **Additionally, I hope you will work to support Representative Fischer's bill, HR 944, a bill that will prohibit the sale, manufacture, and use of lead fishing sinkers and jigs one ounce or less, and 2.5 inches or less,** or effectively partner with Representative Fischer to combine the bills so that both swans and loons are protected from lead poisoning.

As you likely know, just one lead sinker can kill a common loon, our Minnesota State Bird! One in five loons dies a slow and painful death from lead poisoning. This is a common sense bill! One both parties have a duty to support. It will protect our state bird, the common loon, from fatal lead poisoning, while protecting anglers' access to larger sized lead tackle that is less likely to harm loons. Additionally, this bill will provide new business opportunities for tackle manufacturers and sellers. Everyone wins! Thank you for your work!

As Chair of the Association of Cass County Lakes Loon Conservancy Committee, Chair of the Gull Chain of Lakes Association's (GCOLA) Loon Conservancy Committee, GCOLA's Loon Liaison for the MN DNR's Minnesota Loon Restoration Project, and a member of two North American loon stewardship and conservancy working groups, I believe there is an urgent need to pass this bill to protect the lives of our loons. Fishing tackle manufacturers have stated they will not increase manufacture of lead-free tackle unless there is a law which makes it necessary for them to do so, and fishermen need more lead-free tackle options and a requirement to use them in order for loons to be protected from this deadly toxin. I have rescued numerous loons that were dying of lead poisoning and have received desperate calls from Minnesotans who have found dying lead poisoned loons that need help. Unfortunately, they can rarely be saved, even by the most skilled wildlife veterinarians. When a mated loon is sickened by lead poisoning and leaves its mate to care for their chicks, the chicks will die because feeding, protecting, and rearing chicks requires the efforts of both loon parents. Our loon populations are declining, and lead poisoning is a leading cause of their decline. Lead poisoning is human caused, and as humans it is our duty to prevent it!

Protecting loons from lead poisoning is a primary goal of the Minnesota DNR's Minnesota Loon Restoration Project, the Gull Chain of Lakes Association's Loon Management Plan, and the loon management plans of many Minnesota lakes, and we need your help to accomplish this goal! When you save one loon you are saving future generations of loons! Swans need protection too! Please craft a bill that will protect both swans and loons!

Protecting the Minnesota loons we love,

Sheila Johnston

Chair, Association of Cass County Lakes Loon Conservancy Committee

Chair, Gull Chain of Lakes Loon Conservancy Committee

Member, Minnesota Wildlife Rescue and Release

Member, North American Loon Stewardship Working Group

Member, North American Loon Rescue and Rehabilitation Working Group



© Sheila Farrell Johnston



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Please be the voice for both Minnesota's loons and swans!



Wildlife Rehabilitation & Release, Inc.
P.O. Box 28127, Crystal, MN 55428
(612) 822-7058
info@wrr-mn.org
www.wrr-mn.org

March 7th, 2023

Representative Rick Hansen, Chair, and
House Environment and Natural Resources Finance and Policy Committee

Re: Support of the Minnesota Swan Protection Act (HF 2368)

Dear Chair Hansen and Committee Members,

My name is Gretchen Strate and I am the Coordinator of the Wildlife Rehabilitation & Release Wildlife Rescue Team. Wildlife Rehabilitation & Release (WRR) is a local, nonprofit wildlife rehabilitation organization founded in 1994 with a mission to serve the community of orphaned and injured wildlife, the community of citizens bringing animals to our attention, and the community of wildlife rehabilitators seeking education and support. I am writing on behalf of WRR in support of the Minnesota Swan Protection Act (HF 2368).

WRR launched a Wildlife Rescue Team in June of 2021 to capture and transport injured and sick wild animals that the public is unable to safely capture on their own and to coordinate placement into permitted rehabilitation facilities. Since our inception, the Wildlife Rescue Team has responded to dozens of calls about impaired Trumpeter Swans that were then diagnosed with lead toxicity. Additionally, our member rehabilitators have been working for many years with wildlife affected by lead toxicity. Lead poisoning causes significant and prolonged suffering and symptoms include muscle weakness and paralysis, tremors, impacted crops, decreased gastrointestinal mobility, hypoxemia, seizures, vasculitis, an inability to regulate body temperature, vomiting and diarrhea, and starvation. Half of the swans admitted to our local wildlife clinic suffer from lead toxicity, with a survival rate of only about 25% even with treatment. The Minnesota Department of Natural Resources identifies lead poisoning as the greatest threat to Trumpeter Swans, stating that about 40% of fatalities are caused by lead poisoning. It is especially difficult to witness the suffering of these animals while knowing that these illnesses and deaths are preventable.

Lead toxicity is a significant threat to swan populations in our state. I encourage our legislators to take the appropriate actions to protect our wildlife, including passing the Minnesota Swan Protection Act (HF 2368) and legislation phasing out the use of lead tackle and lead ammunition.

Thank you for considering my comments, and please feel free to contact me with any questions.

Gretchen Strate

Wildlife Rehabilitation & Release

612-201-7778

Dear Chair Hansen and Committee Members:

As a resident, elected official, river/watershed user and policy review committee member for the Lower St Croix River Partnership (established in the late 70s), I am pleased to see the proposed Minnesota Swan Protection Act (HF 2368). This bill has been a long time coming, with decades of substantive and proven science to support the lethality of lead tackle (and shot which is not included in this proposed bill) on wildlife.

While Trumpeter swans are an iconic and growing population within the St. Croix River Valley, know that the impacts from the use, discard and remnants of this metal have a much larger scope of impact than one bird species. With that said, I would recommend this as but a first step towards greater scoped legislation regarding the comprehensive impacts of lead upon wildlife. And humans.

Beyond aging lead pipe infrastructure, ingestion and exposure to lead particulate and lead shot from hunting and target shooting remains to be examined.

I would urge the passage of Minnesota Swan Protection Act (HF 2368) and to adopt subsequent legislation to **phase out the use of lead ammunition and lead fishing tackle on all of Minnesota's land and waters.**

Thank you for your attention to this important matter and we look forward to continuing to broaden the scope of this deadly issue.

Wendy Ward

March 14, 2023.

To: House Environment and Natural Resources Finance and Policy Committee - Testimony on H. F. 2368 Minnesota Swan Protection Act

**From: Carrol Henderson, Retired DNR Nongame Wildlife Program Supervisor, 1977-2018, 640-119th Lane NE, Blaine, MN 55434.
carrolhenderson@prodigy.net .**

Re: Minnesota Swan Protection Act (HF 2368)

Chair Hansen and Committee Members:

Thank you for the opportunity to testify on H. F. 2368, the Minnesota Swan Protection Act. I sincerely appreciate the intent of this bill to protect trumpeter swans and concurrently restrict the use of lead fishing tackle on waters used by swans. However, this bill as currently proposed has some flaws that need to be remedied before passage.

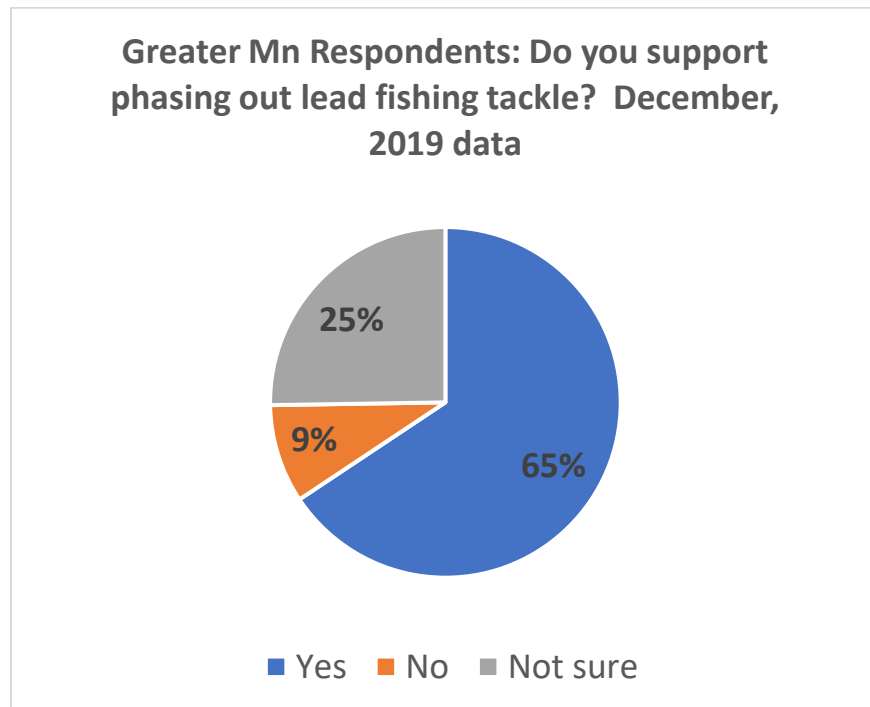
This issue needs an upfront discussion on the real reason we need this type of legislation; that is not only to protect native swans but also to protect common loons, bald eagles, other wildlife - and humans - through the continuing use of toxic lead fishing tackle and toxic lead hunting ammo.

Certain organizations assert that we shouldn't be concerned about poisoning of swans with lead tackle unless the losses reach "population level effects" that would require listing them as "threatened" or "endangered." Does this mean that anglers don't need to care about protecting our nongame wildlife and that they can poison our swans, loons and other wildlife without consequence, until such time that they are listed as "threatened" or "endangered?"

This is a red-herring approach to conservation that ignores the collateral damage currently resulting from use of lead in both fishing tackle and hunting ammo. In the military, "collateral damage" refers to when soldiers accidentally kill fellow soldiers. In the world of hunting and angling, it refers to when hunters and anglers accidentally or incidentally kill protected nongame wildlife species that are otherwise protected by state or federal law. Perhaps 40 years ago, we did not know about or understand the consequences of using lead in ammo and fishing tackle. But now we know! "Collateral damage" of some of our state's most iconic wildlife species is not just unfortunate. It is avoidable! There are now an increasing variety of nontoxic fishing jigs and sinkers and hunting ammunition available to prevent those losses!

The unfortunate consequence of this is that, as the public becomes more aware of the losses of wildlife caused by the unnecessary use of lead in hunting and fishing, it soils the image of hunters and anglers who refuse to change to use of nontoxic tackle and nontoxic ammo. We need to preserve the image and reputation of hunters and anglers as conservationists to preserve the legacy of those outdoor traditions. If this is to

happen, hunters and anglers need to lead in that change! Hunters and anglers are no longer in the majority in the world of public opinion. At the Northwest Sportshow this year, 237 attendees responded to an MPCA questionnaire that asked “How important do you think the issue of lead metal in fishing tackle is? A total of 86% of the respondents said it was either important or very important!! Only 5% answered that it was not important or not at all important. Also, 75% of those questionnaire respondents supported phasing out lead fishing tackle! The Minnesota Pollution Control also did a survey in 2019 for outstate residents, and 65% of the respondents supported phasing out lead fishing tackle.



In 2011, the US Fish and Wildlife Service did their periodic National Survey of Hunting, Fishing, and Wildlife-Associated Recreation. The Minnesota summary revealed that the average Minnesota angler spent about \$1620 per year for fishing. Those expenditures will undoubtedly be much higher in the current survey that is underway. But suppose an angler were to spend an extra \$40 per year for nontoxic tungsten-based fishing jigs and sinkers to avoid poisoning swans or loons. That is less than 3% of an angler’s annual expenditures for fishing! Isn’t it worth that much for the opportunity to save a loon or trumpeter swan from lead poisoning?

The lead poisoning issue has become more pervasive than we ever could have realized. It began for me in November of 1974 when I found a bald eagle dying of lead poisoning at the Lac qui Parle Wildlife Refuge. That was 49 years ago. I learned about the problems of loons dying of lead poisoning from fishing tackle, and then trumpeter

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swans also dying from lead poisoning in fishing tackle. We have learned how bald eagles were dying when they consumed deer gutpiles containing lead bullet fragments.

The Minnesota Agriculture revealed that venison being donated to food shelves also contained lead bullet fragments. We can presume that hunters who shoot deer with lead bullets are feeding that contaminated venison to their spouses and children. Then lead was found in Minnesota's children of employees of Water Gremlin in 2019, and the Minnesota Department of Health has recently shown that the children of employees at Federal Cartridge are also carrying excessive lead levels because their parents brought home lead dust. It is time to "bite the proverbial bullet" because lead is reaching Minnesota's citizens! The effects are not always fatal, but the health impacts are real! There are no safe levels for lead ingestion for humans. Do we ignore this threat to Minnesota's citizens and children for another 50 years by claiming it doesn't matter unless lead poisoning reaches "population level" impacts?

We need to treat lead as the toxic poisonous metal that it really is and initiate legislation to phase out the use of lead in both fishing tackle and hunting ammo as we have already done with other uses of lead like in paint, gasoline, and water pipes. We already have nontoxic alternatives available, and both ammunition manufacturers and fishing tackle manufacturers are coming up with even more nontoxic alternatives. They already know that use of nontoxic fishing tackle and hunting ammo is the future if we wish to preserve the reputation of hunters and anglers as our nation's first conservationists.

The Minnesota Swan Protection Act is an honorable first step, but it will require significant amendments (current references to "critical" habitat are vague, and "migration corridors" are not defined. I view the requirements for county-by-county hearings and posting of notices as expensive and cumbersome). I am currently comfortable only with Sections 6 and 7 in this proposed legislation. This issue is bigger than just "swans!"

I would be happy to work with concerned legislators to refine this legislation to achieve a lead-free future for Minnesota's hunters and anglers.

Thank you for your kind attention.