

Response to Citizen Oversight Report

12/13/2023

This document contains the response of the Minnesota Department of Natural Resources (DNR) to the top findings and recommendations from the Citizen Oversight Report on Game and Fish Fund (GFF) for Fiscal Year 2022. The document is structured to present a given finding/recommendation by the Budgetary Oversight Committee (BOC), followed by the response from DNR.

Hatcheries Funding

BOC Finding/Recommendation

The BOC was very excited to learn about the funds the DNR received to update two of the hatcheries during the 2023 legislative session. The BOC recognizes that while funds were approved to update and modernize Crystal Springs and Waterville hatcheries there are additional hatcheries that would benefit from updates and needed renovations. For the existing hatcheries, maintenance fees keep increasing due to the aging infrastructure. Hatcheries provide an essential support system to a variety of fish species which are some of our state's most important aquatic ecological and recreational natural resource assets. The BOC is requesting a breakdown of how the \$60 million appropriated from the 2023 legislative session will be spent and timelines to complete the work. In addition, the BOC recommends the DNR continue advocating for the additional hatcheries that will need updating in the near future.

DNR Response

The Minnesota Department of Natural Resources received a total of \$60 million from the 2023 legislative session, with \$35 million in [Get Out More](#) funding that is designated for hatchery improvements and shore fishing infrastructure. In addition, the agency received \$25 million in the bonding bill for fishing related projects: \$20 million specifically designated for the Waterville Fish Hatchery; \$4 million in funds that could be used for other hatchery improvements; and \$1 million for shore fishing infrastructure.

The two primary projects planned for the funding are major hatchery rebuilds at Waterville Fish Hatchery and Crystal Springs Fish Hatchery. In 2018, DNR contracted for a feasibility study at Waterville and Crystal Springs Hatcheries to provide an objective analysis of the existing facilities, review their fish production capabilities, and recommend improvements needed to modernize the hatcheries to meet a 20-year fish production vision. The study included concept designs and assigned an opinion of probable cost to those concepts. In order to meet the modernization vision, Crystal Springs includes a complete rebuild of the hatching, nursery, and rearing facilities. Waterville includes a rebuild of the hatching and nursery facilities with the addition of new hatching, nursery,

and rearing capacity in the form of a recirculating aquaculture system. The work at Waterville includes upgrades to existing rearing ponds.

Costs are estimates based on concepts, not construction documents, so current best estimates are \$24 million for the Waterville project and \$19 million for the Crystal Springs project. Planning work is underway for approximately \$12 million for investments in the other hatcheries in the system and for \$5 million that to developing and improving shore fishing access.

Timeline

The timelines for the Waterville and Crystal Springs projects are similar. The estimated timeline for both projects is below:

Timeline	Project milestone
January - April 2024	Advertise and award design contract via State Designer Selection Board (includes pre-design and construction administration)
Summer 2025	Advertise and award construction contract
Fall 2025	Construction start
2027	Construction complete

Additional Projects

Approximately \$12 million is being targeted at investments at other hatcheries. Many of these projects are listed below. The projects are identified as those that are “1” are already underway and/or are in our top priority group, “2” are projects in our second priority group that we believe will be completed with existing funding, and “3” are priority projects that will be funding dependent.

- Bemidji
 - Repair muskie rearing pond²
- Detroit Lakes
 - Water source improvements¹
 - Back-up generator replacement¹
- Grand Rapids
 - Head tank replacement²
 - Upgrade water filtration system²
- Hinckley
 - Muskie ponds water supply¹
- Lanesboro
 - Spring pool impoundment repairs¹
 - Replace raceway building roof³

- New London
 - Replace 18-inch main waterline²
 - Upgrade water heating system²
 - Rearing pond repairs and maintenance²
- Pike River
 - Replace water chiller and back-up generator¹
- Spire Valley
 - Construct a heated pole barn³
 - Spring pool dewatering and cover placement¹

The projects listed above are in various stages of design and implementation. Some projects are already underway, including the spring pool impoundment repairs at Lanesboro, spring pool dewatering and cover placement at Spring Valley, and planning for the water source improvements in Detroit Lakes. Plans for the rest of the projects are being developed. All of these are important projects that we will pursue to the extent possible with the remaining funds.

The funding is available through 2029, and we will be actively working within the division, agency and with stakeholders to ensure improvement projects are proactively managed and adjustments are made so that the highest priority work is accomplished. As these improvement projects progress, DNR will evaluate remaining hatchery needs and opportunities for funding to address those needs.

Shotgun-only Zone

BOC Finding/Recommendation

The Budgetary Oversight Committee (BOC) requests feedback from the DNR on legislation proposed during the 2023 legislative session regarding the removal of the historical shotgun zone. The BOC acknowledges this legislation did not pass and is requesting information on how the DNR is preparing if this legislation is introduced again in the 2024 session and passes. The concept of converting shotgun deer hunting zones to rifle hunting zones has complex and diverse opinions amongst hunters and non-hunters. Rifle hunting may provide a higher hunter-success ratio as rifle rounds tend to be more accurate at longer distances than shotgun rounds. With accuracy and ballistics, there may be less wounding loss. However, with rifle cartridges carrying further, there may be a pause for safety concerns. There is also a substantial social component to the removal of the shotgun zone. The majority of the state population resides in the current shotgun-only zone. Other states have made changes from shotgun to rifle zones. Has the DNR been in contact with those states to see what kind of social impact they have had, specifically hunting-related accidents. Outside of social concerns, we ask if the has DNR received data from those other states providing harvest statistics (Ex. Are new rifle zones harvesting more deer than when it was a shotgun zone?). Additionally, the BOC is requesting the DNR provide guidance on how enforcement may look in the event this legislation passes. The BOC realizes that due to population density, rifles will still need to be restricted in some areas. The BOC is respectfully requesting the DNR provide feedback on what the DNR would propose to keep as shotgun-only areas and what preparations the DNR is making to enforce these changes if this legislation is passed.

DNR Response

Social and safety impacts from other states

The DNR has been in contact with other states that have transitioned from shotgun-only zones to rifle zones and has received information related to social and safety impacts. Wisconsin removed its shotgun-only zone in 2003. As part of the justification for the change, the Wisconsin Department of Natural Resources cited the disproportionate number of safety related incidents involving shotguns during deer season compared to rifles. Since the change, the agency has not observed a significant uptick in firearms related incidents compared to previous years.

New York has gradually allowed rifle use throughout the state on a county-by-county basis. As part of the justification for allowing rifles, the New York Department of Environmental Conservation cites a decrease in safety incidents as the number of counties allowing rifles has increased.

Safety concerns

In Minnesota, rifles are already allowed in the shotgun zone in certain circumstances. Hunters currently can shoot coyotes at night with high-powered rifles anywhere in the state, including in farmland areas. In addition, hunters currently can use handguns with rifle calibers in the shotgun zone, including AR platform modified rifles. Northwestern Minnesota allows rifles and has similar land types to southwestern Minnesota and there is no evidence to suggest firearms-related hunting incidents are more common there.

There are regulations in place to address safety concerns in agricultural areas in Minnesota. On private land or a public right-of-way, a person may not discharge a firearm within 500 feet of a building occupied by humans or livestock without permission. A person may not discharge a firearm within 500 feet of a corral of 1 acre or less that contains livestock for the purpose of normal livestock holding or sorting operations without permission. The 500-foot setback regulations do not apply to people hunting on public lands, other than road right-of-way. This includes both the corral regulation and the livestock and occupied dwelling regulation listed above.

Harvest implications

We can look at deer success rates in Minnesota to inform how the hunter success rate may change if the shotgun-only zones transitioned to rifle zones. Many factors affect hunting success, including deer population density, hunter selectivity, weather, climate, and habitat. These factors vary widely across the state, so if we were to only compare the average hunter success rate in the entire shotgun and rifle zones, it would not be conclusive.

It may be more informative to compare the difference in hunter success rates among deer permit areas that straddle the shotgun zone boundary. The deer populations along this boundary experience similar habitat and climate conditions. The average hunter success rate for antlered bucks in the deer permit areas that occurred within the southern boundary of the shotgun zone was 27%, whereas the success rate for deer permit areas that occurred just north of the boundary in the rifle zone was 24%. Therefore, although this is just one exercise, we wouldn't expect significant increases in hunter success in the shotgun zone if it was opened to allow rifle use.

While we would not expect increased success if the shotgun zone was opened to rifle use, the DNR would welcome increased hunter success in what is now the shotgun zone. Of the 31 deer permit areas in Minnesota that we estimate are above population goals, 23 exist within the current shotgun zone boundary. The deer population in the shotgun zone is currently faring better than much of the rifle zone, where numerous severe winters have taken a toll on deer numbers.

Lastly, the DNR has received information from Wisconsin's Department of Natural Resources related to harvest statistics. In Wisconsin, the agency has not recorded any concerning shifts in the level of deer harvest related to the change from a shotgun-only zone to a rifle zone.

Enforcement if legislation passes

The DNR does not have any concerns about a potential legislative change allowing rifles statewide. Enforcement of the change would be the same as currently occurs in the rifle zone. Preparation to enforce legislative changes would include outreach via our hunting regulations and messaging to communicate the change in legal firearms. Outreach would include firearms safety reminders, including information about the distance rifle rounds can travel.

The DNR does not see a need to identify any shotgun-only areas in the state if rifles are allowed in what is now the shotgun zone. Local counties and cities can regulate weapon use through local ordinances, which would not be enforced by DNR enforcement staff. Enforcement of local ordinances is done by the city police and the local sheriff's office.

Feeding Ban Due to CWD Affecting Deer Survival

BOC Finding/Recommendation

The BOC requests the DNR provide an update on how the feeding bans implemented to control Chronic Wasting Disease (CWD) may be affecting the deer herd survival. The BOC is concerned that the Winter Severity Index (WSI) is impacting deer survival. There have been anecdotal reports of winter kill in areas of northern specifically northwestern Minnesota. Some of these areas with reported winter kill are within the boundaries of a CWD feeding ban.

The northern 2/3 of the state has had moderate to severe WSIs for the past two years and the northern 1/3 has several areas with a WSI greater than 106. These numbers begin impacting winter mortality and spring fawning success. The BOC acknowledges these are not high CWD areas but is concerned that the supplemental feeding bans may be impacting individual animal survival.

Does the DNR see any correlation between increased winter kill and the CWD Feeding Ban areas? Does the DNR believe if those areas were allowed to supplement feed throughout the winter months of late 2022 and early 2023 would there have been better survival rates?

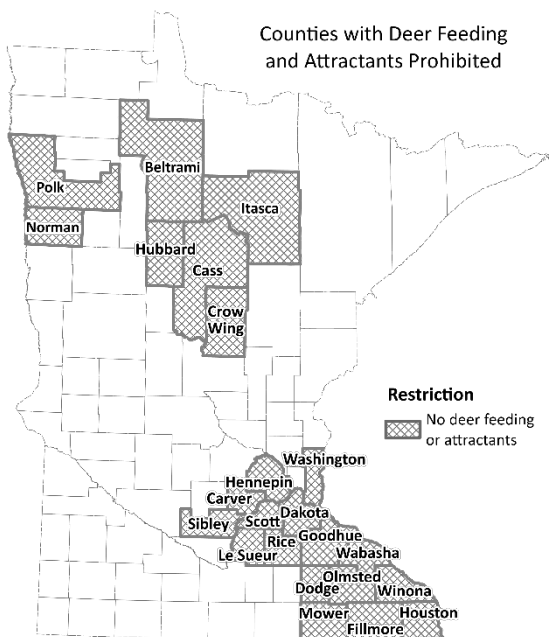
DNR Response

DNR does not have evidence that indicates the deer feeding ban has had any impact on deer survival in portions of northern Minnesota where the ban is in place.

The Deer Management Plan Advisory Committee recommended that the DNR pursue a statutory change to prohibit recreational feeding of deer, elk, and moose statewide to minimize the risk of disease transmission. Due to high levels of public interest in deer feeding, a recreational ban was not included in the [White-tailed deer management plan](#). Currently, recreational deer feeding does not exist at a scale that would improve deer populations at the permit-area scale, especially in northern Minnesota, where human population density is low. In fact, recreational deer feeding is permitted in some of the areas in Minnesota where winter conditions are the harshest (St. Louis, Cook, and Lake counties) and the practice has not resulted in the recovery of deer populations in these areas. Past efforts of emergency feeding to prevent deer population loss from severe winters have also not resulted in a measurable impact on deer survival (more information below). In general, DNR does not recommend supplemental feeding of wildlife.

The deer feeding ban in Minnesota

Minnesota's deer feeding ban is applied in counties where a CWD positive deer has been detected in the wild or on a farm, and in any county that falls within the 15-mile radius (by at least 2 miles) around the location of the positive deer. An attractant ban is added when the disease is detected in a wild deer (but not a farmed deer).



Risks of supplemental deer feeding

Minnesota DNR does not support emergency or supplemental deer feeding anywhere in the state as an effective solution to deer starvation resulting from severe winters. The rationale is as follows:

- Past emergency deer feeding practices in Minnesota were very costly, only reached a small percentage of Minnesota’s deer herd, and did not demonstrably improve deer populations.
- Supplemental feeding increases the risk of disease, which outweighs any benefits to individual deer.
 - CWD risk for deer in northern Minnesota has recently increased with CWD-positive deer detected on a deer farm in Beltrami County, and CWD positive wild deer detected in Crow Wing, Beltrami, Itasca, and Polk counties.
 - DNR has documented multiple cases of supplemental feeding causing acidosis in deer. Acidosis can result when a deer consumes a large quantity of grain or other high-carb foods (i.e., corn, apples, beets) and the highly fermentable food results in an overabundance of acid buildup in a deer’s stomach. The result is indigestion, dehydration, diarrhea, toxins in the blood, lack of coordination, and death. Already weakened deer (particularly starving deer) are especially susceptible to acidosis, but it can also kill healthy deer.
 - Enterotoxemia (overeating disease) is also caused by supplemental feeding. Like acidosis, enterotoxemia causes acute indigestion, convulsions, discoordination, depression, diarrhea, colic, and death.
- Habituation of deer can lead to increased deer-vehicle collisions, damage to landscaping and agricultural crops, and aggressive interactions with people.
- Supplemental feeding can result in increased competition, aggression, and stress among and between deer social groups. If many deer are using a feeding site, the youngest and weakest individuals are likely to be excluded from accessing the feed by deer that are in better physical condition.
- Supplemental feeding can increase deer mortality risk by attracting wolf predation at feeding sites.

Management recommendations for severe winter impacts to deer

The DNR understands it is hard to watch deer suffer through harsh winter conditions. The most humane approach is to manage their populations at levels that the habitat can sustain. Minnesota DNR does this through providing hunting opportunities and wildlife habitat improvements. The best way for landowners that wish to help deer in their area is by improving the local wildlife habitat. Minnesota DNR has resources for landowners with different habitat types [online](#).

The public can also help deer in severe winters by avoiding their wintering areas so as not to disturb them. Deer need to conserve energy and limit their movements during harsh conditions, so limiting human disturbance in wintering yards can help increase survival.

The DNR takes winter severity into account when setting season limits. Each spring, local area wildlife staff meet with the big game program and research staff to assess deer populations relative to population goals established for each deer permit area. Deer bag limits are reduced when the population is under the established goal based on winter conditions, current harvest rates, status of the population going into winter, available habitat, predator populations, and other factors such as feedback from hunters. Although lower deer mortality may be expected during mild winters, it is important to note that the winter severity index is not predictive by itself; other factors that influence deer survival are described on our [website](#).

Deer are a very resilient wildlife species with a high reproductive rate (most does get pregnant each year and twinning is common) and can generally recover from severe winters in good habitat if more mild conditions follow.

Statutory Requirements

BOC Finding/Recommendation

The BOC respectfully requests assistance from the DNR in finding ways of meeting the statutory requirement in Minnesota Statutes, section 97A.055, subd. 4b, to “review the proposed work plans and budgets for the coming year.” Multiple members of the citizen oversight committees raised concerns that as a committee we are not meeting the statutory requirements.

The BOC acknowledges that the final [biennial] budget cannot be set in even number years due to the Legislative budgeting process. In odd number years, the budget is less dependent on the Legislative process and the BOC feels more in-depth funding can be provided.

The BOC hopes that by working with the DNR a compromise can be reached. On even number years a high-level budget can be provided to the BOC at the beginning of the annual review cycle for general review by members. This budget would be reviewed with the understanding that until the [biennial] budget is passed the numbers are preliminary. In odd number years a more comprehensive preliminary budget would be presented to the BOC on the same timeline.

The BOC also acknowledges that the DNR is still in the process of creating work plans. The BOC is requesting an update on the progress of creating work plans and is requesting annual updates until the successful implementation of work plans within the DNR.

DNR Response

The DNR appreciates the BOC’s continued interest in its review of proposed work plans and is amenable to discussing them in more detail. Currently, the DNR finalizes budgets and priorities in June, with the regularly scheduled BOC meetings occurring January through May. As noted above, there is no certainty to even-numbered budget years until the legislative session is completed. To better engage the BOC in work planning in the future, we could share work plans that reflect the current fiscal year’s plans and preliminary work on the upcoming fiscal year.

The agency continues to advance and refine its work planning processes. For example, Fish and Wildlife Division leadership integrated the identification of high-level FY24 priorities and goals into the annual budget planning discussions. The division is now working to develop a repeatable process that allows annual priorities and goals to be proactively identified at a division level and then stepped down to program and regional levels prior to the start of each fiscal year.

In addition, DNR has developed a legislative policy initiative aimed at clarifying and “modernizing” citizen engagement in the wise use of game and fish license dollars. Intentions are to have citizen advice and focus on the outcomes from license fees. We plan to have discussions with the current oversight committees and other stakeholders to help shape this proposal as it moves forward.