



# Department of Natural Resources Fact Sheet



## 2008 POLICY FACT SHEET Game and Fish Omnibus Policy

### **It is needed because**

This bill contains a number of miscellaneous game and fish related policy changes. These changes are important to enhance hunting and fishing opportunities, provide for improved habitat protection and management, improve customer service, support recruitment and retention efforts, simplify regulations, and make technical corrections.

### **Major elements**

**Clarify shelter licensing.** Clarify that any shelter left on the ice unattended must be licensed. The 2007 legislature eliminated the requirement for licensing “portable” fish houses, but the final language was unclear about the conditions under which a shelter on the ice would qualify as a “portable.” All shelters are to some extent portable because they must be installed and removed each winter. Shelters that are brought out and removed each day are generally not left unattended because they could easily be taken. This clarifies that, if left unattended, the shelter would need a license.

**Pheasant account used for farm bill technical and promotional assistance.** Extend the sunset date for authorization to use pheasant stamp funds for providing technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs. This authorization was first passed in 2001 to help provide “farm bill assistance” staff in local soil and water conservation districts to work with landowners. This change would extend the current authorization to use pheasant stamp funds for this purpose for another 10 years.

**Expand criteria for license fee refunds.** Clarify conditions under which DNR can refund license fees. This will improve customer service by authorizing a

refund if a customer mistakenly purchases more than one identical license.

**Standardize big game hunting minimum age.** Eliminate the minimum age of 16 for taking moose and elk. This will make the minimum age for moose and elk hunting consistent with that for deer.

**Technical – Clarify that landowner free deer licenses are for residents only.** Clarify that free landowner deer licenses are available for residents only. The 2007 legislature eliminated the requirement that the landowner must live on the land to obtain one of these licenses. M.S. 97A.415 does not allow a nonresident to obtain a license for an activity unless it is expressly authorized for nonresidents.

**Technical – Clarify youth licenses for muzzleloader season.** Clarify that youth can obtain a youth license for the muzzleloader deer season. This has been past practice because the muzzleloader season is considered an option under the regular firearms season. However, statutory definitions of the various season options require this technical change.

**Technical – Stamp issuance fees.** Technical corrections on stamp validations and issuing fees. The 2007 legislature eliminated the pictorial stamps as license documents for pheasant and waterfowl, so no pictorial stamps are required as hunting or angling licenses for any species.

**Nontoxic shot on public lands in the agricultural zone.** Require nontoxic shot for small game hunting on public lands in the agricultural zone of Minnesota beginning in 2011. This will simplify regulations on mixed ownerships where federal lands already have this requirement and reduce deposition of lead in or near wetlands on heavily hunted public lands. A Nontoxic Shot Advisory Committee (NSAC) of

concerned stakeholders, industry leaders and agency staff developed recommendations in December, 2006. This proposal is consistent with the recommended schedule of the NSAC.

Minnesota adopted a statewide nontoxic shot requirement for waterfowl in 1987, after a phase-in over several years. Federal rules require nontoxic shot nationwide for waterfowl hunting. As of 2000, 23 states also required nontoxic shot for upland game hunting on some state-managed lands. Nontoxic shot has been required for all small game hunting on federal Waterfowl Production Areas (WPAs) in Minnesota since 1998. Some state Wildlife Management Areas (WMAs) and federal WPAs are in adjacent ownerships, creating a confusing patchwork of legal shot regulations. Lead is a toxic substance and many nontoxic shot alternatives have now been approved by the federal government.

**Amend blaze orange small game hunting exemptions.** Eliminate the exemption from the small game hunting blaze orange requirement for those hunting with nontoxic shot. This exemption was originally intended to address waterfowl hunters but has broader applicability with more small game hunters now using nontoxic shot. The exemption for waterfowl hunters would remain.

**Technical – Crossbow disability permits.** A technical change consistent with current DNR practice that makes it clear that a person who is eligible for a disability permit to use a crossbow may also use a bow that is held at full draw by a mechanical device. This clarifies that the same standard is applied to any type of bow (regular or crossbow) that is mechanically held at full draw.

**Nonresident youth taking antlerless deer.** Allow nonresident youth to take a deer of either sex in a lottery area without a permit, as is currently allowed for resident youth. A nonresident youth license was authorized last year. This would provide the same authorization for nonresident youth that is currently provided to residents.

**Eliminate turkey stamp validation.** Consolidate the turkey stamp fee into the turkey license, but maintain the wild turkey stamp and management account. An equivalent portion of the license fee proceeds as generated by the stamp would be deposited in the wild turkey management account. This will simplify licensing and avoid the current problem of some

hunters illegally in the field with a turkey license and without a stamp validation.

**Youth license validity.** Allow a youth who will turn age 12 during the calendar year to hunt big game. Currently, youth can obtain a firearms safety certificate and a license at age 11, but neither becomes valid until the day the youth turns age 12.

**Possession of firearm while archery hunting for big game.** Allow a person hunting big game by archery to possess a firearm, except when hunting deer. Current statutes allow this only for bear. Moose and elk have limited seasons where it is the hunter's choice whether to use archery or firearms. Deer is the only big game species that has a specific archery-only season.

**Clarify deer baiting regulation; expand exemptions.** Make technical corrections to the deer baiting law. Expand exemptions for hunters who have not been involved with feeding or baiting on adjacent property.

**Extend the “one-over” limit for walleye and northern pike to fish in possession, not just daily.** Current language in M.S. 97C.401, subd. 2 allows a person to take only one walleye over 20 inches and one northern pike over 30 inches daily. This initiative would modify this language so that a person could possess only one walleye and one northern pike over these size limits.

There has been increasing interest among anglers to limit the harvest of large walleye and northern pike. The DNR Division of Fish and Wildlife did a biological and public review of fish limits in October 2000. A citizen advisory committee was part of this process. One of the final recommendations of this committee was to make the change proposed in this initiative. The DNR concurred with these recommendations. There was additional discussion of this proposal prior to session at DNR fish species workshops and at the DNR Fisheries, Wildlife and Ecological Resources Roundtable.

In general, the “one-over” size limits do not significantly reduce fish harvest on most waters most of the time, because anglers do not usually catch more than one large walleye or northern pike in an outing. However, these regulations may significantly decrease harvest, spread harvest over a longer time period, or distribute harvest among more anglers, in lakes with exceptional fisheries or during periods when fish are

highly vulnerable to anglers. In addition, these regulations promote a conservation ethic that fits better with the high level of pressure that's currently exerted on our fisheries resource and helps reinforce the fact that large game fish are a limited and valuable resource.

**Statewide walleye limit.** Establish a statewide limit of four walleye daily and in possession through a legislatively directed rulemaking process. Reducing the daily limit to four walleyes would have a relatively small biological effect – about a 7% reduction in statewide harvest. However, a greater conservation ethic has developed among walleye fishermen since the current limit was established in the 1950s. Significant voluntary catch and release of larger walleyes (greater than 20 inches) started in the 1970s and has grown since that time. Several important walleye lakes currently have daily limits of four walleyes, including Lake of the Woods, Mille Lacs, and Leech. A more consistent statewide limit would “level the playing field” for all resorts and businesses and make for easier and more effective law enforcement and would help to simplify fishing regulations. The current daily limit of six walleyes in Minnesota is higher than neighboring states, although Minnesota has the lowest possession limit.

**Shelters left on accesses.** Apply the same civil penalty as that for leaving shelters on the ice past the removal deadline to shelters that are left on public access sites for more than 48 hours past those deadlines. This will help assure that public access sites remain open and available for their intended uses.

#### **Key measures and outcomes**

Improved customer service, enhanced habitat management, improved hunter recruitment, more conservative fishing regulations, hunting and fishing regulation simplification, reduced deposit of lead in the environment, and clarification and technical corrections to game and fish laws.

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