



Department of Natural Resources Fact Sheet



2010 POLICY FACT SHEET DNR Game and Fish Bill

CONTENTS

This language relates to game and fish: modifying: fish collecting and health requirements; modifying planning requirements; clarifying use of equipment in certain infested waters; modifying certain definitions; modifying acquisition procedures; modifying licensing procedures; modifying certain penalties; modifying wild animal taking, possession, transportation and licensing requirements; amending Minnesota Statutes; repealing Minnesota Statutes.

OVERVIEW

Sections 1 through 4

Fish Collection and Health Inspection

This language establishes criteria for certifying “fish collectors” for sampling fish for disease testing; clarifies fish health inspection and testing requirements.

Section 5

Sucker Eggs

This language removes the licensed water acreage requirement for obtaining sucker eggs; establishes criteria for the commissioner to allocate distribution of sucker eggs to licensed individuals.

Sections 6 and 7

Fish and Wildlife Planning

Technical change eliminates obsolete language relating to fish and wildlife planning requirements.

Section 8

Bait Harvest Equipment Used in Infested Waters

This language clarifies that minnow harvest equipment used in certain infested waters may not be used in any other waters. This prohibition is currently included as a permit restriction in commercial minnow harvest permits in infested waters. This statutory change would be consistent with current practice and would reinforce invasive species controls.

Section 9

Definition of Accompanied for Youth and Apprentice Hunting

This language defines the term “accompanied” for youth small game, wild turkey and big game hunting; and for persons age 13 and over born after Dec. 31, 1979 who are hunting with an apprentice hunter validation.

Section 10

Unprotected Birds Definition Expanded

This language adds Eurasian collared doves to the definition of unprotected birds. Eurasian collared doves are a non-native and potentially invasive species very similar in size and appearance to the mourning dove.

Section 11

Minnow Harvest in Designated Wildlife Lakes

This language allows the taking of minnows to be restricted on lakes designated for wildlife management purposes under M.S. Section 97A.101.

Section 12

Acquisition Procedure

This language permits the commissioner or the owner of land proposed to be acquired to submit a proposed acquisition directly to the Land Exchange Board if the commissioner or owner maintains that county board

disapproval of the acquisition was arbitrary and capricious, that the reasons stated for disapproval were invalid, or that the acquisition would be in the public interest.

Section 13

License Refunds

This language clarifies that license refunds may be issued for requests made within 90 days of purchase and adds another criteria for refunding license fees if the applicant is not required by law to purchase a license to participate in the activity.

Sections 14 through 21, 32; Deer Baiting and Feeding Restrictions

This language addresses deer baiting and feeding restrictions. Deer baiting and associated issues continue to escalate statewide. Baiting has an impact on lawful hunters. Deer are lured or directed away from their natural browse and feeding patterns. Conservation Officers report that most hunters violating baiting provisions know that it is illegal but don't think they will be caught. The fine does not appear to be a deterrent to them. This language provides additional penalties for hunting deer with the aid of bait, including immediate license seizure, revocation upon conviction, and gross misdemeanor penalties for multiple convictions within three years. The feeding of wildlife during open deer seasons is restricted by new language in section 33, with an exception provided for feeders for non-game birds placed within 50 feet of a building and for normal agricultural practices. Typically, there is plenty of forage for deer. Even in severe winters, lack of food does not affect deer survival before late winter, well after the close of deer season. The seasonal feeding restriction language is similar to the year-around deer and elk feeding ban in the TB zone that has been in place in northwestern Minnesota since 2006.

Section 15

Penalty for Hunting Big Game When License is Revoked

This language makes it a gross misdemeanor to take big game during the time a person is prohibited from obtaining a license to take big game.

Section 22

Failure to Appear for Game and Fish Violations

This language clarifies procedures related to game and fish violations and revocations for failure to pay those fines or to appear in court or failure to comply with court orders. These technical changes are then consistent with other sections of law related to the courts, such as driver's license revocation for failure to pay traffic fines.

Section 23

Elk License Selection

This language requires the commissioner to hold a separate drawing for 20 percent of the elk licenses issued each year for previously unsuccessful applicants who have applied at least ten times.

Section 24

Turkey License Issuance

This language clarifies authorities of the commissioner for issuing licenses to take wild turkeys.

Section 25

Ice Fishing Without a License in State Parks

This language expands authorization to fish in state parks without a license to include ice fishing.

Section 26

Game Bird Transportation

This language clarifies that doves may be shipped or transported in accordance with federal law. Current federal law allows doves to be shipped and transported fully dressed.

Section 27

Apprentice Hunter Validation Requirements

This language modifies the qualifying age for obtaining an apprentice hunter validation; allows use of apprentice validation to hunt without a firearms safety certificate if accompanied two years in a lifetime instead of one year.

(Refer to definitions in Section 9 and repealer in Section 43.)

Sections 28, 29, and 31

Medical Evidence for Disability Permits

This language makes technical changes to allow certified nurse practitioners and certified physician assistants working under the direction of licensed physicians to complete the medical evidence information required for various disability hunting permit applications. These include applications for permits to shoot from a stationary

motor vehicle, use a crossbow, or use a scope for the muzzleloader deer season. This proposal accommodates changes in the health care industry and recognizes those who commonly provide these services in addition to licensed physicians. These changes will facilitate the permit application process for all parties involved.

Section 30

Hunting Between Evening and Morning Exception

This language adds doves to the list of migratory game birds exempt from the prohibition on shooting migratory game birds before 9:00 AM on the opening day of the duck season.

Section 33

Big Game Stand Restrictions

This language provides a consistent stand height restriction of 16 feet for non-portable stands for all big game species. Current law prescribes a maximum height of 16 feet for deer, 9 feet for moose and elk, and no limit for bear (see repealer, section 43).

Section 34

Bear Hunter Drawings

This language eliminates “second choice” bear permit applications. “Second choice” permit applications had the unintended consequence of eliminating surplus bear permits, which are important to some bear guides and their clients.

Section 35

Taking Elk Causing Damage or Nuisance

This language provides the commissioner with authority to issue licenses to hunters to take elk that are causing damage or nuisance from September 1 to March 1. The language exempts licensees under this provision from the “once-in-a-lifetime” provision in 97A.433, subdivision 2, clause (2).

Section 36

Shooting Grouse Near Motor Vehicles

This language prohibits the shooting of grouse near a motorized vehicle unless the person is at least 20 yards from the vehicle and the vehicle’s engine is shut off. This prohibition would not apply to a person with a disability permit to shoot from a stationary motor vehicle.

Section 37

Waterfowl Seasons

This language eliminates the prohibition on opening the duck season prior to the Saturday nearest October 1 and would continue to require the commissioner to prescribe waterfowl seasons in accordance with federal law.

Section 38

1837 Ceded Territory Fishing Regulations Adjustments

This language allows the commissioner to make midseason adjustments in daily possession, or size limits on special management waters in the 1837 Ceded Territory by written order published in the State Register. The changes are based on available harvest, angling pressure, and population data and limited to those necessary to manage the fisheries in compliance with the court orders in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999).

Section 39

Sturgeon Tag Clarification

This language clarifies that only one tag application may be made per calendar year. The expanded fishing license year established by the legislature (March 1 – April 30 of the following year) made it possible to make multiple applications on different licenses for lake sturgeon tags for one harvest season. This change ensures that no more than one season limit of sturgeon could be taken and tagged per calendar year.

Section 40

Transporting and Stocking Fish

This language authorizes the commissioner to prohibit transportation of live fish by youth for aquarium purposes to help prevent spread of an emergency fish disease documented to occur in Minnesota waters.

Section 41

Using Aquatic Life for Bait

This language allows the commissioner to authorize the use of game fish eggs as bait and to prescribe restrictions on their use. It also extends the current prohibition on “bait” being imported from VHS positive waters to include any bait used for taking wild animals.

Section 42

REPEALER

Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, and 4; 97A.435, subdivision. 5; 97B.022, subdivision 1; 97B.511, and 97B.515, subdivision 3, are repealed. Repealed provisions relate to the changes in fish and wildlife planning requirements, wild turkey licensing, apprentice hunter definitions, and big game stand height requirements.

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