



Department of Natural Resources Fact Sheet



2015 POLICY FACT SHEET Game and Fish Bill

It is needed because

This bill addresses multiple game, fish, and natural resource management needs and provides more opportunities for fish and wildlife resource use and enjoyment, improves management capabilities, and clarifies Department of Natural Resources' (DNR) authorities. This initiative promotes sustainable use and stewardship of fish and wildlife resources, and enhances fishing and hunting opportunities. This initiative also repeals associated obsolete statutes pertaining to fish and wildlife populations and habitat.

Major program elements

Sec. 1. Game and fish expedited rules. This provision (M.S. 84.027, subd. 13a) allows the expedited permanent rulemaking procedure (M.S. 14.389) to be used for all fish and wildlife rulemaking resulting in more efficient establishment of season regulations on an annual basis. This expands the approach for current authorities (i.e., describe zone or permit area boundaries, designate fish spawning beds or preserves, select hunters or anglers, provide for registration of game or fish, prevent or control diseases, correct errors in rules that do not have substantive effect). A public hearing option would be used when requested by at least 100 people or if expected to be controversial. DNR would still rely on the full permanent rulemaking process when appropriate for more controversial and complex rules.

Secs. 2 – 3. WMA and AMA acquisition. These provisions eliminate the State obligation to pay relocation costs to willing landowners selling land for for Wildlife or Aquatic Management Areas (84.0274, Subd. 5g). DNR acquires WMA/AMA lands only from willing landowners and not through condemnation.

DNR is seeking clearer authority to reimburse landowners up to \$1500 for appraisal fees since M.S.

117.232 applies specifically to MNDOT. It has been common practice for DNR to reimburse this cost, allowing landowners to have a voice in the valuation process.

Sec. 4, 30. Bait harvest from infested waters. This provision allows for issuing permits for the use of cast nets for taking gizzard shad on portions of the Mississippi and St. Croix Rivers infested waters if used for bait on the same water (97C.345, Subd. 3a; 84D.03, Subd. 3). This provision expires in 2017 and requires the agency to report in 2018 on the number of permits issued, conservation impacts of cast net use and recommended changes to statutes or rules.

Sec. 5. Posting public access restrictions due to fish and wildlife disease outbreaks. This technical change clarifies that public access to active disease areas may be closed by posting access restrictions (M.S. 97A.045, subd. 11). This has been the past practice for responding immediately to disease outbreaks (e.g., Newcastle disease in waterfowl) and establishing quarantine areas in order to limit the spread of diseases to domestic operations. Using only emergency rules to restrict access would delay the establishment of quarantine areas by several weeks and would increase the risk for diseases spreading through human contact.

Sec. 6. Game and fish fund citizen oversight committees. This technical change extends the authorization for establishing citizen oversight committees from June 30, 2015 to June 30, 2020 (M.S. 97A.055, subd. 4b).

Sec. 7. Compliance with Federal Aid in Wildlife and Sportfish Restoration Act. This provision clarifies that game and fish fund appropriations must be made to the commissioner including appropriations for information or telecommunications technology projects and assets (M.S. 97A.057, sub. 1). U.S. Fish

and Wildlife Services has indicated that lack of statute clarity on this issue will be considered noncompliance with federal laws and will result in the cessation of current Federal Aid in Wildlife and Sportfish Restoration Funds to the State of Minnesota estimated at \$16 - 35 million annually.

Sec. 8 - 9. Notice to appear in court. This provision updates the section to more closely align with the statewide uniform 'citation' standards and potential new Records Management System (RMS) functions with e-charging. (M.S. 97A.211, subd. 1 - 2).

Sec. 10. Prosecution of aggregated offenses. This provision is in response to a gross over limit of fish case where the local prosecutor suggested clarifying language about charging 'in any county in which at least one of the offenses occurred' (97A.255, subd. 4).

Sec. 11, 12, 14, 15 24, 25, 35. Fur preparation, buying, and selling. This initiative creates a new license to prepare raw furs for compensation and specifies record requirements, provides for a new master fur buyer license that allows one set of records to be kept including additional persons on the license, clarifies that a fur buyer license is needed for an agent/broker, and eliminates a \$1000 corporate surety bond requirement (M.S. 97A.425, sub. 1 - 2, M.S. 97A.475, subd., 20a and subd. 21; M.S. 97B904; 97B.905, subd. 1; 97B.905, subd. 3).

Sec. 13. Special turkey licenses. This provision clarifies that landowners or tenants must live on at least 40 acres in a turkey permit area to qualify for the separate selection process (M.S. 97A.435, subd. 4).

Sec. 16. Feral swine. This policy prohibits the possession, release, hunting or trapping of feral swine (M.S. 97A.56). The definition of feral swine is consistent with definitions in M.R. 1721.0010. Board of Animal Health rules prohibit importation of live feral swine (M.R.1721.0190) but do not address possession or release of feral swine. Additional policies in game and fish statutes are needed to respond to the serious natural resource, agricultural, economic, and human health impacts from feral swine. Feral swine/wild pigs are found in at least 40

states with grave consequences to fish and wildlife habitats and populations, agricultural crops, and wildlife and human disease spread. Other state have found that unrestricted hunting and trapping of feral swine does not control or eradicate populations and actually results in the increased illegal release of feral swine to perpetuate the opportunity. A 2010 legislative report identified the need for establishment of penalties for release of swine.

Sec. 17. To be deleted from SF1303/HF _____

Sec. 18. Use of lights and firearms to track bears, shining laws. This provision clarifies that hand held artificial lights and firearms may be possessed while tracking bears shot during legal hunting hours (M.S. 97B.081, subd. 3).

Sec. 19. Unprotected wild animals and radio use. This change eliminates the need for a permit to use radio equipment to take unprotected wild animals such as coyotes (97B.085, subd. 2).

Sec 20: Bear feeding restrictions. This policy prohibits feeding to attract bears (97B.427). This does not include feeding for the purpose of attracting wild birds and small mammals using bird feeding devices or baiting bears for the purpose of hunting.

Sec. 21. Game birds causing damage. This provision expands the use of nonlethal hazing when property damage is occurring from Canada geese to also include game bird species (97B.668; migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bobwhite quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, sandhill crane, American woodcock, and common snipe) except for migratory birds and other federally protected game birds on nests. Hazing Canada geese on nests will continue to require a federal permit.

Sec. 22. Prohibition on luring or feeding owls. This policy prohibits luring or feeding owls except for those with a DNR permit (97A.041, 97A.401) or a federal migratory bird banding permit.

Sec. 23. Possession of firearms while turkey hunting.

This provision allows the possession of a firearm not legal for turkey when hunting turkey when the person has a permit to carry for that firearm (97B.722).

Sec. 26. Taking of fisher, marten, bobcat.

This provision allows the agency to utilize a preference lottery system for selecting hunters and trappers to prevent an overharvest or improve distribution of hunters and trappers. This would provide an additional option for managing declining populations.

Sec. 27. Body-gripping trap.

This clarifies that body gripping traps must be checked at least every third day.

Sec. 28. Seasons, limits, and other rules for special management waters.

This provision expands the commissioner order authority for season adjustments based on harvest, angling pressure, and population data on Mille Lacs Lake to also include the state-managed waters of Upper Red Lake (M.S. 97C.005, subd. 3). This process is required for regulation changes on these multi-jurisdictional waters that may need to be adjusted faster than provided by available rule-making options.

Sec. 29, 31. Minnow dealers.

This provision clarifies that minnow dealer licensees and their helpers must have an angling license in addition to a minnow dealer's license (97C.301). Minnow dealers may designate employees as helpers on their dealer license (97C.501, subd. 2). Only designated helpers may buy or sell minnows on behalf of the licensed dealer. This does not include employees selling minnows at a retail location.

Sec. 32, 35. Northern pike experimental and special management waters.

This provision removes all but 1 of the remaining spearing bans for 12 lakes including Stieger Lake (Carver); Bald Eagle Lake (Anoka, Ramsey, Washington); Rebecca Lake (Hennepin); Minnetonka, Libbs, Peavy, Forest, Tanager (Hennepin, Carver); Big Lake (Beltrami); East and West Rush Lakes (Chisago); and Wabedo (Cass). Pike size restrictions are adjusted on 2 lakes (East Rush, West Rush) to improve the fishery. Good cause clause rulemaking is used to make the changes.

DNR is analyzing options for zonal pike regulations to provide for both harvest and quality fisheries interests. A tiered approach is expected to be proposed in 2016 following public input.

Sec. 33. Refunds; Youth Bear Licenses.

This provision allows refunds be issued to correct an unintentional license fee charged to youth bear hunters ages 10, 11, 12 who purchased licenses between August 1, 2013 and June 30, 2014.

Sec. 34. Revisor's instructions.

This provision removes the patented tradename "conibear" from Minnesota Statutes and Minnesota Rules.

Sec. 35. Repealer.

The following obsolete statutes are being repealed.

M.S. 97A.475, subd 25. License fees, muskrat farms: Technical update repealing the license language. Muskrat farms were repealed in 1997, so there is no fiscal impact associated with repealing the (prior to 1997) associated license fee.

M.S. 97B.905, sub. 3: Bond for furbuyer licenses

M.R. 6264.0400, subp 27 – 28: See Sec. 32, 35 (Northern pike experimental and special management waters).

Key measures and outcomes

DNR provides high-quality fishing, hunting, trapping, and wildlife viewing opportunities by ensuring healthy fish and wildlife populations and habitat, public access to outdoor recreation opportunities, and safety and compliance with game and fish laws. DNR seeks to provide high-quality opportunities that support Minnesota businesses and jobs and meet customer expectations through the effective and efficient delivery of conservation and license services.

Financial impacts

Sec. 2-3, WMA and AMA acquisition

- Relocation costs are infrequent; however, when they occur they can be high.
- In 2009 a parcel was acquired for the Little Nokassippi WMA for \$482,000. An additional

\$116,672 was paid to the willing seller for relocation costs.

Sec. 14, 15, 34 License fee for preparing raw furs

- Estimate one-time development costs \$4,000
- Estimate increased revenues to the Game and Fish fund \$665 in FY 16

Sec. 33 Refunds; Youth Bear Licenses

- Estimate revenue decrease of \$2,000 in FY 16

Sec. 35 repealed 97A.475, subd. 25:

- Muskrat farm license fees have been abolished since 1997 so there is no fiscal impact.

For further information contact:

Edward Boggess, Director Division of Fish and Wildlife
Minnesota Department of Natural Resources
500 Lafayette Rd, St. Paul, MN 55155
651-259-5180
ed.boggess@state.mn.us

Katherine DonCarlos, Deputy Director
Division of Fish and Wildlife
Minnesota Department of Natural Resources
500 Lafayette Rd, St. Paul, MN 55155
651-259-5226
kathy.doncarlos@state.mn.us

Lieutenant Colonel Rodmen Smith, Deputy Director
Division of Enforcement
Minnesota Department of Natural Resources
500 Lafayette Rd, St. Paul, MN 55155
651-259-5054
rodmen.smith@state.mn.us