

m1 DEPARTMENT OF
NATURAL RESOURCES

December 4, 2018

Kevin Brennan, Chair
Commissioner's Advisory Committee on Natural Heritage
Minnesota Department of Natural Resources
Box 25, 500 Lafayette Road
St. Paul, MN 55155

Dear Mr. Brennan:

This letter is in response to your October 3rd petition in which you request the Minnesota Department of Natural Resources (DNR) undergo rulemaking to prohibit lead fishing tackle statewide. I understand the CAC's concern and desire for promoting the use of non-lead tackle. However, the DNR denies the request to undergo rulemaking to prohibit lead fishing tackle by the 2019 fishing opener.

The DNR is authorized to make rules about methods of take for fish, as your petition advises, but the specific language states:

"M.S. 97C.325 Restrictions on Taking Fish (d) To protect water quality or improve habitat for fish or wildlife, the commissioner may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of water."

The authority for these restrictions is specific to protecting water quality or improving habitat. Further, the authority is provided for "specific bodies of water". It is not broad authority to prescribe restrictions on all waters of the state or to prevent incidental mortalities.

The change you are proposing would have a very large impact on 1.5 million licensed anglers and the fishing tackle industry in Minnesota. A policy change of this magnitude is appropriately addressed by the Legislature. As you may be aware, the DNR proposed a rule in 2016 to require use of non-toxic shot on all Wildlife Management Areas in the farmland portion of Minnesota. Even with this modest change, the Legislature overruled the DNR and prohibited implementation after significant public resistance. The Legislature has indicated that a change of this significance is a policy decision that rises to the Legislative level.

I will plan to attend an upcoming CAC meeting, and we can discuss this further, as you desire. Thank you for your continued work on behalf of Minnesota's natural heritage.

Sincerely,



Tom Landwehr
Commissioner