

## Lessard-Sams Outdoor Heritage Council

**MEMO:** Agenda Item #7

**DATE:** June 29, 2016

**SUBJECT:** Public Taking of Fish and Game, Conservation Partners Legacy Grant Program (CPL)

**PRESENTER:** Jessica Lee, MN DNR

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### **Suggested Motion:**

Members discuss the public taking of fish and game requirements as related to the Conservation Partners Legacy Grant Program (CPL) and provide direction as to how the requirements should be interpreted. The council may take action if deemed necessary.

### **Background:**

The MN Department of Natural Resources (MN DNR) is requesting the council give direction, and if necessary take action, on how the Conservation Partners Legacy Grant Program (CPL) should interpret and implement the requirement that all fee-title land acquisitions be open to the public taking of fish and game. Recently the MN DNR brought to the attention of the council that it currently implements the requirement of public taking of fish and game as ***fully open provided by state law***. Currently, CPL applicants who propose a fee-title acquisition project that has any restriction on the taking of fish and game (ex. within municipal limits that restrict firearm discharge) do not meet the requirements of the CPL program. The council has in the past funded projects that have restricted hunting seasons.

Additionally, it should also be noted that interpretations of the public taking of fish and game requirement can vary because the language itself varies between the MN Constitution, MN Statute 97A.056, and the CPL appropriation.

### Constitutional Amendment - Article XI, Sec. 15.

“... Land acquired by fee with money deposited in the outdoor heritage fund under this section must be open to the public taking of fish and game during the open season unless otherwise **provided by law.** ...”

### MN Statute 97A.056, Subd. 19. Fee title acquisition; open season.

(a) Lands acquired by fee with money appropriated from the outdoor heritage fund that are held by the state must be open to the public taking of fish and game during the open season, unless otherwise **provided by state law.**

(b) Lands acquired by fee with money appropriated from the outdoor heritage fund that are held by the United States Fish and Wildlife Service must be open to the public taking of fish and game during the open season according to the National Wildlife Refuge System Improvement Act, United States Code, title 16, section 668dd, et seq.

(c) Except as provided in paragraph (b), lands acquired by fee with money appropriated from the outdoor heritage fund that are held by a nonstate entity must be open to the public taking of fish and game during the open season, unless otherwise prescribed by the commissioner of natural resources.

Past CPL Appropriation Language:

M.L. 2009 – M.L. 2013

“Land acquired in fee must be open to hunting and fishing during the open season unless otherwise **provided by state law.**”

M.L. 2014 – M.L. 2016

“Land acquired in fee must be open to hunting and fishing during the open season unless otherwise **provided by law.**”

MN Statutes 97A.015, Subd. 47. Taking

"Taking" means pursuing, shooting, killing, capturing, trapping, snaring, angling, spearing, or netting wild animals, or placing, setting, drawing, or using a net, trap, or other device to take wild animals. Taking includes attempting to take wild animals, and assisting another person in taking wild animals.