

## Lessard-Sams Outdoor Heritage Council

### Agenda Item Memo

DATE December 13, 2011

SUBJECT: **Lands Open to Hunting**

### Background

The Legacy Amendment to the Minnesota Constitution requires all land bought in fee to “be open to the public taking of fish and game during the open season unless otherwise provided by law.” The state has made nine appropriations in the last three years and has recommended four programs for this year’s bill for which some discretion to limit public taking of fish and game is applicable. The majority of these appropriations have been to NGOs that acquire land in fee for transfer to the U.S. Fish and Wildlife Service. Two programs located in the metro-urbanizing area have limited hunting provisions. There are also instances where hunting has been limited due to ecological conditions. Currently, program managers must indicate on the parcel list whether the land is open to hunting and fishing.

Programs with limited hunting that have been funded or are recommended to be funded:

#### **ML 2009:**

2(g) Rum River/Cedar Creek

4(c) Accelerate the Waterfowl Production Area Program in Minnesota

#### **ML 2010:**

2(d) Northern Tallgrass Prairie National Wildlife Refuge, Ph. 2

2(e) Rum River/Cedar Creek

4(b) Accelerate the Waterfowl Production Area Program in Minnesota, Ph. 2

5(a) Metro Big Rivers

#### **ML 2011:**

2(d) Northern Tallgrass Prairie National Wildlife Refuge, Ph. 3

2(h) Accelerate the Waterfowl Production Area Program, Ph. 3

5(d) Metro Big Rivers, Ph. 2

#### **Recommended ML 2012:**

2(e) Northern Tallgrass Prairie National Wildlife Refuge, Ph. 4

4(b) Accelerate the Waterfowl Production Area Program, Ph. 4

4(c) Columbus Lake Conservation Area

5(b) Metro Big Rivers, Ph. 3

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## **Statutory language proposed by staff**

### State Lands

(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.

### US Fish and Wildlife

(b) Lands acquired by fee with money appropriated from the outdoor heritage fund that are held by the U.S. 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.

### Other Lands

(c) Except as provided in paragraph (b), lands acquired by fee with money appropriated from the outdoor heritage fund that are held by a non-state 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.

## **Implementation Recommendations from DNR**

- That the L-SOHC require all current grantees of OHF used for fee acquisition of land amend existing accomplishment plans to include a description of how the grantee plans to comply with the open to public taking of fish and wildlife language including an explanation of any limitations that are more restrictive than state law allows. The approved amended accomplishment plans will become the baseline document establishing hunting and fishing as intended uses of the fee acquired real property.
- That the L-SOHC add language in future appropriation bills to require hunting and fishing management plans as part of the accomplishment plan required in Article 1, Section 2, Subd. 8. The accomplishment plan will become the baseline document establishing hunting and fishing as intended uses of the fee acquired real property.
- That the L-SOHC requires the annual “Real Property Interest Report” (Article 1, Section 2, Subd. 14) for fee acquired lands to include verification of the status of the hunting and fishing management plan. Consistent with what is required of all grantees, proposed amendments to the accomplishment plan for hunting and fishing management will be evaluated by the L-SOHC to ensure that the real property continues to meet this intended purpose before the amendment is approved.

## **Discussion**

The stakeholder group agreed to implement the recommendations of the DNR and to recommend the statutory language put forth by House and Senate staff.