

MINUTES

NATURAL RESOURCES COMMISSION

Kellogg Center
Michigan State University
East Lansing

MARCH 7-8, 2002

PRESENT

Keith J. Charters, Chair
Nancy Douglas
Paul Eisele, Vice-Chair
Bob Garner
Frank Wheatlake

K. L. Cool, Director
George Burgoyne, Resource Management Deputy
James Ekdahl, Upper Peninsula Field Deputy

Mike Leffler, Legal Counsel
Chris Dobyms, Legal Counsel
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:05 p.m. on Thursday, March 7, 2002. The Committee of the Whole is a working session of the NRC.

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Chairman Charters introduced **Commission of Agriculture Commissioners Tatter, Maitland and Pridgeon.**

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Dr. Stephen Schmitt, DNR's Veterinarian introduced **Dr. Graham Hickling**, from Lincoln University, New Zealand, who presented "Management of bovine tuberculosis in the presence of a wildlife reservoir: New Zealand and Michigan Perspectives." In this model, his objectives were as follows: to map the geographic spread of TB; to assess factors affecting TB levels in the core area; and to predict likely outcomes of current management. TB is believed to have entered the wildlife population in New Zealand in the 1950s, approximately the

same timeframe as the disease entered Michigan. The wildlife problem in New Zealand was confirmed in 1967, whereas it was confirmed in Michigan in 1994. New Zealand's primary focus is on the bush-tailed possum. Michigan's focus is on whitetailed deer. **Dr. Hickling** supports Michigan's focus on whitetailed deer as the key reservoir host. He reviewed the process for possum control in New Zealand and translated that into controlling TB in deer in Michigan. He does not believe Michigan should rest on short-term results stating that TB is rare in the counties outside of the core area, so a one-year survey will often fail to detect infected deer. He believes that the spread of TB to the rest of Michigan, and other states, by wildlife is unlikely; deer density and food supplementation both affect deer TB levels within the core; and current disease management strategies could see disease levels fall to below one percent over time, but is unlikely to eradicate TB from deer.

Current deer management has little chance of restoring Michigan's TB-free status unless there are accompanying changes in cattle management to reduce potential exposure.

Commissioner Eisele questioned whether New Zealand had cattle management techniques. Dr. Hickling responded that farm wildlife controls exist and there are economic incentives to do so. He stated that higher deer densities and high levels of feeding contribute to higher disease prevalence.

Chronic Wasting Disease

Dr. Steven Schmitt, DNR's Veterinarian, reported that Chronic Wasting Disease (CWD) belongs to a group of fatal neurodegenerative diseases known as transmissible spongiform encephalopathies (TSE) or prion diseases. CWD has an unknown origin, has a long incubation period and is very persistent. Human TSEs include: Creutzfeldt-Jakob disease (CJD); Gerstmann-Straussler-Scheinker Syndrome (GSS); Kuru (New Guinea) and new variant CJD. Chronic wasting disease was detected in free-ranging deer and elk in the U.S. between 1981 and 2001 in Wyoming, Colorado, Nebraska and most recently Wisconsin. Michigan has performed surveillance of wild cervids; has performed surveillance of captive cervids; has educated hunters and the public; placed a ban on imports of captive cervids from counties with CWD in wild or captive, and surrounding counties; and participated in national discussion with other States and scientists. As a preventive measure, Michigan will ban the import of all captive cervids from Wisconsin; increase surveillance of wild cervids; increase surveillance of captive cervids, including trace-backs of cervids imported during the last 36 months; and increase public education.

Commissioner Garner stated that this is a serious disease and must be dealt with.

Quality Deer Management Survey Results

Brian Frawley, Wildlife Division, reported that the **Quality Deer Management (QDM) Survey for Deer Management Units 032, 076, and 079 (Huron, Sanilac and Tuscola counties)** resulted in a 39 percent landowner support and a 36 percent hunter support. Mandatory regulations should be imposed in a DMU only when it can be shown that a clear majority (greater than or equal to 66 percent) of hunters and landowners support is indicated. Staff does not recommend mandatory QDM for this area.

The Quality Deer Management Survey for DMU 017 (Chippewa and Mackinac counties) resulted in a 53 percent hunter support and 57 percent landowner support. Staff does not recommend mandatory QDM for this area.

The Quality Deer Management Survey for DMU 045 (Leelanau County) resulted in a 66 percent landowner support and 64 percent hunter support. The margin of error is plus or minus three percent. Staff sought advice on this proposal.

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The Committee of the Whole meeting adjourned at 4:30 p.m.

Commissioner Douglas left the meeting because of weather concerns.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:40 p.m. on Thursday, March 7, 2002.

Public Appearances

The Commission noted that **Tom Lounsbury, President, Michigan Outdoor Writers Association,** was present.

Representative Tom Meyer, commended the DNR and the NRC for its willingness to answer questions and provide information relative to the recent discussion on the Thumb Area Quality Deer Management (QDM) proposal.

Ann Louise Budd, Michigan Horse Council, reported that the 19th annual International Stallion Exhibition and Trade Show was to take place on March 8, 9 and 10 at the MSU Pavilion. She thanked the DNR for its cooperation with the horsemen of the state. Ms. Budd also reported that from September 27 through 29, 2002, the Michigan Horse Council would hold a Fall Trail Seminar and Ride at the Brighton Recreation Area. She asked that the DNR and NRC be represented.

Charlie Moskowitz, Mt. Pleasant, addressed public and private landowner issues relative to proceeds from oil well royalties. He does not believe the State is receiving appropriate royalties from the Antrim wells.

Mindy Koch, Chief, Forest, Mineral and Fire Management Division, said that discussions have been held on this issue and part of the problem is in the reporting process. Martindale and Associates was the auditing firm to audit Terra Corporation and was asked to re-review this issue related to Mr. Moskowitz's concerns. Martindale has been requested to respond to some new questions Mr. Moskowitz has raised. A preliminary audit was submitted by Martindale and contained no improprieties.

Randy Smith, Whitetails Forever Network, expressed opposition to mandatory QDM. He expressed concern relative to quality deer management proposals and the dissension they create amongst hunters. He agrees with the QDM concept but disagrees with making it mandatory. Mr. Smith disputed reported deer population numbers for his area.

Brent Beshears, Montcalm County Branch of Quality Deer Management Association (QDMA), reviewed their proposal for four points or more on a side in DMU 059 and recommended to bring the buck-to-doe ratio down. The QDMA members support reducing deer numbers.

Commissioner Garner commented that a majority of Montcalm County is privately owned, allowing for property owner rights to practice QDM mandatory QDM regulations appear unnecessary.

Ed Spinazzola, (QDMA), reviewed the DMU 118 (formerly DMU 107) 5 year demonstration biological harvest data, minimum buck standard 3 points on one side data from Gladwin and Harrison Field Offices and State Highway check stations. Two more years remain in the demonstration period.

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Commissioner Garner left the meeting.

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Paul Plantinga, Thumb Area (QDMA), supports the Thumb Area QDM Proposal.

Perry Russo, Thumb Area QDMA, supports the Thumb Area QDM Proposal. He believes that the QDM work group created a procedure for mandatory QDM that was extremely difficult to achieve and obtain. He said the process created a "public opinion contest with greater emphasis placed on emotion."

Jim Strader, Eaton County, announced the QDMA is forming an Eaton County Branch and invited participation in their upcoming meeting on April 6. He recommended that the minimum 66 percent approval criteria be changed to 51 percent.

Rob Anderson, Michigan Farm Bureau, commented that Michigan Farm Bureau believes private royalty owners should not be burdened with the deduction of post production costs (PPC) even though the state has decided to allow some PPC deductions. **Commissioner Eisele** questioned whether Michigan Farm Bureau was planning to address the model lease? **Mr. Anderson** responded yes.

Relative to Wildlife Policy, **Mr. Anderson** discussed three main concepts: 1) members are concerned with wildlife in general and specifically wildlife populations numbers; 2) the number of tools made available for landowners to deal with wildlife issues; and 3) increasing opportunities to manage wildlife. Michigan Farm Bureau is supportive of the House Bill 4860 which gives the NRC authority to determine whether or not a turkey lottery should be conducted.

Relative to landowner liability, Michigan Farm Bureau will disseminate information for landowner liability protection. He said that the Farm Bureau has no way of tracking leases. **Commissioner Eisele** encouraged them to get a sense of the results on this issue.

David Glei, Michigan Farm Bureau, addressed crop damage to his farm in Hillsdale where they grow various crops. Chairman Charters recommended that staff discuss wildlife damage control permits with him.

Charles Woods, QDMA, Tuscola County, stated that hunting is his passion. He believes that more emphasis should be focused on management of the deer and that the decisions be based on sound quality management.

Jeff Adams, Caro, said the deer population in the Thumb area is high. He disagrees with the required 66 percent approval process for passage of a QDM proposal policy. He also requested that the fine for trespassing be increased. Chairman Charters noted that setting fines for issues such as trespassing are Legislative and that he should contact his Legislator.

Ron Spitler, Michigan Bass Chapter Federation, discussed bass harvest. He said that a partnership is being developed between the DNR and the Michigan Bass Chapter Federation. He pledged to work with the DNR to monitor bass harvest.

Larry Holcomb, Olivet, supports wildlife management based on science and that the DNR should aim for a balanced ecosystem between flora and fauna. He believes the DNR has raised the bar too high relative to QDM.

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The Natural Resources Commission meeting adjourned at 6:30 p.m. on Thursday, March 7, 2002 and reconvened at 8:30 a.m. on Friday, March 8, 2002.

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DIRECTOR'S REPORTS

Carol Bambery, Legislative Liaison, and Dennis Knapp, Assistant to the Legislative Liaison, reviewed the following active Legislation affecting the DNR:

House Bill 4860: Creates a Turkey License Lottery. Currently in third reading in the Senate. The DNR supports this bill.

House Bill 4937: Youth Voluntary Fishing License. Currently in third reading in the Senate. The DNR supports this bill.

House Bill 5556: Designated Trout Streams. Passed the House and was referred to Senate Hunting, Fishing and Forestry Committee. The DNR is concerned with this bill.

House Bill 5431: Youth Exemption from Certain Fishing Regulations. Passed the House and was referred to Senate Hunting, Fishing and Forestry Committee. The DNR opposes this bill.

House Bill 5779: Compensates farmers for deer crop damage from deer license fees.

House Joint Resolution V: Creates constitutional rights to hunt, fish and camp.

Update on Deer Harvest Reports

Brian Frawley, Wildlife Division, presented preliminary deer harvest results for the 2001 hunting season. Early returns show a 10 percent statewide decline in harvest from the previous year. The greatest declines are indicated in the Upper Peninsula. He reported that preliminary mail surveys indicate that deer harvest in the TB area is down. Final harvest results will be presented at a future meeting.

Bovine TB in Michigan's Wildlife - Update

Steve Schmitt, DNR's Veterinarian, presented an overview of wildlife surveillance; apparent TB prevalence; and the "hot spots" in the state. In 2001, one elk tested TB positive and 59 out of over 24,000 free-ranging white-tailed deer tested positive. In 2001, 2368 deer were submitted for testing from DMU 452. Twenty-six were found with lesions in the head, and 10 were found with lesions in the chest cavity.

Discussion ensued regarding the material presented.

NEW COMMITTEE: NRC Policy Committee on Wildlife Issues

Chairman Charters reported that a new committee of the NRC has been formed called the NRC Policy Committee on Wildlife Regulations and Flora and Fauna Diseases, to be chaired by **Commissioner Garner**. **Commissioner Campbell** is the other member of this Committee. This Committee will address wildlife regulations and deal with flora and fauna diseases. **Chairman Charters** asked Commissioner Garner to come up with a name for this Committee.

APPROVAL OF MINUTES - FEBRUARY 7-8, 2002 NATURAL RESOURCES COMMISSION MEETING

Commissioner Eisele made a motion, supported by Commissioner Wheatlake, for approval. Motion unanimously carried.

**REGULATIONS TO PROHIBIT THE TAKING OF WILDLIFE BY FENCING,
WILDLIFE CONSERVATION ORDER AMENDMENT NO. 2 OF 2002**

Commissioner Garner made a motion, supported by Commissioner Eisele, for approval. Motion unanimously carried.

LEELANAU COUNTY QUALITY DEER MANAGEMENT PROPOSAL

Commissioner Eisele made a motion, supported by Commissioner Garner that, considering the supportive mail survey results, the NRC directs the DNR to draft an order implementing the Leelanau QDM proposal beginning with the 2003 deer season, for consideration by the NRC. Motion unanimously carried.

**QUALITY DEER MANAGEMENT PROPOSALS: CHIPPEWA AND
MACKINAC COUNTIES; AND HURON, SANILAC AND TUSCOLA COUNTIES**

Commissioner Eisele made a motion, supported by Commissioner Garner, that, considering the non-supportive mail survey results, the NRC directs the DNR that it is not necessary to draft orders regarding the QDM proposals for the Thumb area and the eastern U.P. area. Motion unanimously carried.

Commissioner Garner stated that consideration should be given to putting a moratorium on accepting any QDM proposals in southern Michigan due to the fact that QDM is a natural result of the high antlerless deer harvest and the extremely high private land ownership in southern Michigan.

**NRC POLICY COMMITTEE ON TECHNOLOGY, INFORMATION, MARKETING
AND EDUCATION (T.I.M.E.) MEETING REPORT**

Commissioner Garner reported that the T.I.M.E. Committee met on Thursday, March 7, 2002 at the Kellogg Center at 10:30 a.m. **Dr. Ben Peyton, MSU**, reviewed surveys and research pertaining to DNR.

**NRC POLICY COMMITTEES ON FINANCE AND ADMINISTRATION - AND -
LAND MANAGEMENT - JOINT MEETING REPORT**

Commissioner Eisele reported that the Joint Committees met on Thursday, March 7, 2002 at noon at the Kellogg Center. Topics discussed were: payments in lieu of taxes; parks and recreation land priority planning systems criteria; land restrictions - funding and management; and categorization of state land.

PAYMENTS IN LIEU OF TAXES (PILT)

Commissioner Eisele made a motion, supported by Commissioner Wheatlake, for the NRC to inform the Michigan Legislature that it is the NRC's position that the Legislature provide a mechanism for the Department of Natural Resources to fulfill its legal obligation under the PILT Act either by providing an increased appropriation or by passing Legislation to change PILT to a grant program. Director Cool stated that this is a priority in the DNR, the money is not currently appropriated for these payments, and additional restricted funds cannot be utilized. **Motion unanimously carried.**

COMMISSIONER REPORTS

Natural Resources Commission Planning Retreat

Chairman Charters reported that the NRC conducted a planning retreat on Wednesday, March 6, 2002 in Lansing. The following NRC Goals were adopted:

- Develop a comprehensive, long-range strategy for state & federal public land management. NRC: Eisele/Douglas. DNR: Burgoyne.
- Develop contemporary wildlife management strategies (e.g. update TB strategy/simplify regulations/address Chronic Wasting Disease). Create an NRC committee on Wildlife Issues. NRC: Garner/Campbell. DNR: Burgoyne.
- Explore opportunities to streamline processes/programs and most effectively/appropriately manage finances (e.g. early retirement) through NRC Policy Committee on Finance and Administration. NRC: Parfet/Wheatlake. DNR: Sobel.
- Be proactively involved in emerging issues to promote/defend policies/programs; educate/influence public opinion (e.g. maintain separate Departments for natural resources and environment). NRC: Wheatlake/Charters. DNR: Cool/Bamberry.
- Develop a comprehensive public relations strategy to enhance DNR's image and assist in countering attacks on programs/policies/actions. NRC: Parfet. DNR: Gordon.

Hunt Club Meeting

Chairman Charters reported that a meeting was held on Saturday, March 2, 2002 in Hillman with the northeast Lower Peninsula hunt clubs. He reported that the discussions were very open and candid. The Clubs stated that the deer population has been taken below carrying capacity. The Clubs indicated that the size of the herd is of more importance and concern than the tools of harvest and they will not reduce the herd any further. They said that deer are the asset of their property and therefore they do not want to deplete that asset by harvesting more deer. They admitted, however, that they do not want TB in the herd. Relative to mandatory deer check, it is believed there was an approximately 50 percent compliance primarily due to the fact that many check stations were closed by the time they reached them. He expressed concern that it was reported there were approximately 75 illegal feed sites in this area and that the DNR needs to address this problem. These facts and the Clubs' compliance must be taken into consideration when setting the wildlife orders and regulations for DMU 452 in the 2002. The Clubs were pleased with efforts to increase the level of communication and asked to continue to receive mailings on issues relative to their area. A fall, 2002, meeting will be held again with the clubs.

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Commissioner Garner received phone calls relative to DNR issues and attended Outdoorama.

Commissioner Wheatlake received phone calls and letters relative to DNR issues and enjoyed snowmobiling in the Keweenaw Peninsula.

Commissioner Eisele represented the NRC at the Carleton Sportsman's Club annual meeting and received phone calls and letters relative to DNR matters.

DIRECTOR'S ACTION ITEMS

Late Memo, Gift of Easement, White Pine Trail State Park

Director Cool reported that a late memo was submitted for Director's approval. The West Michigan Baseball, Inc., Comstock Park, Michigan is offering to the State of Michigan an easement for a recreational trail. The easement is located along Ball Park Drive. The Director intends to accept this gift.

Club Country Issues

Relative to the report on the Club Country, Director Cool commented on the following issues:

- 1) Responsibility of turning in animals: need to keep this mandatory and need to review data collection processes.
- 2) Need consistency with regulations for purposes of law enforcement success.
- 3) Regarding Agriculture: MSU is conducting a study of travel and movement of white-tailed deer in the Club Country. A major problem is where silage and cattle feed are left exposed for deer consumption. This is an agriculture problem that needs addressing. Discussion ensued relative to exposed feed. Chairman Charters commented that there should be some regulation against selling bait and feed where it is not allowed.

Post Production Costs (PPC) Definition

Director Cool intends to sign the proposed PPC definition. **Mindy Koch, Chief, Forest, Mineral and Fire Management Division**, reviewed the issue and reviewed minor changes to the table as presented at the February NRC meeting. She stated that there is not agreement on the proposal between the parties, however, they request approval. Once approved, staff will work with the industry to create a clear process. These are audit standards. During audits, staff meets with individual companies to work out audit details.

Frank Mortl, Michigan Oil and Gas Association, stated that they appreciated the process taken to develop these standards and have agreed to disagree.

Director Cool intends to sign all Director's Actions on the agenda.

George Burgoyne reported that Director Cool signed a memo that was held over at a previous meeting relative to Montmorency, Oscoda, Alpena Solid Waste Management Authority. Questions were satisfied.

Mr. Burgoyne reported on the Fordney Purchase and Socier Exchange on the agenda. Staff worked with the parties on March 7, 2002 and came to an agreement.

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The meeting adjourned at 11:00 a.m.