

## MINUTES

### NATURAL RESOURCES COMMISSION

APRIL 10, 2008

Lansing Community College – West Campus  
5708 Cornerstone Drive  
Lansing

#### **PRESENT FOR THE NRC**

Frank Wheatlake, Vice-Chair  
Mary Brown  
Hurley Coleman  
Darnell Earley  
John Madigan  
J. R. Richardson

#### **ABSENT FOR THE NRC**

Keith Charters, Chair

#### **PRESENT FOR STAFF**

James Riley, Legal Counsel  
Rebecca Humphries, Director  
Tom Courchaine, Acting UP Field Deputy  
Mindy Koch, Resource Management Deputy  
Dennis Fedewa, Chief Deputy  
Teresa Gloden, Assistant to the NRC  
Other DNR Staff

### COMMITTEE OF THE WHOLE

**Vice Chair Wheatlake** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:03 p.m.

#### **Off-Road Vehicle (ORV) Management Plan Update**

**Lynne Boyd, Chief, Forest, Mineral and Fire Management Division, and Dick Ranney, ORV Advisory Board**, were present for the update.

Ms. Boyd stated the ORV Management plan process has been a long one that began in 2004 to initiate a process to update the 1979 ORV Plan. The DNR contracted with Michigan State University to facilitate the plan update and began the public input process with a presentation to the ORV Advisory Board. Public meetings were held in Lansing, Gaylord and Marquette. Workshops were held for ORV trail maintenance and site restoration grant recipients, meetings with field staff who work in the program, there was an opportunity for public comment. Surveys were then mailed to Michigan County Sheriffs, the northern Michigan road commissioner managers and ORV program

coordinators from the other 49 states. In August, 2005, MSU submitted a draft plan based on the public input received to the DNR. The DNR then began analyzing the information with the help of the ORV Advisory Committee. Other issues arose that took precedence over the ORV Plan such as the Forest Certification issues as required by a 2004 law requiring the State forests to be certified. A corrective action was issued resulting from an audit on ORV use on State forest lands. A Task Force was established to address three areas: user education; law enforcement; and restoration and maintenance of damaged lands. The Task Force then completed its work and provided a recommendation to Ms. Boyd in 2006. The recommendations were submitted to the auditors who accepted the recommendations. Another corrective action request came back questioning why nothing had been done with the strategy. Then, a piece of legislation was enacted requiring an expansion of the ORV trail mileage by at least 25 percent (or 796 miles) over the next four years. The Division then decided the three issues needed to be combined and a long-term strategic plan needed to be put into place. This consolidated plan is the ORV Management Plan. Challenges remain: education of readers; and finding riding opportunities in southern Michigan. This plan is on the Agenda "For Information Only" and will be possible action by the Director in May. **Mr. Ranny, Chair of the ORV Advisory Committee and coordinator of Michigan Motorized Recreation Council**, said the Committee and Council support the ORV Management Plan with reservation. All involved agree that they need to work together and move forward. He said at the end of 2006 the Secretary of State's Office showed 342,000 titled ORVs in Michigan. At the end of 2007, 358,000 ORVs were titled. The Secretary of State issued 42,000 ORV titles in 2007. Though ORV sales have been flat the past few years, Mr. Ranny said the State must be prepared for an increase. It is one of the fastest growing segment of outdoor activities and many things must be done to achieve trails goals. **Commissioner Wheatlake** thanked the ORV Advisory Committee for their work on this issue.

### **Budget Update**

**Jane Schultz, Budget and Support Services**, presented a monthly DNR budget update. The monthly updates can be obtained on the DNR website at: [http://www.michigan.gov/dnr/0,1607,7-153-39002\\_11862\\_49123---,00.html](http://www.michigan.gov/dnr/0,1607,7-153-39002_11862_49123---,00.html)

The FY 2008 Budget and Spend Plan Report for Month Ending March, 2008 was presented. The table presented provides the appropriation through Act 122 of 2007, adjustments to the appropriated amounts, amount available to spend, the Divisions' initial spending plans and revisions resulting in the current division spend plans, the amounts not yet allocated to a specific plan for spending, and year-to-date expenditures that provide a measurement of progress. **Ms. Schultz** noted that much of the spending in the DNR occurs in the second half of the fiscal year (April through September) due to the seasonal nature of many of the DNR's activities. She also noted that the DNR got good news that an additional apportionment from the federal government for the US Coast Guard Grant of approximately \$750,000 higher than the estimated amount. Those adjustments appear in the Grants and Law Enforcement lines. Salaries and wages will adjust monthly due to employees leaving the department, hiring, and etc. Other adjustments were discussed. **Director Humphries** said that the DNR is in the process of filling critical positions.

### **Legislative Report**

**Dan Eichinger, Acting Legislative Liaison**, provided the following Legislative update:

HB 5607: A substitute Bill to restrict electric motors to those capable of producing not more than 100 lbs. of thrust. Language was inserted that would clarify that exemption certificates would be provided by either the county sheriff or DNR law enforcement. This Bill was voted out of the Senate Natural Resources and Environmental Affairs Committee and is in 3<sup>rd</sup> reading in the Senate.

SB 629: A substitute offered by the committee on House Tourism, Outdoor Recreation and Natural Resources, would give local units of government the authority to make jumping or diving from a pier illegal. Little activity is occurring in the Legislature on this Bill.

HB 5839: A bill to remove DNR authorization to charge any fees for the use of public boating access sites administered by the DNR. The DNR opposes this Bill. No hearings have been held to date.

SB 1184: Offered as part of a four bill package that proposes the state become a working interest in the development and exploration of oil and gas resources. Due to a great deal of opposition to this Bill, activity has slowed on it. The DNR strongly opposes this Bill.

SB 1234: Reinstates a repealed a sunset law that addressed complaints of noise generated by airboats used primarily by bow-fishermen during the evening hours on the Kalamazoo River. The DNR is expected to support the Bill.

### **State Forest Management Plan (SFMP)**

Lynne Boyd, Chief, Forest, Mineral and Fire Management Division and Donna LaCourt, Assistant Chief/State Forester, Forest, Mineral and Fire Management Division presented an update on the proposed SFMP.

Based on comments at and since the March 6, 2008 NRC meeting, several updates have been made to the SMFP. The major areas in which changes have been made include:

1. A Measurable Objective for Annual Harvest Levels:
  - a. A minimum harvest preparation target of 53,000 acres, equating to approximately 700,000 to 750,000 cords per year has been included (see page 119 of the SFMP).
  - b. A commitment to evaluate the opportunity to increase minimum wood fiber production has been added.
  - c. A timeline has been added to evaluate the opportunity to increase wood fiber production within six months of the Director's approval of the Regional Forest Management Plans.
  - d. Staff is pursuing improved Integrated Foresting Monitoring, Assessment and Prescription (IFMAP) inventory tools and updates to forest management practices from the Forest Finance Authority and other project investments to

increase production. Projects currently under way include the Red Pine Project, State Forest Inventory and Site Potential Database Completion, the Forest Cultural Resource Management Pilot Project, IFMAP Stage I and II Software Development and Woody Biomass Harvesting Guidance Development.

2. Linkage between the SFMP and the Regional SFMPs:
  - a. Language was added in the State Forest Management Plan that clarifies the linkage between the Regional and State Forest Management Plans, including a commitment to, after the completion of the Regional Plans, add the aggregated data for the projected acreages and expected treatments for cover types as an appendix to the State Forest Management Plan. (pp. xiii, 4, 9, 191)
  - b. In order to complete the Regional Plans, an approved State Forest Management Plan is required because it defines the desired future conditions and identifies the multiple resource values that need to be considered.
3. Clarified interface with and support of the Governor's Bioeconomy Initiatives:
  - a. Specific language has been added which makes specific reference to the emerging bioenergy market potential. (p. 120)
  - b. Specific reference to support of bioenergy research has been incorporated, as the DNR participates as part of the State's developing Centers of Excellence to lead by example in learning and promoting the use of sustainable forest management, hand-in-hand with the pursuit of the bioeconomy and in support of the current forest sector infrastructure. (p. 157)
  - c. References are also made to woody biomass harvesting guidance that is under development. (p. 119, 126, 128)

Staff believes the State Forest Management Plan establishes integrated and comprehensive strategies to achieve sustainability of Michigan's natural resources using principles of ecosystem management, and are anxious to focus and move forward to make this plan a reality.

**Commissioner Richardson** congratulated staff on working with all interest groups. **Commissioner Madigan** asked if for some reason the DNR cannot meet minimum harvest, are there alternative methods of production? **Ms. Boyd** said the DNR would then do contracting if no resources are available to put up the wood.

#### **Pigeon River Country State Forest (PRCSF) Land Use Order**

**Mindy Koch, Resource Management Deputy**, provided information including maps depicting areas open for mountain biking, shore-to-shore equestrian trail and other areas open for equestrian use.

Ms. Koch provided a history of the PRCSF. In 1919, P. S. Lovejoy, the architect of the DNR, had a vision for the PRCSF and named it "The Big Wild." Today, keeping that in context, the DNR is attempting to maintain this area as "The Big Wild." As of today, 118,000 acres have been dedicated as the PRCSF which was approved in the amended PRCSF Concept of Management. The original Concept of Management was approved in December of 1973 and was the beginning of the DNR's formal adoption of a policy to protect and maintain the natural beauty of its forests and waters and to sustain a healthy

elk herd and wildlife population. In 2005, a review and update of the Concept of Management was requested by the NRC since there had not been a thorough review and modifications to the Concept since 1973. Issues occurring in the PRCSF pressed the need for review, such as increasing and changing recreational uses; private development around the forest; and increase in size of the PRCSF by 15,000 acres since 1973 but this increase was not taken into consideration; and increase in knowledge and technology. In 2005, the NRC appointed a 10 person Steering Committee to create a process to update the Concept of Management. Seven subcommittees were created under the Steering Committee each representing a chapter of the Concept of Management and were represented by diverse interest groups and were charged with providing recommendations to the Steering Committee to modify the Concept of Management, of which they did do. The Steering Committee then created a draft Concept of Management and held two public hearings in northern Michigan. Several versions of the Concept of Management revision have been done, all of which have been posted on the DNR web site for public review and comment. The final draft of the Concept of Management was provided to the NRC in October of 2007 and approved by Director Humphries in November of 2007. Since the Concept of Management was approved, Land Use Orders of the Director to address the issues, especially recreational issues, have been posted on the NRC agenda for Director's action. The first Order was approved in December of 2007 limiting snowmobile use in the PRCSF to forest roads and county road right-of-ways.

Before the Director currently is an Order opening up seven research lakes that had been closed to use to conduct research. A Work Group had been established to provide additional comments to the DNR related to cycle and equestrian uses. This Work Group consisted of representatives from the equestrian and mountain bike users groups, the PRC Advisory Council, the PRC Association, hunting, fishing and trapping user groups, Resource Stewards, and the DNR. The revisions to the PRCSF Concept of Management were not unanimous.

**Ms. Koch** said there appears to be a lack of understanding amongst the users of the PRCSF. It is fairly unique in that it is a very large block of public ownership in the Lower Peninsula. Other items that make the PRCSF unique is oil and gas development has been very restrictive; unlike other state forests, a significant amount of Game and Fish Fund monies were used for acquisitions meaning the goal of the area was to encourage fishing and hunting and to preserve that activity in perpetuity; and a core of the elk herd in Michigan is located in the PRCSF and the DNR believes the herd is moving out of the PRCSF.

Currently, Land Use Orders of the Director exist that have requirements for the PRCSF, as well as other State forests, wildlife areas, and State parks. One of the orders prohibits equestrian use on 17 sections within the PRCSF. This is not a new development. These prohibited areas surround the Elk Hill Equestrian Campground and the Johnson's Crossing Trail Campground. The Land Use Order being reviewed and discussed today limits equestrian camping to Elk Hill Campground and the Johnson's Crossing Campground. It also limits equestrian use to State forest roads, country right-of-ways, the shore-to-shore equestrian trail and a limited amount of closed two-track roads (management roads that do not allow motorized use). That totals 280 miles in the PRCSF available to equestrian use. Bicyclers have about 300 miles of available use in

the PRCSF. No campgrounds will be closed by the proposed orders. Closures are due to budget cuts and the DNR hopes to reopen them once funding becomes available.

The next step is for the DNR to review 2500 acres of property recently acquired north of the PRCSF (Le Grande Ranch) where the possibility of additional equestrian use may be developed.

**Commissioner Madigan** asked if equestrians users pay as do ORV riders. The answer was no.

**Ms. Koch** said one of the major biological concerns with equestrian use in the PRCSF is the disturbance of wildlife habitat or disturbance of threatened and endangered species in sensitive areas. User conflict concerns also exist.

### **Axiom Update**

**David Freed, Chief, Office of Land and Facilities**, said there is nothing on the agenda relative to the Axiom project. This issue involves Crawford County, the City of Grayling and Grayling Township. In 1997, the City of Grayling/Grayling Township completed and approved a comprehensive master plan. In 2000, the DNR and NRC approved the Memorandum of Understanding on approximately 1700 acres of State owned land at 4 Mile Road interchange and I-75 stating it would be willing to sell this acreage for industrial and commercial development. Two years ago, Axiom Entertainment approached the State and local governments indicating its interest in the potential development of a theme park on this property. The DNR has said it would not approve the sale unless financing is in place for the entire project. To date, this financing has not been accomplished. Several contacts and petitions have been received in support of the project. Comments in opposition have also been received.

### **No Child Left Inside**

**Director Humphries** reported that **Governor Granholm**, recognizing that children are spending less and less time in the outdoors, has designated April 22-27 as “No Child Left Inside Days”. A list of activities available in State/DNR facilities across the State, are listed on the DNR web site. She encouraged everyone to enjoy the outdoors daily.

### **Partner In Conservation Award - Tony Gates**

**Director Humphries** reported that on March 14, she presented a Partners in Conservation Award to Tony Gates at the sports and RV show in Grand Rapids. Mr. Gates is an avid outdoorsman and through his radio program in West Michigan, spearheads the “Sportsman Against Hunter” food drive as well as many other outdoor activities.

### **UP Advisory Meetings**

**Director Humphries** announced that the DNR will be holding meetings in the UP to help address areas of mutual concern and are an outgrowth of the ecosystem management approach. The meetings will be held on the east and west ends of the UP. The first

meetings will be held on May 3 and May 10 to formulate advisory groups. The DNR will welcome input and advice provided by the advisory groups.

The Committee of the Whole meeting adjourned at 4:17 p.m. and the Public Appearances portion of the meeting convened at 4:30 p.m.

### **PUBLIC APPEARANCES**

**Representative Joel Sheltroun** expressed concern with the PRCSF areas being too restrictive. Relative to the Axiom entertainment project, he supports promoting northern Michigan and this project would fall into that category. He believes this project would bring people to northern Michigan. He stated that Representative Matt Gillard has been addressing this project and **Representative Sheltroun** said he is following the issue closely with him. He has commented to the Governor's office suggesting that the DNR sign an option with the developer to enable him to take it back to the financial institutions to show it is a reality that the DNR is willing to sell the land for a certain amount of money with options, etc. He said it is important to move forward.

**Jeff Kunkel** stated there are more deer in the southern Lower Peninsula than the area can carry. He was disappointed that no antlerless deer season is being proposed in the Lower Peninsula.

**Jeff Macgowan, UP Sandstormers Motorcycle and ORV Club, Inc.,** drafted a petition calling for a Land Use Order of the Director that would allow the DNR to regulate and enforce two-wheel motorcycles only on Michigan's specified motorcycle trails. He has collected hundreds of signatures from Michigan and out-of-state users of Michigan's ORV trail system. In May of 2007, he presented this information to the Michigan ORV Work Group and asked for its support. He said damage has occurred to trails from use of four-wheelers. He urged support of Land Use Order of the Director, Amendment No. 7 of 2008.

**George Lindquist, UP Whitetails and UP Sportsman's Alliance,** clarified that his UP Whitetails Association deer proposal is not a quality deer management plan (QDM) and does not address hunter access issues. He agrees with obtaining a deer herd balanced with its habitat and better buck-to-doe ratios. He believes his proposal is a step in that direction. He said that most of the hunter he represents are not trophy hunters and hunt on public land. He contends the current deer management in the UP does not work considering that deer migrate. He believes the three most common ways of controlling the take on fish or game are size limits, bag limits, and limiting participation and believes his proposal gives the sportsmen a choice on how to limit the take.

**Commissioner Richardson** discussed the possibility of utilizing Mr. Lindquist's ideas on a regional basis.

**Bevin Clayton** requested a compromise be reached to allow horses to continue to ride in the PRCSF. Specifically, he requested: 1) that any decision on this matter be postponed for one year and a committee be formed to seek out a plan for horse usage of the PRCSF; 2) develop a user fee for horses similar to what the state of Minnesota has done that would help pay for trails and horse facilities throughout the state; 3) develop rules for riding on state land and equestrian etiquette that can be posted on the Michigan

DNR website; 4) keep the remote horse sites open; 5) pursue funding for a new horse camp to the north of the PRCSF that can provide a similar wilderness experience. He believes that horses and wildlife can peacefully coexist and does not want to lose that ability.

**Director Humphries** said that any fees would have to be established by the Legislature rather than the DNR. She also noted that originally, the PRCSF was purchased with Game and Fish Protection Funds and that the Federal government has some control of how the lands are managed. Federal funds have been restrictive relative to horse usage and there is some question on the compatibility of horses and wildlife. Problems are occurring from overuse by horses, mountain bikes and other usages as well as the existence of user conflicts. Attention needs to be given to funding issues and maintenance of the character of the PRCSF. Federal funds could be lost if not managed according to the funding source regulations. In past, existing regulations have not been fully enforced in areas including the PRCSF. The only difference now is that the DNR will begin enforcing the regulations.

#### **PARTNER IN CONSERVATION AWARD – Dave Hogan**

**Representative Kate Ebli** introduced Dave Hogan and said falconry is a viable part of Michigan's resources and economy. She congratulated Mr. Hogan for his work and for receiving the award.

**Director Humphries** presented the Partners in Conservation Award white pine plaque to **Dave Hogan**.

Dave is a registered "Master Falconer" and started hunting with raptors when he was 15 years old. For a number of years his assistance to the DNR with respect to raptor conservation and the sport of falconry has been much appreciated.

Working through the Michigan Hawking Club, Dave has been an effective voice in negotiating Michigan's falconry regulations - first in rewriting the state regulations to match federal standards and secondly in establishing a limited take of raptors from the wild for use in falconry.

Dave's efforts in rehabilitating injured and sick raptors have supported the restoration of ospreys and peregrine falcons in southern Michigan. Many of the peregrines that have fledged in southeast Michigan have passed through his hands at some point. Dave has been instrumental at helping the Michigan Hawking Club expand its efforts in raptor education including annual participation at the Michigan Audubon's Crane Festival and the Lake Erie Metro Park's Hawk Fest. Dave has also been a protector of our Nation's symbol, the bald eagle, by offering his services when injured eagles have been found in southern Michigan.

For all these things and much more, **Director Humphries** thanked Dave for committing so much of his recreational time to conserving Michigan's Natural Resources.

**Dave** thanked the DNR for this honor and said he would share the award with the Hawking Club members.

**PUBLIC APPEARANCES (continued)**

**Dave Hogan, Michigan Hawking Club,** has practiced the sport of falconry for over 40 years and represents 102 licensed falconers of Michigan. He said that legislation which allows for a very controlled take of wild raptors for falconry use and allows the legislature to set seasons and limitations on the species and number of raptors that may be taken by falconers. The current bill sunsets at the end of 2008. The Michigan Hawking Club together with the MDNR and the Michigan Audubon and MUCC have worked together and proposed new legislation which will allow a continued take of wild raptors for falconry use and will repeal the sunset clause. He urged support for this Legislation.

**Therese Kline, a horse enthusiast,** thanked the DNR for compromises in the PRCSF. She encouraged getting horses and kids off the roads and into safer trails. She noted that plans are being developed for manure management. **Ms. Kline** offered her services as a civil engineer to assist with erosion control on the trails and believes that wildlife and equestrians can co-exist.

**Patrick Crosson, Axiom Entertainment,** has submitted a proposal to develop a \$162 million theme park project in Grayling Township, Crawford County, Michigan. The development would encompass approximately 1,800 acres. Land use plans and PUD Zoning have been approved by Grayling Township. Details of the land usage and plans were provided. The DNR currently owns 1,502 of the 1,800 acres in the proposal. Currently, funding for this project has not been secured (reference the discussion during the Committee of the Whole).

**Commissioner Earley** noted that governmental agencies do not render decisions on the sale of property to entities unless funding is secured.

**Gerald Welcome, representing disabled veterans,** requested allowing disabled veterans to hunt for two days in September during the same weekend as the youth hunt. This request is in addition to the established hunt for disabled veterans in October.

**Mike Thorman, Michigan Hunting Dog Federation and Member of the Michigan Wolf Management Roundtable,** thanked the DNR for the development Wolf Management Plan and the process utilized to develop it. He discussed wolf population and believes the wolf should be added to the protected game species list rather than the endangered species list.

**Sandy Siddel** is a high school sophomore and a horse trail rider. She asked that horse riding opportunities not be taken away in the PRCSF.

**Anne Woiwode, Sierra Club,** thanked DNR for the time, effort and resources put developing the 2008 Draft Michigan State Forest Management Plan and congratulated staff for getting the draft out in a timely fashion. She said that, while the Sierra Club may have some issues with the draft Plan, she is appreciative it exists. Her specific comments are detailed as follows:

1. **Organization Explanations, Data, Historical and Current Context:** Chapters 1, 2 and 3 were very helpful and well organized.

2. **Data Regarding Age-Class Distribution:** She has concerns regarding how some data, particularly age-class data, was presented throughout the Draft.

3. **Standards:** She said that goals, objectives and standards are useful and informative, but that it is difficult for the reader if they have to reference another document to find them.

4. **Cover Type Distribution:** She applauds the DNR's direction in determining suitability for species based on site conditions. However, she expressed concerns regarding the Kotar system, which relies far too heavily on vegetative communities and past management to determine site-specific suitability.

5. **Too Much Emphasis on Early Successional Species:** She said given that past management has striven to unnaturally perpetuate early successional species, the current composition and distribution of species across state forest lands is skewed strongly toward these species.

**Ms. Woiwode** reviewed other specific comments on the draft Plan.

**Norma Laine, Shiawassee Trail Riders**, represents approximately 400 trail riders relative to changes in the PRCSF horse trails. She said enforcement of the restrictions in the PRCSF due to funding sources should have been enforced prior to now rather than now. She said the elk are not native to the PRCSF and that claimed controversy between bikers and equestrians does not exist.

**Jeddy Hood, Grayling Regional Chamber Of Commerce**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Dave Stephenson, Chair, Crawford County Board of Commissioners**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Kay Cosgray, Michigan Works, Crawford/Oscoda County**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Terry Wright, Grayling Charter Township Supervisor**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Commissioner Richardson** asked if the Axiom Entertainment project does not go through at this location, would they pursue it elsewhere. **Mr. Crosson** responded that he would like it to move forward in Michigan.

**Jerry Chumack, President, Gaylord Electric**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Commissioner Earley** asked for the status of this proposal. **Director Humphries** responded that this is not on the Agenda for consideration and that the DNR is awaiting funding approval prior to any decisions being made relative to sale of the land.

**Commissioner Wheatlake** noted that the NRC is very much in favor of economic development in Michigan.

**Lois Byrd, Roscommon County Economic Development Coordinator**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Pat Norton, Ace Hardware, Roscommon**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Maureen Daugherty, Roscommon County Transportation Authority**, supports the Axiom Entertainment proposal and believes it would be beneficial to the local economy.

**Paul Call, Forestry Services Manager, Weyerhaeuser**, is pleased the DNR has come part way on written assurances on sustainable harvest level in the State Forest Management Plan. He supported setting minimum harvest levels and looks forward to working with the DNR on future forestry issues.

**Vice Chair Wheatlake** entered comments from **Kel Smythe, NewPage in Escanaba** into the record. In his comments he stated the State Forest Management Plan, as proposed, should develop a sustainable harvest target based upon scientific data and strives to improve the management across all species.

**Kevin Korpi, Michigan Forest Products Council**, thanked the DNR staff and stakeholders in development of the State Forest Management Plan. He said the State Forest Management Plan is an integral part of the sustainable future. The plan, as presented, is a status quo. It falls short of the Governor's Clean Energy vision. The forest products industry faces unprecedented economic challenges, as Michigan leads the country in unemployment, home foreclosures, and dropped per capita income. He said it is important to maintain a forest products infrastructure which is under severe distress to achieve forest land management objectives. Michigan has two choices: it can either be a leader in sustainable wood products and clean energy or watch other states fill that role. He said the status quo is not enough in light of the large fiber surpluses and annual growth rates that are leading the nation. **Commissioner Richardson** said he looks forward to working with the Council on building the economy. **Mr. Korpi** recommended that the DNR take a scientific approach to any incremental increase from all ownership classes. Discussion ensued.

**Tom Barnes, Executive Director, Michigan Association Of Timberman**, supports the Axiom Entertainment proposal. He thanked the Forest, Mineral and Fire Management Division staff for the development of the State Forest Management Plan. He said it is a step in the right direction. Although the minimum harvest level is lower than what they had recommended, it is a starting point. He said it is also good to see that the incorporation of the biomass industry and utilizing the biomass that in the forests. **Mr. Barnes** is involved in another business created to increase jobs in Michigan in small communities to look at the utilization of woody biomass for the creation of alternative energy. Having a target harvest in the Plan aids in seeking investors for that business.

**Louis Schuler, Cycle Conservation Club Of Michigan**, said in 2008, the Club will do 16 events on State, Federal and private lands. He supports the ORV Plan and hopes to work on issues they have with the plan, i.e., insurance and liability, safety training and terminal-only ORV sticker sales. He supports Land Use Order of the Director,

Amendment No. 7 of 2008, Order to regulate specific existing off-road vehicle trails by designating as motorcycle-use only.

**Paul Mulder, Great Lake 4-Wheel Drive**, questioned the legality of Land Use Order of the Director, Amendment No. 7 of 2008, Order to regulate specific existing off-road vehicle trails by designating as motorcycle-use only. He requested a subcommittee of the NRC be established to review the ORV Plan page by page. He identified two issues in the ORV Plan. First, he said that in 2002 the off-road vehicle program paid for a scientific study which was performed by an independent organization and produced standardized recommendations for sign installations and other issues that would protect from potential lawsuits. He believes the DNR has not acknowledged the recommendations. Second, the ORV use area in southeast Michigan has not been identified.

**Diane McConnell, Farwell**, enjoys riding horses in the PRCSF and asked that the trails remain open for equestrians in the PRCSF.

**Director Humphries** said State land is typically open unless it is posted closed. When it is posted closed to entry, it is usually waterfowl areas or refuge systems that, during nesting periods, are closed. Most of the area is kept open unless it is an area that has specific purpose. She said the DNR will look at the areas Ms. McConnell identified and determine why they are closed. **Director Humphries** said that State tax dollars (general fund) do not come to the DNR for managing the PRCSF. The funds used to manage the PRCSF are restricted funds and have specific management requirements.

**Dick Kleinhardt, northern Michigan farmer**, opposed to taking away horse trails and camping in PRCSF.

**Commissioner Brown** said recently horse riders in the PRCSF asked for circle trails and they were granted.

**Commissioner Madigan** questioned, if hunting and fishing license fees were not utilized to purchase and manage the PRCSF, how much land would be available for public use. Not much.

**Marne Smiley, Executive Director, Michigan Mountain Biking Association**, supports Land Use Order of the Director, Amendment 8 of 2008, order to regulate the use of lands in the PRCSF. She also supports Land Use Order of the Director, Amendment No. 7 of 2008, Order to regulate specific existing off-road vehicle trails by designating as motorcycle-use only.

**Bill Jacobs, Mt. Pleasant**, supports anything that can be done to allow veterans to hunt. He suggested spreading out the areas in the PRCSF that horse riders can ride. He does not believe horses negatively impact the elk herd and wildlife in the PRCSF.

**Commissioner Wheatlake** again stated that over 50 percent of the PRCSF lands were purchased with Game and Fish Protection Fund monies, thus the DNR has to manage these lands according to the fund source requirements.

**Carol Hyzer, Grayling**, will fight for the rights of horse riders in the PRCSF.

**Paul Plantinga**, opposed proposed Wildlife Conservation Order, Amendment No. 7, Deer Regulations, specifically removal of the recommendation of an early antlerless firearm season on private land in the southern lower peninsula. He asked that this be reinstated. He also requested that any early antlerless firearm seasons be held in September, preferably beginning the 3<sup>rd</sup> Saturday and not the 2<sup>nd</sup> Saturday of October.

**John Ingersoll, Indian River**, supports youth hunts and believes mentoring is a vital component of youth hunts. He has participated in the youth hunt program for 8 years.

**Ron Spaulding, United Sportsman's Alliance**, does not support mandatory point restrictions for whitetailed deer, but he does support voluntary quality deer management. He believes that the public is happy with the current licensing system.

**Christina Hartman**, opposes antlerless whitetailed deer point restrictions.

**Dan Timmons, Northville**, supports an early antlerless season regardless of when held. Was concerned it was taken from consideration.

**Leon Hank, President, Quality Deer Management (QDM) Association**, respectfully disagreed with QDM presentation given earlier at the NRC Policy Committee on Wildlife and Fisheries and expressed disappointment that there was no opportunity for interaction on the issue. He offered to bring in experts to talk to the NRC and staff regarding QDM. He questioned what the DNR would need to support QDM proposals in general. He supports the antler point proposal presented by George Lindquist and asked that the antlerless proposal be reinstated. **Commissioner Madigan** said he would welcome a presentation from the experts on QDM at a future meeting.

**Jeff Kala, farmer and beef producer, Onaway**, recommended using biological science when determining deer carrying capacity. He recommended that wildlife operations be held to the same standards as livestock farm operations in order to prevent the spread of disease. He supports an early antlerless season and supports liberalizing the antlerless harvest in southern lower peninsula and where disease exists.

**Melvin Boughton, Calhoun County farmer**, asked for reinstatement of the antlerless early season.

**Blaine Van Sickle, Calhoun County**, voluntarily practices QDM and supports reinstatement of the early antlerless season stating that every tool necessary is used to control the deer population.

**Bruce Levey, Michigan Bow Hunters**, recommended moving the early antlerless season into September and does not support another firearm season implemented during bow season.

**Jeff Adams, Caro**, opposed withdrawal of the early antlerless season. He supports a September early antlerless season and supports allowing veterans during the early antlerless season.

**Ryan Schwartz** supports an early antlerless season in September and believes it would correct the high antlerless deer population problem before it occurs.

**Jim Larsen, Michigan Traditional Bow Hunters,** supports a September antlerless season and believes the deer population in southern Lower Peninsula needs lowering.

**Tom Richards, Michigan Darkhouse Association,** requests a spearing season change to encompass the month of December and the first 15 days of March 15.

**Tim Lupu, Alanson,** hunts in the PRCSF and does not believe horses have a detrimental effect on wildlife. The only damage he has experienced is from motorized vehicles.

\* \* \*

The Public Appearances portion of the meeting adjourned at 7:50 p.m. and the Regular Meeting of the NRC convened immediately thereafter.

#### **APPROVAL OF MINUTES – MARCH 6, 2008 NATURAL RESOURCES COMMISSION MEETING**

Commissioner Madigan made a motion, supported by Commissioner Brown, for approval. Commissioner Madigan noted that changes were made to the March 6, 2008 Crossbow Disability Work Group minutes then approved by the Work Group earlier today. Motion unanimously carried with the Crossbow Disability Work Group minutes noted.

#### **PESTICIDE REGULATIONS – WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 3 OF 2008**

Commissioner Brown made a motion, supported by Commissioner Coleman, for approval. Commissioner Madigan understands the intent of these regulations, expressed concern with potential deaths of birds from this pesticide. Commissioner Richardson questioned how many permits will be issued under these regulations. Doug Reeves estimated approximately 200 permits will be issued with only a few minutes for each permit to process. There are no requirements for site visits but will if there is a need. Commissioner Wheatlake echoes concerns stated by Commissioner Madigan. Motion unanimously carried.

#### **ELK SEASON DATES AND LICENSE QUOTAS – WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 4 OF 2008**

Commissioner Madigan made a motion, supported by Commissioner Earley, for approval. Motion unanimously carried.

#### **BLACK BEAR LICENSE QUOTAS AND RECOMMENDATIONS, WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 5 OF 2008**

Commissioner Madigan made a motion, supported by Commissioner Earley, for approval.

**Commissioner Madigan made a motion, supported by Commissioner Earley, to make the following amendments to mimic the Upper Peninsula regulations for season 1:**

- 1. September 10 start the season for bait only;**
- 2. September 15 start the season for bait and dog;**
- 3. Season runs until October 21;**
- 4. Drummond Island quota - 8.**

**The motion to amend unanimously carried.**

**The Motion to approve Black Bear License Quotas And Recommendations, Wildlife Conservation Order, Amendment No. 5 Of 2008, as amended unanimously carried.**

**Doug Reeves, Chief, Wildlife Division**, stated that meetings will be held over the next several months discussing a period before the opener for dog use, a standardization of regulations across the state, and a consideration for bear management unit boundaries and appropriate sizes. **Commissioner Madigan** said that, during these meetings, anything that arises that needs addressing will come before the NRC prior to April of 2009 so discussions can be held prior to the deadline for making changes. Also, a broader management plan will be worked on obtaining broader stakeholder input is received at the front end of the discussions. Various groups will be involved with these meetings and decisions. Open houses will then be held across the State where public input will be requested. **Commissioner Brown** asked that sound science be used throughout the process.

#### **ZONE 1 PHEASANT MANAGEMENT UNIT DEFINED – WILDLIFE CONSERVATION ORDER AMENDMENT NO. 6 OF 2008**

**Commissioner Madigan made a motion, supported by Commissioner Earley, for approval. Motion unanimously carried.**

#### **WOLF MANAGEMENT PLAN – DISCUSSION**

**Commissioner Madigan** said it is a good plan but stated the following concerns: 1) at what point is social conflict; and 2) the plan needs to address whether the request needs to be made to the Legislature of whether wolves are deemed a game animal.

**Commissioner Coleman** commented on the Deer Management Units Open to Antlerless Deer Hunting. He questioned how to balance out the opinions across the State. He stressed the need to communicate the issues properly. He also recommended additional discussion on the PRCSF use issue and wants assurance that there is solid information available.

### **DIRECTOR'S ACTION ITEMS**

**Director Humphries** clarified that Items IV.E.3. Wildlife Land Acquisition, the John Madigan Tract, is not Commissioner John Madigan and is no relation to Commissioner Madigan.

**Commissioner Wheatlake** commended staff on the Proposed May 1, 2008 Oil and Gas Lease Auction.

**Director Humphries** stated her intent to sign all of the Director's Action items on the Agenda.

### **NRC POLICY COMMITTEE REPORTS**

#### **Crossbow Disability Work Group**

The Crossbow Disability Work Group met on April 10, 2008 at 10:00 a.m. Commissioners Madigan and Richardson were present for the Work Group. (see attached Minutes)

#### **NRC Policy Committee On Wildlife And Fisheries**

The NRC Policy Committee on Wildlife and Fisheries on April 10, 2008 at 12:30 p.m. Commissioners Madigan and Earley were present for the NRC. Commissioners Brown, Coleman, Madigan, Richardson and Wheatlake were also present for the NRC. (see attached Minutes)

### **COMMISSIONER'S REPORTS**

Commissioner Richardson: Held DRIP meetings; will be holding information meetings in the UP on May 3 and May 10; attended a meeting with Whitetails Unlimited.

Commissioner Earley attended the Saginaw Field and Stream Club annual banquet that was well attended and a good time.

Commissioner Madigan addressed UP wildlife issues.

Commissioner Coleman said one of the values of the NRC is it reflects broadly of issues of quality in Michigan. He stressed how valuable economic development in the State is.

Commissioner Wheatlake was proud to say he had a German shorthaired puppy that will be a very good hunting dog.

\* \* \*

The meeting adjourned at 8:20 p.m.

## **CROSSBOW DISABILITY WORK GROUP**

The Crossbow Disability Work Group of the NRC convened at 10:00 a.m. on April 10, 2008 at the Lansing Community College West Campus.

### **Work Group Members Present:**

Curt Best  
Christine Clements  
Jeff Johnstone  
Charles Jordan  
Jerry Keck  
Jim Larsen  
Bruce Levey  
John Madigan, Co-Chair  
Tim Mingie  
J. R. Richardson, Co-Chair  
Amy Spray  
Jim Trinklein  
Mark Velthouse  
Tom Wilming

### **Work Group Support Staff Present:**

Mike Bailey  
Cecilia Gilson  
Teresa Gloden  
Jane Gordon  
Dennis Knapp  
Bill Pemble

## **MINUTES**

Co-Chairman Madigan asked if there were any requested changes to the Minutes of the March 6, 2008 Work Group meeting. Following are the proposed changes:

- Add Mike Bailey to the list of attendees
- Add Jim Trinklein to the list of attendees
- Change Bruce Levey's comments to read: **Bruce Levey** said there are other species to hunt in Michigan. Delete the remainder of the sentence.

The Minutes from the March 6, 2008 Work Group meeting were approved as amended.

**Co-Chairman Madigan** stressed that the intent of this Work Group was to look at issues related to persons with disabilities or inabilities to use a bow for hunting purposes due to physical or medical reasons. The intent of this Work Group is not to address age, i.e., allowing seniors to automatically receive crossbow permits. That issue will be addressed at a later time.

**Cecilia Gilson, MDNR**, reviewed the current qualification guidelines for crossbow permit being an 80 percent disability either by itself or in combination of factors. Occupational and physical therapists are both allowed to conduct evaluations.

**Christine Clements, an occupational therapist**, thoroughly reviewed the process for evaluating a person's ability to qualify for crossbow usage and recommended language for establishing simplicity and accuracy for those evaluations. She believes categories should be used to set criteria and suggested that evaluation should be able to be accomplished in 15 minutes to minimize the cost to the applicant. Ms. Clements recommended using the permit guidelines set by Wisconsin with the addition of incorporating elbows, wrists and digits to the qualification (grip strength, manual muscle testing, active range of motion, etc.) allowing any one of the tests to qualify an individual for a permit.

**Jeff Johnstone, a occupational therapist**, agreed with Ms. Clements that the evaluation protocol needs to be consistent among all therapists. She said it would be relatively simple to conduct a functional test by seeing if the individual could pull the bow back then hold it for a designated amount of time. **Curt Best, a physical therapist**, said a therapist can determine if a client is being honest during the testing process but agreed there are no standard guidelines that exist for doing the testing. He agreed that the means to pull back a bow can be altered, but consideration needs to be given on the stabilization of the bow once it is pulled back. Currently, someone who is able to pull the bow does not qualify for a crossbow permit. Mr. Best believes the proposed changes to the evaluation standards should be made to be similar to those in Wisconsin and that would open up more opportunities for individuals to be permitted to use a crossbow.

A group of occupational therapy students from Saginaw Valley College is working on developing a functional evaluation process. Occupational therapy students were present to provide details on the study being done on this issue. They said that most of the issues and problems that exist with the process is the lack of standardization and it is very confusing. They believe that a function-based evaluation would be more appropriate taking into consideration conditions of other extremities. Surveys will be sent to occupational and physical therapists with the results likely to be available in winter term of 2008/2009. They believe stability, once the bow has been pulled, should be included in the evaluation process.

Discussion ensued.

**Bruce Levey** recommended allowing physicians to approve a temporary, one-year permit with the option for a one year renewal for those who have issues that will heal in time. He also recommended that permanent permits be issued by a physical or occupational therapist because they have the ability to determine whether an individual is able to physically manage a bow.

**Jerry Keck** said consideration needs to be given to those who are confined to a wheelchair and those who have neuromuscular diseases.

It was agreed that a draft proposed permit be brought to the May 8, 2008 meeting of the Crossbow Disability Work Group for consideration. The proposed draft application would consist of a "black and white" section, which the physician can sign off, where there

would be no question of whether someone meets the criteria. Then there would be a section for the therapist evaluation which could include poundage of bow, can the applicant hold the bow for a determined amount of time, etc. A third section could be incorporated for disabilities not covered in the previous two sections that prevents the applicant from using archery equipment. The Wisconsin and Illinois criteria will be utilized to model from in developing the draft criteria. Discussion will also be held on temporary permits. Discussion will also be held on temporary permits.

**Brady Schickinger from Representative Joel Sheltroun's Office**, said that, since the Work Group was not going to address age issues, that the introduced legislation regarding, among other things, age, would likely move forward.

The next Work Group meeting will be May 8, 2008 in Lansing.

**Mike Bailey** distributed information on age of hunters and percentage of hunter success for various seasons.

The meeting adjourned at 11:45 a.m.

## NRC POLICY COMMITTEE ON WILDLIFE & FISHERIES

Meeting began at 12:40 pm. Commissioners Wheatlake, Earley, Coleman, Richardson, and Madigan were present. Director Humphries was also present.

**Tammy Newcomb, Fisheries Division**, updated the NRC on the Lake Huron fisheries situation. Since 2004, there has been a large decrease of alewife in Lake Huron, which is a food source for deep water fish, such as Chinook salmon. They believe the zebra mussels and the quagga mussels have dissipated the deep water fish food sources. However, there is now a large increase of feeder fish for the shore fish species due to this shift in food availability. There seems to be a natural reproduction of walleye and perch, increasing presence of lake herring, better condition of Chinook salmon, emerald shiners are back in the lake, and there is natural reproduction of lake trout. Tammy explained the Benthic Shunt Hypothesis related to this situation and believes this condition will continue.

**Rod Clute, Wildlife Division**, outlined public and private land antlerless deer license availability. Currently, the Wildlife Division is selling leftover public land antlerless licenses over-the-counter (OTC). Last year, 10 DMUs sold out on the first day and nine sold out within two weeks. Therefore, the Wildlife Division is recommending that lands in oversubscribed areas would be part of a lottery system for private land antlerless licenses. Any leftovers would be sold OTC.

Next, Rod talked about proposed deer regulation changes. The Wildlife Division recommends the following: changing the season limit of private land antlerless licenses to five (from three); eliminating the 40 acre requirement needed to purchase a private antlerless land license; including 10 and 11 year olds in the Wildlife Conservation Order to be compliant with statute; and extending the disabled two-day hunt to a four-day hunt - - From Thursday to Sunday in the third weekend in October. Lastly, the DNR recommended the early firearm antlerless deer hunt begin on the second Saturday in October and run for five days within six counties in NELP and Shiawassee County.

**Patrick Lederle, Wildlife Division**, provided an overview of the wolf management plan and the public involvement process. The DNR received an enormous amount of public comments. The plan is up for approval by the Director in May. Commissioner Madigan asked if there is some type of tripper point where the DNR would shift from individual or pack management to population-level management. He would like the legislature to make this a game species.

**Karen Cleveland, Wildlife Division**, provided an update on the management status of Double-crested Cormorants in Michigan. In 2007, nesting surveys indicated there were 29,509 nests in Michigan compared to 33,673 in 2006. She explained that cormorant populations have surged due to improved reproductive success, improved food base, and the increased survival rates. In 2003, the US Fish and Wildlife Service authorized cormorant control to the State fish and wildlife agencies, Tribes, and USDA Wildlife Services. In 2007, there were almost 7,000 birds killed and over 13,000 nests oiled or destroyed. Looking at national activities, in 2007 there were just over 20,000 birds killed and over 43,000 nests oiled or destroyed. In 2008, the 2007 projects will be continued and increased reductions will also occur in the Les Cheneaux Island, Ludington Pump Storage Facility, and Thunder Bay.

**Rod Clute, Wildlife Division**, outlined the guidelines for quality deer management (QDM) proposals. The original guidelines were developed in 1999. There have been 12 proposal submitted between 2001 through 2005. All proposals have requested antler point restrictions. A two year moratorium was established by the NRC in April 2006. Rod outlined the goals of QDM: older age structure in bucks; a more balanced sex structure in the herd; adequate antlerless harvest; and population within carrying capacity. In order for Antler Point Restrictions (APR) to work, there must be strong support by both landowners and hunters affected by changing regulations. Rod outlined the process for proposing APR and the survey process used to determine support of the proposal.

**Brent Rudolph, Wildlife Division**, explained the potential impacts of a buck tagging and point restriction proposal. Brent provided a review of the NRC policy on deer management. He then provided background on the public and hunters' interest in bucks and buck regulations as was determined from a mail survey. Brent discussed hunter motivations and how they evaluated past seasons. Next, Brent outlined the UP whitetails of Marquette County proposal, which is to provide hunters with a choice. They could purchase one antlered deer tag or a combination tag that allowed 2 antlered deer to be harvest but one has to have 3 points or more on a side and the other tag would be for a deer with four or more on a side. Brent provided information on the reasons individuals hunt. Research on impacts of changing population composition has not been conclusive. Most MU Supervisors felt the proposal was an APR and therefore, they recommend that proposal be submitted through the QDM/APR process after the moratorium is lifted.

An opportunity was afforded to George Lindquist to discuss his group's proposal and provide comment on what he heard. George stated that his group wanted more big bucks and wanted to know how the DNR is going to produce them. If a lottery is needed to get bigger bucks, then a lottery should be implemented. He believes the DNR wasn't making the necessary changes to get bigger bucks.

**Doug Reeves, Wildlife Division**, discussed bear regulations and the planning process for creating a Michigan Black Bear Management Plan. He proposed that the Drummond Island bear season dates be from Sept. 10 to Oct. 21 and the quota reduced from 12 to 8. Next, Doug outlined the public engagement process for the management plan. The planning process will include issue scoping public meetings, regional roundtable meetings, and a statewide bear management consultation team. The final plan should be completed in the summer of 2009.

Commissioner Madigan asked that three bear management issues be specifically addressed at the scoping public meetings: 1) Quiet periods, should they be changed; 2) Standardization of regulations across the state; 3) Bear Management Unit sizes across the state. These must be addressed and feedback returned to the NRC.

Meeting ended at 2:52 p.m