

Eastern Upper Peninsula Citizen Advisory Council

June 17, 2010

6:30-8:30 p.m. (EDT)

Luce Mackinac Alger Schoolcraft (LMAS) District Health Department

14150 Hamilton Lake Road, Newberry, Michigan

Meeting Minutes

EUP-CAC Members Present

William Becks

Al Colegrove

Bob DeVillez

Dale DuFour

Jim Duke

Ginny Giddings

Glenn Moll

Richard Pershinske

Chad Radka

Steve Rodock

Jim Rutledge

Doug Scheuneman

Tom Schweitzer

EUP-CAC Members Absent

Tom Buckingham

Fred Gregg

Mike Lawless

Lester Livermore

Steve Walker

Department of Natural Resources and Environment (DNRE) Staff Liaisons

Stacy Welling, Upper Peninsula (UP) Regional Director, Marquette

Debbie Munson Badini, Communications Representative, Marquette

Steve Casey, Water Bureau, Gwinn

Clif Clark, Remediation and Redevelopment Division, Gwinn

Gary Ellenwood, Recreation Division, Newberry

Melanie Humphrey, Office of Geological Survey, Gwinn

Dave Jentoft, Wildlife Division, Sault Ste. Marie

Ann Mattson, Administration, Newberry

Acting Lt. Chris Morris, Law Enforcement Division (LED), Newberry

Mike Paluda, Forest Management Division (FMD), Marquette

Jay Parent, Land and Water Management Division (LWMD), Gwinn

Rob Schmeling, Waste and Hazardous Materials Division, Gwinn

Steve Scott, Fisheries Division, Newberry

Jon Spieles, Marketing, Education and Technology Division, Newberry

Penny Bacon, Executive Division, Marquette

Call to Order:

The Eastern Upper Peninsula (EUP) Citizen Advisory Council (CAC) meeting was called to order at 6:31 p.m. by **Chairman Dick Pershinske**.

Adoption of Agenda:

Chairman Pershinske amended the agenda by reversing items A and B under new business.

Approval of Previous Meeting Minutes:

Steve Rodock made a motion to approve the April 15, 2010 meeting minutes as amended. **Dale DuFour** supported the motion. Ayes: All. Nays: None. Motion carried.

Public Comment: No public comment

Reports:

Stacy Welling, UP Regional Director introduced Bryce Feighner, Chief of the Office of Pollution Prevention and Compliance Assistance, who will be covering the open burning amendment and Nicholas Dohm, FMD, who will be giving a presentation on Mi-Hunt.

Stacy said the Department has an internal workgroup working on recommendations for the development of the new CAC's across the State. Their recommendations will go to the Director.

At the last CAC meeting, Stacy mentioned Commissioner Richardson would like the Council's input on the youth hunt. The input could come from the Council or individually. **Chairman Pershinske** said this topic would be added to the August agenda.

Stacy sent an email invitation to the Council members for a biomass workgroup meeting on July 27 in Escanaba. Michigan State University (MSU) is partnering with several groups to get information on biomass in the UP and potential biomass products. Stacy also sent an email regarding the Department's budget that has 86 restricted funds. The Department has filed an appeal in the Ostego County recreational feeding case.

Stacy said the WUP-CAC passed two resolutions at their May meeting. She noted one of their big topics of discussion was the role of the Legislative function regarding the Council members. Stacy said the Council is welcome to discuss Legislative functions but those recommendations go to the Department as the Council is advisory to the Department. The Council did make a recommendation on House Bill 4198 but that was directly related to the Natural Resources Commission's (NRC) role in regards to feeding and baiting. The WUP-CAC will meet on July 19 in Negaunee. Also, there is a joint meeting scheduled with the Natural Resources Commission and the Agriculture Commission on August 12 in Escanaba.

Division Staff Reports were provided to the Council members prior to the meeting. The following staff had updates to their written reports:

Debbie Munson Badini, Communications Representative said a press release will be issued announcing Department staff has verified a trail cam photo from Menominee County that looks like a cougar.

Bryce Feighner is the Chief of the Office of Pollution Prevention and Compliance Assistance which is now part of the Marketing, Education and Technology Division. He will be providing information on the open burning amendment.

Gary Ellenwood reminded the Council about the recreation passport and the importance of spreading the word to others.

Mike Paluda, FMD said the EUP-Ecoteam agreed and voted on the final recommendations for the Biodiversity Stewardship Areas (BSA's) for the EUP. The recommendations will be reviewed by the State team, the Statewide Council, and the public. Mike said the EUP has approximately 1,000,000 acres of state forestland. The EUP-Ecoteam designated just over 200,000 acres of this land for BSA's. Most of the acreage designated BSA is non-commercial forest land. The productive forestland is approximately 4-6 percent. **Chairman Pershinske** noted that BSA's will be an agenda item at a future CAC meeting.

Dave Jentoft, Wildlife Division said Terry Minzey mentioned at the last meeting the strategic plan draft report would be available in May. As far as they know, MSU is still in the process of completing the report. The people that participated in the focus group meetings or had a personal interview with MSU will be invited to attend a facilitated meeting in July where they will be able to ask questions on draft goals and objectives.

Melanie Humphrey, Office of Geological Survey, said most of their time is spent on metallic mining exploration and exploration drilling. In the EUP, there is a sand mining site and in the WUP, Kennecott has started construction at the Eagle Mine site.

Nicholas Dohm, Resource Analyst, FMD said he is the project manager for Mi-Hunt and will be proving a demonstration on the program.

Steve Casey said Water Bureau is responsible for drinking water, waste water, environmental health, and soil erosion.

The following staff introduced themselves but didn't have updates to their written reports:

Steve Scott, Fisheries Division

Acting **Lt. Chris Morris**, Law Enforcement Division

Rob Schmeling, Waste and Hazardous Materials Division

Jay Parent, Land and Water Management Division

Clif Clark, Remediation and Redevelopment Division

Jon Spieles, Marketing, Education and Technology Division

Ann Mattson, Office of Land and Facilities

Special Presentation: In honor of his retirement, Mike Paluda was presented with a plaque of recognition for his support to the EUP-CAC.

Old Business:

Update of the Non-Industrial Private Forestry (NIPF) Coalition: **Mike Paluda** said he received an update from Amy Spray, Michigan United Conservation Clubs (MUCC) from the coalition's last meeting. The update included their mission and as a group they had agreed to three different goals:

- Increasing the sustainable management of NIPF in the state.
- Increase the awareness to the local/ state policy makers and residents of Michigan on the value of sustainable management of NIPF.

- Create an efficient and effective statewide network for the delivery of services and education to NIPF landowners.

Mike shared his concerns and said this is an extremely important effort because NIPF is important to Michigan's forest industry. He said the coalition is developing a Memorandum of Understanding (MOU). Mike stressed the importance of a Council member being involved in the coalition and the Council should continue to receive updates. **Bob Devillez** said three of the coalition members are from his organization. **Chairman Pershinske** said the Council will keep this topic on the agenda to monitor it and if necessary, at some point the Council may need to take a more active role.

Update on the Deer Management Plan (DMP):

Dave Jentoft said the DMP has been approved by Wildlife Division and they are developing regional deer advisory teams. Dave said the teams will include DNRE staff, stakeholders and members of the public. Dave said if someone is interested they should contact their local wildlife biologist. **Stacy Welling** added in her discussions with Russ Mason, Chief of the Wildlife Division they will also need to loop in the CAC deer subcommittees.

Wolf Management:

Survey: **Chairman Pershinske** said the Department applied for a permit to use lethal control on problem wolves. The amount of input time for comments was 30-40 days. He is only aware of five of the stakeholder representatives on the Council that submitted information during the public comment period. Chairman Pershinske stressed the Council has an active role of advising the Department and they need to support the Department's efforts.

Proposed Resolutions: **Steve Rodock** said as a Council they criticized the Department for not taking a stand on the de-listing but as a Council they didn't make a formal recommendation. Steve proposed the following resolutions:

- 1) The EUP-CAC strongly supports the Federal de-listing of the Upper Great Lakes grey wolf population giving management control to the States (Michigan, Minnesota, and Wisconsin). The EUP-CAC also urges the Michigan DNRE to aggressively pursue this delisting.
- 2) The EUP-CAC supports the Michigan grey wolf being designated as a "game animal" which requires action from the State Legislature. After game animal status has been achieved the EUP-CAC supports hunting and or trapping of the Michigan Grey Wolf.
- 3) The EUP-CAC condemns the illegal shooting of wolves.

Dale DuFour made a motion to consider all three proposals. **Bill Becks** supported the motion. Ayes: 12. Nays: **Ginny Giddings**. Motion carried. **Bill Becks** made a motion to accept all three proposals and to send the recommendations to the Department. Motion was supported. Discussion followed regarding wolf population goals, the wolf management plan, and designating the wolf as a game animal. **Chairman Pershinske** asked for a roll call vote. **Bill Becks** – Aye; **Al Colegrove** – Aye; **Bob DeVillez** – Aye;

Dale DuFour – Aye; **Jim Duke** – Aye; **Ginny Giddings** – Nay; **Glenn Moll** – Aye; **Chairman Pershinske** – Aye; **Chad Radka** – Aye; **Steve Rodock** – Aye; **Jim Rutledge** – Aye; **Doug Scheuneman** – Aye; **Tom Schweitzer** – Aye. Absent: **Tom Buckingham**, **Fred Gregg**, **Mike Lawless**, **Lester Livermore** and **Steve Walker**. Motion carried.

Depredation dollars: **Chairman Pershinske** asked if there was money available for depredation. **Dave Jentoft** said there are federal dollars, approximately \$90,000 available to each state to be used for non-lethal control. It appears to be a cost share program and Dave believes the state will apply for that money.

Chairman Pershinske asked if money was presently available for depredation and if so, is it through the Michigan Department of Agriculture (MDA). **Dave Jentoft** said yes, state law requires the depredation payments for livestock killed by cougars, wolves, or coyotes. MDA makes the payment and the DNRE reimburses MDA for those payments. The payments are made equal to the market value of the animal when the depredation occurred. MDA determines that market value. A supplemental fund has been established from donations, largely from the Defenders of Wildlife, that is used to increase the payment to the full market value of the livestock killed by wolf depredation. The supplemental fund contained \$10,000 but is nearly depleted.

New Business:

Open Burning Amendment: **Bryce Feighner**, Chief, Office of Pollution Prevention and Compliance Assistance said Jim Ostrowski from his staff manages the rules associated with this. However the regulatory divisions behind this program include Air Quality and Waste and Hazardous Materials.

The DNRE is proposing to amend R 336.1310 of the Michigan Air Pollution Control Rules and R 299.4128 of the Solid Waste Management Rules to phase out exemptions that allow households to burn solid waste, which may include plastics, rubber, furniture, electronics, chemicals, treated wood, tires, shingles, and other rubbish. The proposed amendments will reduce the public's exposure to the hazardous air pollution caused by this activity, which includes particulate matter and toxic air contaminants that can cause both acute and chronic adverse health effects. Reduced exposure to this type of pollution should benefit the thousands of Michigan citizens with respiratory conditions and also lessen the wildfire and property fire risk posed by this type of burning. The changes will not amend the current exemptions that allow the burning of grass clippings, leaves, trees, and brush under certain circumstances. Burn barrels can be used for these items.

Bryce said one reason they are here tonight is to encourage stakeholders to provide input. The Department hasn't received many comments from citizens; even though press releases were issued, public hearings were held, and staff was interviewed by the media. Bryce added that Michigan is the only Great Lake state that allows open trash burning. By changing the law, it will make it easier for local governments to pass ordinances to address open burning. In terms of enforcement, the DNRE doesn't intend to enforce this rule but does intend to engage in an outreach effort on the hazards of burning and also intends to develop a database of waste haulers and waste disposal sites. If adopted, the proposed ban would go into effect on April 1, 2011.

Discussion followed regarding air pollution, waste disposal, enforcement, and educating the public.

Dale Dufour made a motion that the Council support the DNRE on the proposed open burning amendment. **Bill Becks** supported the motion. Ayes: 12. Nays: **Steve Rodock**. Absent: **Tom Buckingham, Fred Gregg, Mike Lawless, Lester Livermore** and **Steve Walker**. Motion carried.

Presentation on MI-Hunt:

Nicholas Dohm gave a demonstration on Mi-Hunt. Mi-Hunt is a new interactive mapping web application that helps the user to plan their Michigan hunting, trapping or outdoor recreation adventures. Mi-Hunt allows users to view and navigate through all public lands open to hunting and trapping in Michigan. Mi-Hunt displays multiple layers of information, which can be turned on or off to fit their specific outdoor recreation interests and trip planning needs. Mi-Hunt was made possible with a grant from the Hunting Heritage Partnership, a grant program of the National Shooting Sports Foundation, Inc.

The interactive layers of Mi-Hunt allow the user to view:

- all state game and wildlife areas;
- huntable lands by vegetation types;
- the topography and foliage cover of huntable lands;
- recreational facilities such as forest campgrounds, trails, wildlife areas and boat launches; and
- street maps and directions to huntable areas.

Proposed ORV Legislation: **Glenn Moll** said ORV usage is increasing and is a legitimate use of public land. Glenn said forest certification and environmental awareness has led to a level of managing ORV use, what was accepted in the past is no longer accepted. Glenn believes managing ORV use means providing the opportunity to ride. There's about 3,500 miles of designated trail route, UP forest roads are open unless posted closed, and trails are being developed and added to the trail system. The second part of responsible management is public information and educational training. Also, restoration and maintenance are necessary. Glenn thinks there needs to be more DNRE ORV techs as there are only three in the state. Also needed is the appropriate amount of enforcement. Glenn added the users must pay; users pay for other things such as license plates, driver's licenses, and hunting and fishing licenses.

Glenn said there were four House Bills introduced on proposed OHV legislation. The bills have been assigned to committee and they are currently working on amendments. Glenn provided an overview of the proposed legislation.

Stacy Welling added there are about 60 amendments to the proposed legislation. The Department offered 15 amendments but none of those amendments were added to the bills.

Chairman Pershinske asked Glenn if he wanted the Council to take action or as individual stakeholders contact their Legislator to make recommendations. Glenn said yes, and added he wanted to share the information with the Council so they are aware of the pending legislation.

Dredging Permit in the Cedarville Area: Chairman Pershinske said he was involved in a situation where someone wasn't complimentary of the Department and the individual had some serious comments about a permit in Cedarville. This is also an environmental issue that gives the Council an idea of what they might do as council members. Chairman Pershinske said this is strictly an informational issue. He said Clark Township submitted a permit to do some work in their harbor but withdrew their permit. The Township is waiting for the Army Corp of Engineers to do some work in the channel first.

Jay Parent said he doesn't have a problem talking about permits that have been issued but in this situation they are still working with the township. Jay said the Corp of Engineers is dredging the channel at Les Cheneaux Islands but will not be dredging the whole Cedarville harbor. The Township would like to do some additional work. The Department has some concerns with their proposal and they are working with the Township to try to help them meet their goals.

Jay added for the LWMD permits there are statue timelines to make decisions and at the end of that timeline if they can't come to an agreement they have to deny the permit. **Stacy Welling** added they can share any information that is public or on the permit process itself.

Communication between Council Members: Chairman Pershinske this is regarding the opportunity for us communicate with each other on issues that involve the Council but not necessarily endorsed by the Department.

Stacy Welling said each Council member could create their own address list and we can help the members through that process. If Department staff forwards an email it could look like we are endorsing the content.

Next meeting:

The next EUP-CAC meeting is scheduled for August 19, 2010 from 6:30-8:30 p.m. at the LMAS District Health Department office in Newberry.

Council Members Closing Comments:

Mike Paluda thanked the Council for the plaque. Mike said he always looked forward to attending the Council meeting and added it's been fun to interact with the Council. The Council members spend a lot of time and effort and deserve a huge pat on the back. Mike said you are an advisory council but you have a lot of influence and you can continue to make a difference.

Meeting adjourned at 9:00 p.m.