

Eastern Upper Peninsula Citizen Advisory Council
August 19, 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
Tom Buckingham
Al Colegrove
Bob DeVillez
Dale DuFour
Jim Duke
Ginny Giddings
Fred Gregg
Mike Lawless
Glenn Moll
Richard Pershinske
Chad Radka
Steve Rodock
Doug Scheuneman
Tom Schweitzer

EUP-CAC Members Absent

Lester Livermore
Jim Rutledge
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
Clif Clark, Remediation Division, Gwinn
Gary Ellenwood, Recreation Division, Newberry
Melanie Humphrey, Office of Geological Survey, Gwinn
Ann Mattson, Administration, Newberry
Terry Minzey, Wildlife Division, Newberry
Acting Lt. Chris Morris, Law Enforcement Division (LED), Newberry
Dennis Nezych, Forest Management Division (FMD), Marquette
Jay Parent, Water Resource Division (WRD), Gwinn
Rob Schmeling, Environmental Resource Management Division (ERMD), Gwinn
Steve Scott, Fisheries 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 6:32 p.m. by **Chairman Dick Pershinske**.

Adoption of Agenda:

Chairman Pershinske amended the agenda by reversing items A and E under new business. **Steve Rodock** made a motion to adopt the agenda as amended by Chairman Pershinske. **Bill Becks** supported the motion. Ayes: All. Nays: None. Motion carried.

Approval of Previous Meeting Minutes:

Dale DuFour made a motion to approve the June 17, 2010 meeting minutes as amended. **Doug Scheuneman** supported the motion. Ayes: All. Nays: None. Motion carried.

Public Comment: No public comment at this time.

Reports:

Stacy Welling, UP Regional Director introduced Dennis Nezich, acting EUP District Supervisor, FMD and Jim Ostrowski, environmental quality analyst who will talk about the open burning amendment. Stacy said Becky Patrick has been named the Lake Michigan regional director and Robert Wagner as the Lake Huron regional director.

Stacy said three public meetings were held in Crystal Falls, Newberry and Johannesburg on commercial hunting guide regulations. This will be an agenda topic at the October EUP-CAC meeting. Stacy noted the availability of a fact sheet on commercial hunting guide regulations on state land and commercial forest land. Stacy said the Department is going through an email migration. If CAC members are not getting press releases or email replies, please follow-up with a phone call as we are not receiving all of our emails.

At the July management team meeting, the CAC internal workgroup gave their recommendations to the Director. Stacy said the Director and Frank Ruswick will not be at the August management team meeting so it's likely this will not be on the August management team agenda. The CAC membership is on two and four year rotating terms. We are nearing the end on the first two year term. For the Council members on a two year term, please let us know if you would like to reapply for membership on the Council.

Stacy said the Senate rejected the reappointment of John Madigan and J.R. Richardson to the Natural Resources Commission. Their terms expire December 31, 2010. John Matonich is the newest commissioner. He is originally from Bessemer. At the Natural Resources Commission (NRC) meeting in Escanaba, the Commission passed new regulations for crossbows. The new hunting guides are available except for the new crossbow regulations passed at the NRC meeting.

The Environmental Resource Management division staff finished comprehensive landfill monitoring and conducted inspections at several UP paper mills. Stacy said in June, the air quality in Seney was worse than the air quality in Detroit. Stacy added on the shoreline in Marquette, about 25 years ago, there was a caustic soda spill. More than 200,000 gallons of a chemical that has similar properties to drano were released. At that time it was cleaned up but some of it is still sitting on the bedrock. They tested it and it has the same ph balance as it did about 25 years ago.

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

Rob Schmeling, Environmental Resource Management Division said he had nothing new to add to his written report.

Steve Scott, Fisheries Division said on July 26 an oil line broke near Marshall, Michigan. Over 800,000 gallons of oil leaked into Talmadge Creek which feeds the Kalamazoo River. They haven't found any significant fish kills as most of the oil stayed on top of the water. However,

turtles, ducks, geese, muskrat, and beaver were impacted by the oil as well as the vegetation. At the time the oil spill occurred there was a recent rain event which resulted in a very high water level. As the water and oil receded the oil covered a substantial area of vegetation along the shoreline. All of the houses in that immediate area were quarantined and people were evacuated. Fisheries and Wildlife Division staff collected wildlife species and brought them to recovery stations to be re-hydrated, fed and cleaned-up and brought back to health. Over 500 animals have been brought in and several hundred have been released. All of the wildlife species released were banded so they can be tracked. It's an on-going process with animals still being collected. They are also working on what is the best process to remove the oiled vegetation. Steve said they have fishery sites where they do electro-fishing that they know what the fish population was before the oil spill. They'll be able to go back and evaluate the population after the oil spill.

Dennis Nezich, Forest Management Division said he had nothing new to add to his written report.

Acting **Lt. Chris Morris**, Law Enforcement Division said in the 2009 muzzleloader season Wildlife Division received a mortality signal from a radio-collared wolf. CO Gerald Thayer investigated and found a dead wolf shot with a muzzleloader. CO Thayer along with detectives from the Department's Wildlife Resource Protection Unit and agents from the U.S Fish and Wildlife Services were able to get a confession from the suspect. The person pled guilty, paid a \$500 fine, \$1500 in restitution to the State for the wolf, and lost their hunting privileges for one year. The person was also found guilty for hunting over bait.

Debbie Munson Badini, Communications Representative said recently the Escanaba Daily Press interviewed Russ Mason, the Chief of Wildlife Division. The story headline said "DNRE on Wolves - Wait and See." Debbie said what Russ said to the reporter; we are waiting to see what happens with Minnesota's petition to delist wolves, to see where we want to go in the future with our delisting action. Also, Russ talked with the reporter about our application for lethal control permit from the Federal government which would allow us to kill wolves that have been documented killing livestock and pets. The deadline has passed and we are still waiting to hear from the Federal government.

Debbie said the Odwalla Juice Company has a plant a tree campaign every year that provides \$200,000 worth of free trees to state parks nationwide. It's an on-line contest where people can vote for their state. Michigan, with the help of state employees, has a firm lead over its nearest competitor – Pennsylvania. If you haven't yet voted, please do; each vote is now worth five votes. (www.odwalla.com/plantatree)

Melanie Humphrey, Office of Geological Survey said the Back Forty project is in Menominee County. It was discovered in the late 90's, it's a zinc mineral deposit and has gold associated with it. They've been drilling and trying to figure out how much of a deposit is there. The Copperwood project is near Wakefield in Gogebic County; it's a low grade copper and is similar to the White Pine site.

Ann Mattson, Administrative Division said the new hunting guides are available, but as Stacy Welling mentioned the new crossbow regulations are not in the guides.

Gary Ellenwood, Recreation Division said last year the Gaylord District which encompasses the northern Lower Peninsula and the EUP planted \$5,000 worth of live maple trees to replace

the dying ash trees at Aloha State Park. Those maple trees were purchased locally from Plesscher Nursery.

Clif Clark, Remediation Division said he had nothing new to add to his written report.

Jay Parent, Water Resource Division said he had nothing new to add to his written report.

Terry Minzey, Wildlife Division said over the last week they've received several calls on gulls, ducks, and cormorants dying and washing up on Lake Michigan beaches in the Brevort and Les Cheneaux areas. The birds have been sent for analysis and they are waiting for test results.

Old Business:

Update of the Non-Industrial Private Forestry (NIPF) Coalition: **Dennis Nezich** said the coalition hasn't met this summer but they have a meeting scheduled tomorrow.

Bob Devillez said Bill Botti, Executive Director for the Michigan Forest Association felt the MOU was a problem but the MOU was still a draft and not final and it would be discussed at the meeting tomorrow.

Update on the Deer Management Plan (DMP): **Terry Minzey** said the deer management plan is complete and ready for implementation. The first step toward implementation is to create the Regional Deer Advisory Teams (RDAT).

Regional Deer Advisory Teams (RDAT): **Stacy Welling** said there will be three RDAT's; one in the UP, one in the northern Lower Peninsula and one in the southern Lower Peninsula. The EUP-CAC and WUP-CAC have existing deer subcommittees; Stacy said they would like to have a representative from each subcommittee to serve on the RDAT for the UP to have continuity in the information that is flowing back and forth.

Chairman Pershinske suggested to the Council that Tom Buckingham, the chairperson of the EUP-CAC deer subcommittee would be the logical choice for the RDAT. **Steve Rodock** made a motion to nominate Tom Buckingham as the EUP-CAC representative for the UP RDAT. Motion supported by **Glenn Moll**. Ayes: All. Nays: None. Motion carried.

Terry Minzey added if anyone is interested in serving on the RDAT, the application will be on-line September 1.

Update on the Michigan State University (MSU) Survey for the Strategic Planning Process for Wildlife Division: **Terry Minzey** said earlier this year, when MSU met with various stakeholders that interface with Wildlife Division they promised there would be follow up meetings to provide the results of the stakeholder meetings. In July, MSU held one meeting for the UP in Marquette. We heard there is perception that Wildlife Division operates in an arrogant manner. Terry said they are taking that to heart. Wildlife Division will find ways to operate in a give and take manner and involve more partnering. The strategic plan is almost written and will be rolled out to Wildlife Division at a meeting on September 20-22.

Open Burning Amendment: **Chairman Pershinske** said at the last meeting the Council endorsed the open burning amendment. A letter was prepared to be sent to Director Humphries. Chairman Pershinske opted to hold the letter and bring the issue back to the Council based on the number of phone calls he received including one from a prosecutor saying he would ignore the citation or prosecute the plaintiff.

Jim Ostrowski, Office of Pollution Prevention and Compliance Assistance said about 30-40 years ago both of our air quality and waste rules added regulations that deal with open burning. At that time there was a need for an exemption for residential household trash burning. There were a lot of areas in the state where people didn't have access to waste disposal services. The composition of trash has changed over time: trash today is mostly plastics, foam, rubber, and other man-made material. Also, waste disposal services have increased significantly both drop-off and pick-up services. We know a lot more about waste when burned than we did 30 years ago. When plastics and the type of material that is commonly inside your trash are burned it emits a host of toxic air contaminants that are quite unhealthy to breathe for you and your neighbors. We are essentially updating the rules similar to what the surrounding states have done; Michigan is one of the last states to do this. All the states in the Great Lakes region have statutes that prohibit or restrict trash burning in some way.

Jim said we are hoping these changes will provide local units of government with a regulatory tool to help them address open burning concerns in their communities. By eliminating the current exemption that allows the open burning of household trash the Department is no longer condoning this activity as a waste disposal option under the state rules, which will make it easier for local governments to pass ordinances to address open burning. Jim said this amendment is to deal with the immediate health effects that trash burning has on people. **Stacy Welling** said we won't be driving around looking for burn barrels or burning trash.

Discussion followed on commercial and homemade incinerators, enforcement, and cost. **Steve Rodock** feels there will be a lot more trash on state land. **Chad Radka** said the first time he looked at the ruling he thought about how much it would cost him. But if this is truly causing air pollution, what does it mean for the environment. **Mike Lawless** added dumping on private land will also be an issue. **Bill Becks** said this is a merry-go-round – you have a state agency pushing for this but the local units of government will have to pay for the enforcement. **Ginny Giddings** said it's bad for the environment; people should take their trash to the landfill or recycle it.

Doug Scheuneman asked if Wisconsin and Minnesota had similar rules. **Jim Ostrowski** said Minnesota has prohibited trash burning since 1969 and Wisconsin has very restrictive regulations on trash burning. **Jim Duke** also feels there will be more illegal dumping because of this rule amendment. Jim added the Council should consider this before voting on something they'll be sorry for later. Tom Buckingham received written correspondence from Jim Hoy. Mr. Hoy feels it's a local issue and the DNR should stay out of it.

Chairman Pershinske asked the Council if they wish to remain firm with their previous resolution, rescind the resolution, or amend the resolution. **Tom Schweitzer** made a motion to keep the resolution as passed at the June 17, 2010 EUP-CAC meeting. **Ginny Giddings** supported the motion. **Jim Ostrowski** explained the administrative rule amendment process. **Glenn Moll** said there is no simple answer. He can't defend burning forever – it has to stop. Ayes: 14. Nays: **Steve Rodock**. Absent: **Lester Livermore, Jim Rutledge** and **Steve Walker**. **Steve Rodock** said he agrees it's a give and take but it's not a net benefit overall. He said landfills will fail someday maybe not in our lifetime but they will fail and will have to be dealt with in the future.

New Business:

Feral Swine: **Chairman Pershinske** said he attended the joint Agriculture and Natural Resources Commission meeting in Escanaba last week. There was a huge discussion on feral

swine. He said there is an estimated population of 3,000-5,000 free ranging feral swine in southern Michigan but it was his understanding there is no known population of feral swine in the UP. It's a serious problem not only for health reasons but also environmental damage and damage to agriculture crops. At the Commission meeting, Russ Mason requested the feral swine be declared an invasive species. That means you could not own, have or possess feral swine. Chairman Pershinske said the agriculture side said there are some hunting preserves in Michigan that meet the requirements to keep swine contained and they have huge investments so we can't declare these swine invasive species and put these folks out of business. There aren't any regulations or restrictions in place to address feral swine. Chairman Pershinske said the Michigan Farm Bureau believes legislation is the answer, not the declaration as an invasive species.

Terry Minzey said there is a list of criteria and if a species meets any of the criteria it is required be called an invasive species. The feral swine meets several of the criteria. The pork producers want to see the animals off the landscape primarily due to disease. The number one disease is pseudorabies; this disease would be a big issue for the pork producers. The State of Texas is currently spending about \$7 million a year trying to get control of this species and basically fighting a losing battle. There are concerns with habitat degradation, predation on some of the game species, environmental impacts, and the potential of disease spreading across species boundaries. Terry added the NRC, Commissioner Madigan in particular, said three years ago they had discussions with the feral swine producers regarding the fact there were no regulations and here it is three years later and nothing has happened. **Stacy Welling** added the USDA has already listed the feral swine as an invasive species.

Doug Scheuneman said the state and federal government have always been way behind stopping invasive species from coming into Michigan. **Doug Scheuneman** made a motion to support the plan drawn up by Wildlife Division to make the feral swine an invasive species. **Al Colegrove** supported the motion.

Mike Lawless would like to table the motion. Mike said he is surprised there aren't regulations to address feral swine and he is also concerned for businesses. **Chairman Pershinske** said as an option, the Council could encourage the Department to work with the Agriculture Commission and industry. The motion to table was not accepted. **Stacy Welling** added the NRC is slated to take action in October before the next EUP-CAC meeting. Stacy said the NRC, the Department of Agriculture, the Legislators and the producers would be working together before the October NRC meeting.

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** – Aye; **Fred Gregg** - Nay; **Mike Lawless** – Nay; **Glenn Moll** – Aye; **Chairman Pershinske** – Nay; **Chad Radka** – Nay; **Steve Rodock** – Nay; **Doug Scheuneman** – Aye; **Tom Schweitzer** – Aye. Absent: **Lester Livermore, Jim Rutledge** and **Steve Walker**. **Tom Buckingham** left the meeting prior to the vote. Ayes: 9 Nays: 5. Motion failed because of a by-law requirement of 75 percent of approval of members in attendance.

Resolution to Reappoint NRC Commissioners:

Bill Becks said he felt if Commissioners Richardson and Madigan were not reappointed to the NRC the sports people of the UP would be losing two good representatives. **Bill Becks** made a motion to the DNRE to support the reappointment of J. R. Richardson and Jon Madigan to the Natural Resources Commission. Motion was supported by **Doug Scheuneman**. Ayes: 14.

Nays: None. Absent: **Lester Livermore, Jim Rutledge and Steve Walker. Tom Buckingham** left the meeting prior to the vote. Motion carried.

Featured Species List: Terry Minzey referenced the handout listing the nominated EUP eco-regional featured species list from January 2010. Terry said a Council member asked to add three species to the featured species list: ruffed grouse, beaver and bobcat. Terry said they don't have a problem accepting a recommendation from the EUP and they will move it forward. They've been concerned with beaver and they already monitor mallards which are often associated with beaver ponds. There have been some concerns with the bobcat harvest numbers. This will give them a vehicle to monitor that population more closely. The ruffed grouse is a species that they consistently monitor.

Deer Habitat Improvement Partnership Initiative Update: Terry Minzey said this is the second year of the initiative which provides \$50,000 from the deer range improvement fund to do work on private lands by partnering with clubs. This year the EUP received \$30,000 of the \$50,000 available. The Straits Area Sportsmen's Club received almost \$3,000 to plant large oak trees on Forest Service land. In the central UP, a consortium between Alger County Fish and Game Alliance, UP Whitetails of Schoolcraft County, UP Whitetails of Alger County, National Wild Turkey Federation and the Forestland Group received \$27,000. It consisted of planting oak, hemlock and white pine to improve deer habitat. There were four other projects approved in the WUP.

Youth Hunt: Stacy Welling

This agenda item was tabled to the October meeting.

Shields of Gold Video – Acting Lieutenant Chris Morris

This is a recruiting tool developed by Law Enforcement Division. All of the Law Enforcement agencies across the United States are having problems with recruitment.

Next meeting:

The next EUP-CAC meeting is scheduled for October 21, 2010 from 6:30-8:30 p.m. at the LMAS District Health Department office in Newberry.

October Agenda Items will include:

- Biodiversity Stewardship Areas (BSA's)
- Commercial Hunting Guide Regulations on State Land and Commercial Forest Land
- MSU Survey for the Strategic Planning Process for Wildlife Division
- Youth Hunt

Council Members Closing Comments: There were no closing comments.

Meeting adjourned at 9:00 p.m.