

Eastern and Western Upper Peninsula  
Citizen Advisory Council  
Monday, March 21, 2011  
6:00-9:00 p.m. EST (5:00-8:00 CST)  
Northern Michigan University, University Center – Explorer Rooms  
2101 University Center, Marquette, Michigan  
**Meeting Minutes**

**Council Members Present:**

David Anthony  
William Becks  
Donald Britton  
Gerald Divine  
Floyd Dropps  
Dale DuFor  
James Duke  
Ronald Ford  
Ginny Giddings  
Gary Gorniak  
Larry Heathman  
James Hoy  
Fred “Mick” Jarvi  
Michelle Jarvie  
David Johnson  
Mike Lawless  
George Lindquist  
Rory Mattson  
G. Dale McNamee  
Chauncey Moran  
Richard Pershinske  
Ed Radecki  
Chad Radka  
Doug Scheuneman  
Robert “Skip” Schulz  
Warren Suchovsky  
Steve Walker  
Philip Wirtanen

**Council Members Absent:**

David Anderson  
Robert Black  
Tom Buckingham  
Eugene Patrick Carr  
Bob DeVillez  
Martin Johnson  
Jim Lorenson  
Lester Livermore  
Glenn Moll  
Mike Patrick  
Steve Rodock  
James Schmierer

**Department of Natural Resources and Environment (DNRE) Staff Liaisons:**

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

Craig Albright, Wildlife Division, Escanaba

Debbie Munson Badini, Communications Representative, Marquette

Debbie Begalle, Forest Management Division, Lansing

Christina Hammill, Administration Division, Newberry

Richard Hill, Recreation Division, Gaylord

Tim Melko, Administration Division, Marquette

Steve Milford, Forest Management Division, Newberry

Terry Minzey, Wildlife Division, Newberry

Dennis Nezich, Forest Management Division, Marquette

Thomas Paquin, Recreation Division, Marquette

Lt. Timothy Robson, Law Enforcement Division, Marquette

Steven Scott, Fisheries Division, Newberry

James VanAmberg, Fisheries Division, Marquette

Monica Weis, Administration Division, Gwinn

**Call to Order:**

The Eastern/Western Upper Peninsula (EUP/WUP) Citizen Advisory Council (CAC) meeting was called to order at 6:03 p.m. (EST) by **Stacy Welling**, UP Regional Director.

**Recognition of Former CAC Secretary, Penny Bacon:**

**Stacy Welling** presented **Penny Bacon** with a special plaque recognizing her efforts on behalf of the Council Members.

**Division Updates:**

**Terry Minzey**, WLD – No additions to the Wildlife Report

**Steven Scott**, FIS – No additions to the Fisheries Report

**Dennis Nezich**, FMD – No additions to the Western UP Forest Management Report

**Steve Milford**, FMD – No additions to the Eastern UP Forest Management Report

**Debbie Munson-Badini**, Communications – March 31<sup>st</sup> and May 15<sup>th</sup> ‘Ask the DNR’ will be on WNMU Public TV13 at 8pm.

**Christina Hammill**, Administration – No additions to the Administration Report

**Tim Melko**, Administration – filling Customer Service vacancies is top priority. Reminder April 1<sup>st</sup> new licenses are on sale.

**Thomas Paquin**, PRD – No additions to the Western UP Recreation Report

**Richard Hill**, PRD – No additions to the Eastern UP Recreation Report

**Public Introductions:**

**Stacy Welling** asked the audience to introduce themselves and state who they represent.

**Special Presentations:**

**Stacy Welling** introduced **Sharon Schafer**, Budget Director. **Sharon** outlined the **DNRE and DNR Budgets**. Executive Orders 2009-45 and 2009-54 combined the DNR and the DEQ (Department of Environmental Quality) into one agency - DNRE. The combined DNRE Budget for the fiscal year 2011 was 718.9M. Some of the larger funding sources were General Fund (GF) 41.3M, RF 416M (fees), Federal Funds 261M (Environmental Protection Agency, US Department of Agriculture). The DNRE maximum allowed employees – per funding – 3,369. As of February 19<sup>th</sup>, there were 2,615 employees: 2,212 Full-time and 1,200-1,400 Seasonal.

Recently the new administration set forth Executive Order 2011-1 to split the agencies into the DNR and DEQ. The DNR Budget for the Fiscal Year 2011 is 323M: GF 15.8M, Restricted Funds 228M. All the 78.7M Federal Funding (Dingle-Johnson, Pittman-Roberson, US Forest Service) the DNR was entitled to come back from the DNRE budget. The five Divisions included: Wildlife; Fisheries; Fire, Minerals, and Forest Management; Recreation; and Law. Accounting is part of the shared services with Department of Transportation, DNR, and DEQ. The Capital Outlay budget of 18.9M includes administration, facilities, account services, grants, and field support staff.

The Michigan Natural Resources Trust Fund (MNRTF) comprised of oil and gas development revenue is nearing the 500M cap. The excess will flow into the Park Endowment Fund for much needed park improvements. Last October the Recreation Passport program replaced motor vehicle park permits with a break even point of 17% participation; it is currently estimated at 20% participation.

**Skip Schulz** asked about the Recreation Fund allocation from gas taxes. **Sharon Schafer** said 80% is allocated to water, 14% snowmobile, and part of the 6% goes to the recreational improvement fund to repair ORV damage or for non-motorized trail development, if the criteria is met in the statute. The Federal Fund and Grant Fund of each Division will receive portions of the Federal SIMS Act (gas tax) monies.

**George Lindquist** asked if the Game and Fish Trust Fund (G&FTF) is a 'rainy day' fund. **Sharon Schaefer** explained when oil and gas development revenues or timber revenues are used to purchase land, the revenue generated goes back into the fund used to purchase the land. 6M from those funds were transferred to the G&FTF generating interest earnings to be spent. **George** asked what portion of the Recreational Passport program monies go to State Forest Campgrounds. **Sharon** said the distribution generated in excess of the 11.7M required to replace the motor vehicle permit funding is as follows: 50% capital improvements, 30% operations and maintenance 10% local recreation grants, the remaining 7% can be used for SFCG, marketing, and cultural resources.

**Richard Pershinske** asked about equestrian trail funding. **Sharon** advised nothing is earmarked specifically for equestrian trails; however there is money in the general trail development fund.

**Jim Hoy** stated the Game and Fish Fund is based on user fees. Do the Tribes contribute to the fund? **Sharon** stated the Tribes are not required to pay user fees.

**Ron Ford** asked for a breakdown for each Trust Fund and the Pittman-Roberson Fund. **Dave Anthony** second **Ron's** request. Who invests the monies from the Funds? **Sharon** said we consult with the State Treasury Department and they invest the monies.

**Rory Mattson** expounded on **Ron's** original request, asking if \*all\* the numbers could be supplied by revenue and expenditure for each part of the budget. Of the 151.6M, 3.6M is allocated for wildlife, central support services 22M, 19M is allocated for customer services and the same amount goes to the Fisheries budget. These allocations do not make sense and the Department needs to re-prioritize these. Treasury reports from 2000 through 2009 indicate the gross was higher than the appropriations. **Sharon** would like to review the Treasury reports in order to understand how they were generated. For example, Communications encompasses the Retail Sales System, staff, shooting ranges, marketing and retention. The combined Executive

budget was 3.6M but will not be as high for the DNR. The Actual spent for Fiscal Year 2011 will be available in November. **Sharon** will further discuss the numbers with **Rory**.

**Skip Schulz** asked for clarification on spending for History. **Sharon** stated the Department of History, Arts, and Libraries was abolished in 2009. The following components were transferred to the DNR: Mackinaw Island, the State Historical Museum, and the Iron Industry Museum, with most of the money going toward the Historical Museum. Funding these components is strictly from the GF. This spring, the Historical Museum will begin charging adult admission to off-set some of their costs.

**George Lindquist** would also like to see a Pittman-Roberson breakdown. Are monies allocated for shooting ranges in the UP? **Sharon** did not believe so, however expanding shooting range opportunities is being sought.

**Warren Suchovsky** asked for clarification on Pittman-Roberson terms, MNRTF, and land purchases. **Sharon** indicated a 'certified hunter' is based on the participant, not the number of licenses purchased. 'Land mass' is the total acreage of the State. The MNRTF includes lease fees and royalties with the excess of the 500M cap going into the Park Endowment Fund. Monies generated on lands purchased through a specific fund will go back into that particular fund. The 'Rasher Report' was from a different Administration. There was a request for citizens to provide oversight for the Restricted Funds, but with the merger, this prospect was put on hold. We would like to compile expenditure information that is meaningful and would elicit feedback. The Department is working on transparency; hopefully it will be at a State Budget level

**Chauncey Moran** asked about the 72M more to the DEQ budget. **Sharon** said the budgets were combined at the very end and when they were split – the DNR and DEQ got what they brought to the table, less GF. Permits and oversight is a large portion of funding for the DEQ.

**Dave Anthony** asked who is in charge of Payment in Lieu of Taxes (PILT). **Sharon** said PILT is all GF monies at \$2/acre of tax-reverted land. The Department of Treasury is pro-rating the PILT due to insufficiently appropriated funds.

**Bob Stevens** asked when the equestrian trail uses can ride at Blueberry Ridge again. **Debbie Begalle** said yes Blueberry Ridge will be open to equestrians and more information will be forthcoming.

**Stacy Welling** welcomed **Debbie Begalle** from FMFM. **Debbie** presented **Biodiversity Stewardship Areas (BSA) – a 'Living Legacy'**. The BSA helps achieve the DNR mission statement, helps fulfill statutory requirements, and satisfies forest certification. The benefits of BSA provides resiliency among the network of species, resources, and recreational opportunities. There are 97 natural communities throughout the State, BSA target the best ones. The areas are not Preserves and there will be no net loss of timber revenues on DNR managed lands. Biodiversity captures a community by encompassing species, genetic material, and ecosystems and conserving their habitat needs. In the past this was labeled 'Old Growth', but it was found that many young forested areas also provided biodiversity. BSA is based on long-term conservation planning while minimizing negative impact on other aspects of the area. This is done through identification, management, and restoration. Areas have been identified not only on State land, but through partnerships with private individuals, corporations, and National ownership. This does not override other designations, i.e. Commercial Forest Act. Management is provided by meeting objectives, allowing use and activities in these areas. Addressing and

remediating exotics or invasive species will help restore the areas. The stages of WUP, EUP, and NLP BSA designations include: Data Gathering and Analysis, Review by the Core Design Team, DNR Review, Public Review, Final Review, and Integration Review and Revisions. The BSA will be incorporated into the regional State Forest Plans. In the fall, Public Review will be based at a statewide level rather than the individual regions.

**Rory Mattson** referred to the Michigan Forest Assessment and Strategy Plan. The management strategy went from 'Pre-settlement' conditions to ecosystem to the current BSA concept. Maps show a priority to reduce recreation opportunities on State lands (page 65 of 124). Acceptable use is for timber sales but not for horses, ORV or other recreation. In Dickinson County there was a move toward aspen management, but the aspen was reduced by 12%. BSA management is just a different name for managing.

**Dale McNamee** claimed that 124,000 acres are already designated Natural Areas (NA). A BSA designation would be even more restrictive. State land is not being managed for multi-use. **Debbie** said BSA and NA can be one in the same. Some NA are in fact designated BSA. Not all NA encompass all the communities, they are designated for a specific attribute, while BSA is picking the best of all State land. Biodiversity can not be used as a process; it is the result of a process. We are not using the Forest Service term 'multi-use' in regards to State land. **Dale** asked to clarify who designates NA and BSA lands. **Debbie** said the DNR designates BSA while the Legislature designates NA. **Dale** said BSA is the method the DNR uses to circumvent legislation.

**Chauncey Moran** asked if the public can nominate an area for BSA designation. **Debbie** said yes, at the Public Review meetings.

**Stacy Welling** stated the UP CAC meetings will keep the Council members informed of the status of the BSA process.

**Skip Schulz** said the BSA process gives the DNR the right to shut down recreational opportunities without legislation. **Debbie** said no, the DNR can set policy on State land. BSA designation is reviewing the State as a whole rather than on an 'Eco-region' basis. The designation that is currently in place will stay in place. **Skip** asked who comprised the Core Design Team, were tourism and business industries represented? **Debbie** said Team members consisted of: the DNR, recreational interests, timber industry, The Nature Conservancy, Forestland Group. The DNR provided information and requested feedback from sections that would be most affected by BSA.

**Richard Pershinske** said the two Advisory Councils are great resources; bring the BSA plan to the Councils for input and feedback.

**Warren Suchovsky** seconded Richard's comment. With no net loss of timber volume, will other areas incur intensive forestry practices? **Debbie** said the statement is up for interpretation; however the Department is seeking timber opportunities in State Parks, State Game Areas, and other non-traditional timber sale areas. **Warren** said 1M acres are dedicated NA. Can some of the BSA come from these areas? Will land use be restricted on private lands covered by BSA? **Debbie** said yes BSA land can encompass NA. It is where the best representation is shown at the landscape level, regardless of other designations. Land use will not be restricted on private/corporate ownership. The DNR will inform the land holder of the BSA designation on their land and they can do what they like. Aspen levels will also be reviewed by the Core Design

Team and Public Review. BSA designation is not to limit access for hunters or other recreational use.

**Warren Suchovsky** requested to begin the **Land Access Update** presentation.

**Stacy Welling** introduced **Debbie Begalle**, FMFM. **Debbie** presented the **Land Access Update for Forest Management Practices**. Existing roads are open unless posted closed and in place berms indicate the road is closed to traffic. There are several ways to 'create' timber access roads. Modifications can be made to an established road if the logger secured a permit or voluntary agreement with the DNR. If the logger wishes to create a new road for timber harvesting access, a Use Permit is required. Use Permits are reviewed locally, assessed fees, and are open for one year or less. A condition of the Permit closes the road after the harvest completion. Requesting an access Easement across State land is another option, but would most likely be denied. Private land access can be gained through a permanent road, public access road, easement, or County Road. If the road is posted or gated, DNR staff can use a private road to access State land if permission is granted. Access issues are stated up front prior to advertising State timber sales. Contract specifications requests the logger obtains permission from the private landowner to access State land. The onus is placed on the logger because some land owners want a hold harmless clause, the terms can be negotiated, some might know the logger, and others prefer working directly with the logger and not the DNR. It is a request, not a demand. Options include accessing State timber from a longer distance or another direction. Some of the issues private landowners are having with State timber sale access: lack of notification, loggers using the road without permission, certain roads are not suitable for logging activities, the Use Permit timeline of 60 days (usually turnaround time is two weeks), assumed access (can not build roads into CFA lands), and some roads have been used for decades without problems. The DNR is working on options to mitigate these issues. The State forest is on a ten year review cycle, every year we review 10% of the lands through open house and compartment review processes. During the timber sale write up, the forester includes access permission specifications. When the prospectus is mailed, in addition to the sale specifications, the front page indicates the access route land ownership or if a recreation trail is crossed. Loggers can contact the local Unit Manager to ask about access permissions. Also utilizing a workgroup to find out how the State and other road users get permits, notifications, and permissions.

**Warren Suchovsky** said the Land Use Committee met and is working on guidelines to address use and notification issues. **Debbie** mentioned using a shake file or layered map with contact information. Down state, the local DNR units require a permit to cross State roads for commercial harvesting. A permit is not needed in the UP as corporate land owners use State roads for their purposes as well.

**Floyd Dropps** inquired about underground pipelines, do we know where they are and who we would notify. **Debbie** said there is a standard contract specification regarding pipelines. **Warren Suchovsky** said there are workshops to address this issue, in particular the Enbridge situation. The workshop is discussing permits and how best to utilize roads where there are underground pipelines.

**Jim Hoy** asked for clarification on gated roads. **Debbie** stated the State road system is open for management purposes and has few gates or berms. New roads opened for timber sales are to be closed by the logger after harvesting. Ordinarily we do not permanently gate roads and we do not block access to private lands. Closing an existing State road entails a lengthy process and

requires a Director's Order to permanently close the road. Road issues are on the Natural Resources Commission Agenda.

**Jerry Divine** stated the new roads are not properly closed and ORV can access the road either by going around or over the berms. Can they be stopped through Enforcement or could signs be posted? **Debbie** acknowledged the problem of illegal ORV activity. We are developing new methods of blocking access by creating double berms and utilizing stumps. ORV trail designation in the UP is much different than in the LP.

**Warren Suchovsky** stated many people believe they 'can' access any public land they want.

**David Anthony** asked if we could get a court conviction for trespass. Are we educating the public on illegal ORV trails? **Lt. Timothy Robson** said a forest road is open unless there is a berm. If a berm is in place, then it is no longer a road. We educate the public through our ORV digest and ORV safety classes.

**Chauncey Moran** asked would someone be able to widen a road across State land from 14 feet to 20 wide. **Debbie** said yes with a Use Permit.

**Warren Suchovsky** opened the floor to public comment.

**Bob Stevens** said he is a bear hunter and has concerns with the dog season. He has a tag for the third hunt, has baited for five weeks, and then dogs run bear through his private property during the second hunting period. He would like to see the dog season at the end of the hunting period instead of in the middle. He has encountered hunters and their dogs on his private property. **Terry Minzey** said historically, baiting and dog season occurred at the same time. Currently, baiters have the first five days designated as 'quiet' time, no hounds are allowed to run. The reasoning of the three season structure is to get more hunters out in the woods. Hunter success does go down in the third hunt, yet, at the same time recreation opportunity increases. Hunters with dogs are 15% of total hunters and they are a bit more successful at 17% of the bear harvest. **Bob** said if the dog season were at the end there would be a lot less trespassing. Radio collared dogs run bear over six miles across all boundaries before they tree them. **Terry** stated the NRC decides the method and mode of take. **Terry** will discuss this further with **Bob**.

**Jack Harrick** seconded **Bob Stevens** issues on bear hunting. He also asked why the DNR conducts fish plants during the daytime. Why not plant at night when the likelihood of seagull predation is lower or plant in deeper waters. Anglers are willing to take stock in their own boat to deposit them in deeper waters. **Steven Scott** said it varies on the species and their behavior. Planted fish will stay schooled for two days and by planting at night only buys about 8 more hours of time. There would be safety issues to contend with as well as loading the fish for the night plant. For all avian situations, the Department asks for public assistance to deploy in areas of fish stocking to help keep birds away. Volunteers bringing walleye or other species in to deeper waters, poses logistical problems and increases the stress of the entire stock. **Jan VanAmberg** stated the fish are at the correct air and temperature for their species when they come out of the planting truck. It would be difficult to gauge those constraints in order for individuals to conduct the plants. Those fish were summered at the hatchery and were in excess of 9 inches which kept the predation/mortality low. The plant at the Rapid River site was collaborated with outside interests. **Steve** said he would speak with **Jack** further about this issue.

**Greg Stoll** stated that private land owners adjacent to State land need to be very nervous, especially if they want to do any project requiring a permit on their own land. Michigan Natural Features Inventory (MNFI) staff have trespassed on private land and collected Threatened and Endangered (T/E) species data in secrecy. If the land owner has a species of concern on their property, MNFI could hold up the permitting process until the issue is resolved.

**Warren Suchovsky** asked for closing comments from the council members.

**Jim Duke** stated the DNR real estate and land acquisition purchases have restrictions. In Casperson's bill, land purchased by the DNR is not by the amount set forth in the bill. From Don Reed, Seney Township Supervisor: the DNR is purchasing lands and putting restrictions allowing only foot traffic or limiting the use of motorized vehicles. The DNR is controlling access on public lands.

**Rory Mattson** said that no net loss of timber is great, but how will it impact wildlife. The DNR will allow hunting on State land, but on a 3,000 or 4,000 acre parcel with a quarter mile access road around the perimeter, this will limit access prohibit use of the land.

**Skip Schulz** wanted to thank **Penny Bacon** for all her time and dedication to the Advisory Councils. He stated the volunteers who do the work on State lands have to overcome the obstacles the DNR puts in place. After a time, volunteers just give up because of the struggles. People deserve to use State land.

**David Anthony** said the Advisory Councils are a good first step, and he encourages everyone to contact their legislators with questions and concerns.

**Stacy Welling** informed the audience about the up coming Moose Advisory Council April 14<sup>th</sup>. At the request of the WUP CAC, the first MAC on April 14<sup>th</sup> is being held in Marquette.

**Chauncey Moran** said the staff at DNR service centers receives the brunt of everything while at the same time getting information out to the correct parties.

**Richard Pershinske** said the Council members who represent stakeholder groups should take the information from this meeting back and discuss these issues.

**Warren Suchovsky** adjourned the meeting at 8:55