

## MINUTES

### NATURAL RESOURCES COMMISSION

MAY 7, 2009

UAW-GM CENTER FOR HUMAN RESOURCES  
200 WALKER  
DETROIT

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

Keith Charters, Chair  
Frank Wheatlake, Vice-Chair  
Mary Brown  
Hurley Coleman  
John Madigan  
Tim Nichols  
J. R. Richardson

#### **PRESENT FOR STAFF**

Jim Riley, Legal Counsel  
Rebecca Humphries, Director  
Rodney Stokes, Chief of Staff  
Mindy Koch, Resource Management Deputy  
Stacy Welling, Upper Peninsula Field Deputy  
Dan Eichinger, Legislative Liaison  
Teresa Gloden, Assistant to the NRC  
Other DNR Staff

#### **COMMITTEE OF THE WHOLE**

**Chairman Charters** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:20 p.m.

#### **NEW COMMISSIONER/NRC REAPPOINTMENT**

**Chairman Charters** congratulated newly appointed **Commissioner Tim Nichols** and congratulated **Commissioner Frank Wheatlake** on his reappointment.

#### **DIRECTOR'S REPORTS**

##### **Director's Action Items – Discussion**

**Director Humphries** asked if Commissioners had questions on the Director's Action Items on the Agenda. No changes were recommended by the NRC.

### Legislative Update

**Dan Eichinger, Legislative Liaison**, presented an update on DNR-related Legislation as follows:

**Feral Swine:** **Mr. Eichinger** reported that **Russ Mason, Chief, Wildlife Division, and Michael Bodunchuk, Director, Texas Wildlife Services**, had briefed the legislature on the problem of feral swine in Michigan. The question exists whether the DNR and Department of Agriculture have adequate resources to manage the problem of increased population of feral swine. It is the DNR's opinion that setting regulations on feral swine would cause undue costs to the DNR. The DNR will be pursuing a legislative solution to feral swine, including liberalizing the taking of swine in the state. The presentations were well received by the legislature.

**HB 4610**, as introduced by Representative Moore, would require the DNR to do the following:

- Preserve and facilitate the continued use of pack and saddle animals on all state-owned land where there had been a historical tradition of that use, specifically lands open for riding prior to May 7, 2008.
- By a date no later than July 31, 2009, the NRC shall establish a network of trails on state-owned land that may be used by pack and saddle animals.

As written, the bill would require the Department to re-open areas that had been restricted to use by equestrians, notably in the Pigeon River Country. The NRC will recall that the restrictions were established, in part, to bring the Department into compliance with the rules and applicable state and federal laws that govern the use of state game and fish funds.

The Department received a letter from the US Fish and Wildlife Service indicating that passage of HB 4610 would result in the Service beginning the process of finding the Department in diversion. This is in accordance with the Michigan's Assent Legislation. **Director Humphries** explained that when the federal Wildlife Restoration Act was passed in the late 1930s, it required each and every state that wanted to be eligible to receive wildlife restoration funding, which is the excise tax from supporting arms and ammunition, to pass Assent Legislation. That Legislation indicated that not only would the Pittman-Robertson funding, but also state game and fish funding (license revenues), be used for wildlife management, wildlife research, wildlife restoration, and recreational hunting. Each state had to affirm that they would pass this legislation. Each year, the DNR is audited by the federal government to assure that the valid Assent Legislation exists and that the funds are being used as required by this legislation. The legislation requires the DNR to maintain the Pigeon River Country State Forest for that designated use.

**Director Humphries** said that the DNR is not anti-equestrian use. The DNR has 3.9 million acres of state forest lands where it is appropriate to trail ride and to use horses on the property. The equestrian-restricted areas are where this Assent Legislation is in effect.

The bill was substituted in committee and made several notable changes to the bill:

- Establishes the Michigan Trailways Advisory Council in the Department.
- Finds that the use of trailways and equine access locations is compatible with the management of land for the conservation of fish and wildlife.
- Reaches back farther in time requiring that all lands open to equestrian use on January 1, 1999, shall be re-opened to equestrian use.
- Revises the deadline by which the Commission shall establish a network of trails for equine use to July 31, 2010.
- Establishes the Equine Trailways Council in the Department.

The Department offered strong opposition to the bill as introduced and as substituted. The bill was reported out of the House committee on Tuesday, May 5. **Chairman Charters** emphasized his concern over losing federal hunting and fishing funds if this Legislation passes as equestrian use in the entire Pigeon River Country State Forest is in direct conflict with the funding used to purchase the property. He said that hunting and fishing groups should comment to the Legislature on this issue.

**Mindy Koch** mentioned that property located north of the Pigeon River Country State Forest was purchased for equestrian use. However, equestrians don't want to be pacified by opening up another area outside of the Forest. Discussion ensued. In the past, equestrians have been allowed to ride in the Pigeon as well as other state game areas. However, because the usage has increased drastically by equestrians and off-road vehicles, the federal government has deemed the use in conflict with the intent of the purchase of the land.

**SBs 388 & 389/HB's 4677 & 4678** (Recreation Passport package)

Negotiations had been ongoing with regard to the Recreation Passport package that would collect a voluntary \$10 recreation passport fee at the time of vehicle registration. On Wednesday, May 6, the bills were substituted in Senate committee and reported with recommendation to the floor. The Senate substitutes do the following:

- Establishes the recreation passport fee.
- Provides a choice by which a registrant may accept the fee or decline the fee.
- Require the Secretary of State to furnish the Department with a list of information collected under the act for the purposes of marketing, advertising or other functions.
- Creates the local public recreation facilities fund.
- Allocates the revenue collected under this act to state parks, forest recreation programs, waterways programs, local parks, and for promotion of those facilities.
- Requires the Department to report to the legislature the amount of revenue collected, the adequacy of the revenue, and compliance level.
- Charges the Citizens Committee for Michigan State Parks with advising on savings and efficiencies that could be achieved with the Michigan state park system.
- Allows the Department to make rules providing an opportunity for an individual to pay a recreation passport fee in addition to the manner provided in the act.
- Mandates that non-residents shall not enter a state Boating Access Site (BAS) without purchasing a pass.

- Provides that the Director may designate those locations where a pass for non-resident access to BAS is required.

The House Great Lakes and Environment Committee adopted substitutes essentially identical to those adopted by the Senate with the notable exception that the House retained the “opt-out” provision initially called for in the legislation.

The Department of State would be required to report who participates for marketing purposes.

**Director Humphries** said the DNR has concerns relative to the level of funding it will bring in due to it being a choice. **Commissioner Coleman** said there should be more information and communications with the public on this issue. He prefers the opt-out option.

**HB 4897** eliminates the requirement that crossbow hunters wear hunter orange during the archery season. The bill further exempts falconers and predator hunters from wearing orange when they are stationary. Finally, the bill requires that a person hunting deer during the firearm season shall have at least 144 square inches of hunter orange on the exterior of the blind and that orange must be visible from all sides.

#### **WASHINGTON D. C. REPORT**

**Director Humphries** noted the Washington D. C. report from Carol Bambery and encouraged the NRC to read it relative to recreational trespass.

#### **DNR SPEND PLAN**

The April 2009 DNR Spend Plan and quarterly revenue report as presented can be reviewed by accessing the following link:

[http://www.michigan.gov/documents/dnr/CoverMay72009\\_277640\\_7.pdf](http://www.michigan.gov/documents/dnr/CoverMay72009_277640_7.pdf)

**Sharon Schafer, Chief, Budget and Support Services**, reviewed the April 2009 DNR Spend Plan and the quarterly revenues as of March 2009. She also summarized the Governor’s Executive Order 2009-22 relative to budget reductions as follows:

- the DNR will implement a 4 percent decrease in General Fund;
- the DNR will close 12 state forest campgrounds and not hire eight part-time seasonal employees;
- all state employees will be required to take six or more furlough days.

The furlough days are expected to create a savings of \$2.2 million in the DNR. Of that \$2.2 million, \$154,300 will be General Fund savings. The DNR is awaiting direction from the Department of Management and Budget on this issue. The furlough days will result in savings which will increase fund balances. Additional cuts of \$4,950,000 were made from the 21<sup>st</sup> Century Job Fund which has caused Forest, Mineral and Fire Management to re-evaluate projects such as the Red Pine project.

Additional Executive Directives are expected to restrict spending, institute a state hiring freeze, etc. It is likely that fund balances will build due to the restrictions on spending. Divisions will not be able to accomplish all the work that had been planned. Additional General Fund cuts will need to be implemented for FY 2010.

**Chairman Charters** said that the DNR has been taking budget cuts for the past eight years with minimal visible impact to the public. He said that the cuts being taken now will have a direct impact on the public. He commended DNR staff for absorbing these cuts but said there is no further absorption to be done. Programs will be cut.

### **DETROIT RIVERFRONT DEVELOPMENT UPDATE**

**Director Humphries** thanked staff from the DNR Parks and Recreation, Wildlife, as well as the Detroit Riverfront Conservancy (DRC) and U. S. Fish and Wildlife Service for tours of the Detroit riverfront and Detroit refuges, respectively. She noted that all are in partnership in developing the Detroit Riverfront and surrounding areas and commended all for the wonderful new improvements. The NRC, Michigan Natural Resources Trust Fund Board, the DRC and staff toured the riverfront and wildlife refuges in conjunction with the MNRTF and NRC meetings held in Detroit.

### **DIRECTOR'S AWARD – PAUL CURTIS, PARKS AND RECREATION DIVISION**

**Director Humphries** said one of the best things about being the DNR Director is being able to present a Director's Award each year to one or more of her colleagues. She presented a 2009 Director's Award to **Paul Curtis, Parks and Recreation Division's (PRD)** Park Management Plan Administrator.

**Paul** embraced a holistic problem-solving approach in leading the Parks and Recreation Division through its strategic-planning process. Over the past two-and-a-half years, he spent considerable time and effort combining two strategic plans -- the former state parks plan known as "Vision 2020," which was developed in the early 1990s, with a strategic plan for the Michigan State Waterways Commission, adopted in December 2000 -- into a single, holistic document. His efforts required a substantial commitment of time, energy, focus, stakeholder collaboration, consensus building and steady leadership.

Numerous meetings were conducted across the state to ensure public participation, as well as drawing upon the contributions from multiple staff levels within PRD from sister DNR offices and divisions, and from various work groups, boards and committees. With the input of the Statewide Council, the Citizens Committee for Michigan State Parks, the Michigan State Waterways Commission, the Natural Resources Commission, and the NRC Policy Committee on Parks and Recreation, the new strategic plan was thoroughly reviewed and strongly supported. In addition, **Paul** also included several steps to ensure this strategic plan does not become "shelf art" by:

- Requiring the development of an annual work plan with defined, tangible deliverables, goals and actions to be accomplished each fiscal year;
- Requiring that employee performance objectives, committee, team and work group efforts are all directly focused and connected to the strategic plan; and

- Revisiting the strategic plan every five years to refine it based on changing conditions and more current influences.

**Director Humphries** signed the “***Sustaining 90 Years of Excellence; 2009-2019 Strategic Plan.***”

**Director Humphries** presented **Paul Curtis** with the 2009 Director’s Award in honor of his outstanding efforts and thanked him for all his hard work and dedication to preserving our natural resources, and for helping guide the future of Michigan’s state parks for generations to come.

### **PUBLIC APPEARANCES**

Amy Spray, Michigan United Conservation Clubs (MUCC)  
Ed Osborn  
Jay Maki, Tahquamenon Sportsmen’s Club  
John Caretti, Michigan Trappers’ Association  
Gil Turner  
Michael Schippa  
Roland Bell

**Amy Spray, MUCC**, appreciated the presentation given earlier by Michael Bodunchuk from Texas relative to the feral swine issue and stressed the importance of deeming feral swine as an invasive species and not have it deemed as a hunting opportunity. The MUCC has adopted the NRC resolution on feral swine as its own. Regarding furbearer regulations, **MUCC** believes the UP bobcat regulations are what all sides agreed to live with. However, this issue will continue to be discussed, and there is not current MUCC policy. Regarding coniber (trapping) regulations, she said this is reactionary at worst and precautionary at-best. She believes the change is a result of a few isolated incidents. However, MUCC is willing to work with the proposal and believes it is moving in a good direction.

### **SHIKAR-SAFARI OFFICER OF THE YEAR AWARD**

**Chairman Charters** introduced Gunner Klaar with the Shikar-Safari Club, who presented the award for the Shikar-Safari Wildlife Officer of the Year. This Award was presented to **Officer Michael Wells** who was nominated by his peers. **Gary Hagler, Chief, Law Enforcement Division**, said **Officer Wells** represents an old-school concept by being available around-the-clock. **Hagler** presented **Wells** with the DNR Officer of the Year pin in recognition for his dedication and great work.

**Officer Wells** accepted the awards and said he was honored. He said he has worked with many officers who are also hard workers and are deserving of this award. He thanked everyone he has worked with and credited them for making him a better officer. He introduced his family who were present when he received the award.

**PUBLIC APPEARANCES continued**

**Ed Osborn** said he has discussed the furbearer regulations with Wildlife staff and is pleased with the changes that will be made to the proposed regulations. Mr. Osborn uses 330 conibear on wet land and 220 conibear on dry private lands. He is a member of the Michigan Trappers Association but does not speak for that organization.

**Jay Maki, Tahquamenon Sportsmen's Club**, said the only way for wolves to survive and be protected in the Upper Peninsula (UP) is if they are named as a game species. He recommended establishing a hunting and trapping fee and to obtain "buy-in" by UP hunters and trappers. Mr. Maki supports the proposed wolf regulations and supports the proposed trapping season regulations.

**Mr. Maki** said UP hunters need to continue to be allowed to bait and feed deer due to the harsh winters. The Tahquamenon Sportsmen's Club spent several thousand dollars on deer feed to sustain the deer through the harsh winter months in the Luce County area. He does not believe the one case of chronic wasting disease should have been the cause of the baiting and feeding ban in the Lower Peninsula.

**Commissioner Wheatlake** asked if the deer population was maintained this past winter and how does the population compare to six-to-eight years ago? **Mr. Maki** responded that the population is still rebounding from two consecutive hard winters. He said the 2008 hunting season was good. **Mr. Maki** said there is general support in his area for the deer license change.

**John Caretti, Michigan Trappers' Association**, supports the proposed Pure Michigan Hunt and thanked the NRC for considering changes to the conibear trap size in the furbearer regulations; agrees with the proposed bobcat season in the UP; recommended a beaver snare in open water stating he was not aware of a dog being caught in this type of trap; and agrees with body grippers on private land. He also supports a 220 conibear trap being allowed and asked that any proposed restrictions be held until further testing can be done.

**Commissioner Wheatlake** noted that Mr. Caretti trains youth on trapping and commended him for his work.

**Gil Turner** thanked the NRC and DNR staff for what they do. He requested expanded trapping on public land in the northern Lower Peninsula and said the body grip traps are a good compromise.

**Michael Schippa** thanked Adam Bump and Wildlife Division for working with the trappers in modifying the proposed trapping regulations. He said most of his concerns have been addressed. **Mr. Shippa** sees no reason to require vertical setting of 220 conibear traps on public land. **Commissioner Madigan** asked if **Mr. Shippa** agrees with the bucket-set on state land? **Mr. Shippa** said yes and asked that studies continue on this issue. He said trappers are more than willing to work with the DNR on these studies.

**Roland Bell** supports the crossbow regulations but recommends allowing any hunter age 10 or older to utilize a crossbow during any hunting season statewide; allow any hunter age 10 or older to utilize a crossbow during any hunting season in Zone 3, including the bow season; and those crossbow hunters are required by state law to wear

hunter orange only during those hunting seasons that currently now require hunter orange clothing. He is pleased with the establishment of the crossbow stamp. He applauded the NRC for the Pure Michigan Hunt proposal, with issues such as suggesting residents only may apply; should non-residents be allowed to apply, they should be charged a minimal application fee of \$100 and continue with the elk license being unavailable; and individuals who are not eligible to apply for the regular elk drawing due to previous drawing success, be fully eligible to apply for the “Pure Michigan Hunt” drawing for antlerless-only license if selected. **Commissioner Wheatlake** reminded the audience that neither the NRC nor the DNR has the authority to establish fees.

The Public Appearance portion of the meeting adjourned at 5:45 p.m. and the Regular Meeting of the NRC convened immediately thereafter.

**APPROVAL OF MINUTES – APRIL 2, 2009 NATURAL RESOURCES COMMISSION MEETING**

**Commissioner Coleman made a motion, supported by Commissioner Madigan, for approval. Motion carried 6-0 with Commissioner Wheatlake abstaining.**

**DEER MANAGEMENT UNIT BOUNDARY CHANGES, WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 6 OF 2009**

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

**LATE FIREARM ANTLERLESS DEER SEASON, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 7 OF 2009**

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

**CROW REGULATIONS, WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 8 OF 2009**

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

**DIRECTOR’S ACTION ITEMS**

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

**PARKS AND RECREATION PASSPORT LEGISLATION**

**Commissioner Brown** made a motion, supported by **Commissioner Coleman**, that the NRC support HB 4677 (H-2) and HB 4678 (H-2) as they move through the legislature and that this support be forwarded to both houses of the legislature via a letter from **Chairman Charters**. Motion passed unanimously.

**NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES - REPORT**

See attached Minutes.

**COMMISSIONER REPORTS**

**Chairman Charters** said that, at the June NRC meeting, he will rework membership on the NRC Policy Committees to include **Commissioner Nichols**. **Chairman Charters**, again, welcomed **Commissioner Nichols** and said he looks forward to working with him on DNR issues.

**Commissioner Wheatlake** participated in the DNR Conservation Town Hall meeting held in Midland.

**Commissioner Madigan** attended the Rocky Mountain Elk Foundation meeting in the UP and thanked **Russ Mason, Chief, Wildlife Division**, for also attending.

**Commissioner Nichols** said he appreciates the opportunity to serve on the NRC and work with the NRC and staff on Michigan's natural resources matters.

**Commissioner Brown** attended the Grand Rapids Conservation Town Hall meeting and thought it went well and was well planned.

**Chairman Charters** reported that the NRC toured the Detroit Riverfront and said it was a great day.

The meeting adjourned at 6:00 p.m.

## **NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES**

**Keith Charters** opened the meeting at 1:00 p.m. by introducing the new commissioner, **Timothy Nichols** of Williamston.

### **Urban Coyotes**

**Mike Bodenchuk, the Director for Texas USDA Wildlife Services**, discussed the emerging wildlife issue of urban coyotes. In Texas, urban coyotes are a major management problem. Intentional feeding and a lack of harvest have resulted in very high densities of coyotes in urban areas. Populations follow a predictable trajectory from observations in yards at night, to twilight sightings, to daylight sightings, to attacks on pets on a leash, to daytime lurking around children's play areas, to aggression toward adult humans. Incidents are tracked and mapped to determine when and where intervention is needed.

### **Invasive Exotic Feral Pigs**

**Mike Bodenchuk** also discussed invasive exotic feral pigs. Texas has an estimated two million feral pigs, and should serve as a negative example for the rest of the country. They do \$52,000,000 worth of damage to agricultural crops every year. Texas pays \$2,500,000 every year to kill 24,000 pigs. Feral pigs compete with native wildlife, eat fawns and ground nesting birds, spread invasive plants, destroy endangered species habitat, degrade water quality, and cause erosion. **Bodenchuk** estimated that Michigan has 2,000 – 3,000 feral pigs, which makes eradication a viable option. However, the time window is short and significant action is needed.

### **Deer Regulations - Open/Closed DMUs**

**Mike Bailey** gave a short discussion on open/closed Deer Management Units (DMUs). Two new DMUs (486 and 487) will encompass multiple counties. Two existing DMUs will be split (049 to 249/349 and 062 to 162/262). Sixty-seven counties will be open to antlerless harvest on public and private land. Eighteen will be open on private land only, and 14 will be closed to antlerless entirely (largely because of the effect of severe winter weather).

### **Wolf Delisting and Protected Status**

**Chris Hoving** discussed the recent delisting of the wolf and carried forward a recommendation to give the species protected non-game status. The wolf population in Michigan met recovery goals for delisting at both the federal and state level. The species was removed from the state list in April and the federal list in May. The Director signed an Interim Order to designate the wolf as a non-game protected animal. (The Legislature has sole authority to designate a game species and declare the first season.) Chris recommended that the Commission designate the wolf as a protected species. It was also recommended that the prohibition to possessing road killed game or endangered species be extended to protected species.

### **Pure Michigan Hunt**

**Russ Mason** presented a new opportunity for hunters in Michigan this fall. It is called the Pure Michigan hunt. Participants would enter a drawing. Applications would be \$4.00 per entry, with no limit on the number of entries. The winners (three annually) would be eligible to purchase a license to hunt bear, elk (residents only), antlerless deer, spring and fall turkey, and get hunting preference at the reserved managed waterfowl hunts the opening weekend of waterfowl season. These would be valid anywhere one can legally hunt, and winning the Pure Michigan tag would not affect future eligibility in other drawings (i.e., elk). Furthermore, ineligibility regulations regarding past elk hunting participants have been waived for the Pure Michigan Hunt. An archery trade organization is offering free equipment to the winners. In the future this opportunity could be expanded to include other divisions.

### **Furbearer Regulations**

**Adam Bump** presented recommendations to restrict the bobcat season in the Upper Peninsula (UP) and to change trapping regulations. Several lines of evidence indicate a decline in the bobcat population in the UP. **Adam** discussed the options of reducing the bag limit or reducing the season, and for various reasons, we recommend a shorter season is recommended. There has also been considerable concern regarding dry land body-gripping traps and the danger those traps pose to dogs. Michigan is not alone, and many states face similar issues. Staff recommends changing our regulations to be similar to those in Wisconsin and New York. There was a great deal of discussion on the details of the recommended changes. The other changes that were recommended were to allow larger colony traps for muskrats, allow open water beaver snaring, and opening the coyote season in the Northern Lower Peninsula. Modifications to recommendations presented were then presented to remove stop requirement on open water beaver snares and to remove proposed restrictions on private land for 160 and 220 conibear type traps.

The Committee meeting adjourned at 2:55 p.m.