

MINUTES

NATURAL RESOURCES COMMISSION

MARCH 5, 2009

LANSING CENTER
333 E. MICHIGAN
LANSING

PRESENT FOR THE NRC

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

ABSENT FOR THE NRC

Hurley Coleman

PRESENT FOR STAFF

Peter Manning, 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 3:00 p.m.

Director's Action Items

Director Humphries asked the Commissioners if they had any questions on the Director's Action Items on the Agenda. She noted that the policy being developed regarding appeals to the NRC is still in progress and awaiting a "determination of standing" from the Office of the Attorney General.

Commissioner Wheatlake asked why, in Land Transaction #20070360, the DNR is proposing to relinquish creek-front property for acreage adjacent to existent State land, and then purchasing an additional 18 acres for \$18,500. **David Freed, Chief, Land and Facilities**, said the water frontage was wet and unusable, and the DNR is gaining land for less than the appraised value.

Chairman Charters asked if, in Land Transaction Case #20080195, if there was going to be a loss of mineral rights and if there is any sub-surface mineral activity in Eden versus Geneva Township? **Mr. Freed** responded the Minerals Section staff reviewed this and approved the transaction.

Michigan Recreation and Parks Association (MRPA) Awards

Two volunteer groups that received Community Service Awards in January from the Michigan Recreation and Park Association (MRPA) for their volunteerism and contributions to the Michigan State Parks system were recognized by **Director Humphries**: one group that received the prestigious MRPA Innovative Park Resources Award, and one group that received the MRPA Innovative Recreation Programming Award. Those groups are:

- The **Friends of Wells State Park**, who received the **MRPA Community Service Award in January**,
- The **Friends of Dodge #4 State Park - Oakland County Sheriff's Office – Benefit for the Handicapped**, who also received the **MRPA Community Service Award in January**,
- The **Porcupine Mountains Wilderness State Park**, who received the **MRPA Innovative Park Resources Award at the MRPA Conference in February**, for the **Kaug Wudjoo Lodge**, and
- Finally, the **DNR Parks and Recreation Division's Urban Outreach Team**, who received the **MRPA Innovative Recreation Programming Award, also at the MRPA Conference in February**.

Director Humphries introduced **Brett Kaschinske**, the MRPA Awards Committee Chair, to present the awards, and **Ron Olson**, Parks and Recreation Division Chief. She congratulated all the groups that received an award.

Brett Kaschinske said the MRPA is a group of 2000 members and agencies in field of parks and recreation across the state and provided details on the Awards presented.

Community Service Awards went to Friends of Wells State Park for new playground equipment in the day area; and Friends of Dodge State Park (Luba Sitar) for the accessible playground at Dodge #4, minor updates to beach building, and responsible for the annual disabled fishing day.

The Innovative Park Resources Award was presented to the DNR for Kaug Wudjoo Lodge that was scheduled for demolition. However, staff developed and implemented a plan to convert it into a rental lodging unit, enabling the public to use the building.

The Innovative Recreation Programming Award, for expanding an urban outreach program to attract nontraditional users, was presented to Ralph Riddle, Jackie Culberson, Carl Lindell, Tim Machowicz, and Katie Robinson. There are a number of great activities planned for 2009.

STAFF AWARDS

Joe Robison has received the 2009 Outstanding Conservationist of the Year Award from the Michigan State Chapter of the National Wild Turkey Federation (NWTFF). Joe has been a wildlife biologist for the DNR for 14 years and currently works at the Pointe Mouillee State Game Area Office in southeast Michigan, where he is involved with management activities for a wide variety of wildlife species.

In the 1990s, Joe helped with the southern Michigan wild turkey restoration program by capturing wild turkeys and selecting release sites when he was a laborer at the Muskegon State Game Area. Recently he has coordinated the successful wild turkey restoration activities in southeast Michigan.

The international organization is involved in such recognitions of key wildlife professionals in natural resources agencies and is dedicated to the conservation of wild turkeys and the preservation of hunting heritage.

Conservation Officer Greg Patten was named a 2008 Boating Officer of the Year by the National Association of State Boating Law Administrators. He was one of 18 officers nominated from northern states for the honor. Officer Patten is a 22-year veteran conservation officer and is stationed in Muskegon County. His work area is adjacent to Lake Michigan and includes several inland lakes and two major river systems.

Officer Patten works on marine safety compliance with all user groups, including cold-water hunting situations, charter boats and recreational boaters. He is often requested by law enforcement agencies and constituent groups to provide marine safety education and in 2008 provided an educational presentation to the Muskegon Power Squadron and training to the U.S. Coast Guard. Examples of his partnership with the U.S. Coast Guard include working a rocket launch safety zone on Lake Michigan, numerous joint patrols, on-the-water charter boat joint patrol and assisting with on-water training scenarios.

Officer Patten has strong community ties including a public radio show promoting marine safety; annually attends and assists the Coast Guard, Grand Haven Charter Boat Association and others with the Indian Trails Spring Lake outing, which consists of providing persons with disabilities with a boat ride on local charter boats.

Conservation Officer Jeff Rabbers was named the Michigan Chapter of the National Wild Turkey Federation Michigan Law Enforcement Officer of the Year. He is a four-year employee of the DNR and is currently stationed in Barry County.

He received the award because of his interest in opportunities to work with the public and for using his skills as a former teacher to develop a good relationship with landowners and interest groups in his area. He works with his fellow conservation officers in southwest Michigan in a team approach to track some of the area's worst offenders.

Al Stewart, DNR's Upland Game Bird Specialist, received the prestigious Henry S. Mosby Award by the National Wild Turkey Federation at its 33rd annual Convention and Sport Show recently held in Nashville, Tennessee.

Al was honored for his work on turkey conservation efforts in Michigan, including enhancing Michigan's popular wild turkey cooperator patch program.

Al has also worked to make it easier for persons with disabilities to have access to the outdoors.

He has nearly dedicated his entire career to wild turkey conservation our state, managing this game bird at the highest standards, and providing outstanding hunting opportunities for Michigan's citizens and visitors.

LEGISLATIVE UPDATE

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

House Activity:

HB 4198 - would extend the authority of the Natural Resources Commission to regulate the feeding of deer and elk until 2016.

HB 4201 - reintroduction of HB 4981 of the 07-08 legislative sessions. This bill requires the Department to grant easements across state owned land under certain circumstances. The substantive change in the law is that the Department *shall* be required to grant easements. Currently, the Department *may* do so.

HB 4203 - reintroduction from the 07-08 legislative sessions. This bill would issue, waive or reduce recreational fees for certain veterans. In some instances licenses would be made available for \$1.00. The Department has requested that the minimum amount charged would allow the Department to retain our apportionment from our federal funding sources, and the sponsor has agreed with that request.

HB 4209 - would require the Department to offer any surplus park or recreation land first to the municipality in which that park or recreation land is located. If the municipality declines purchasing the park or recreation land, the county in those areas would become an eligible buyer. Further, any land sold under the provisions offered in this bill would carry a deed restricting that the property be maintained as parkland for at least 20 years. Finally, this bill provides that land sold under these provisions be sold at the fair market value of land utilized as parkland.

HB 4286 - reintroduction from the 07-08 legislative sessions. This bill is commonly referred to as the "no net-loss" legislation. This bill requires the Department to manage hunting land under its control in a matter that provides for no net loss of hunting lands that are open and available. The legislation allows exceptions for ecological concerns, safety concerns, or homeland security needs. The Department supported the bill during the last session and has supported it again this year.

HB 4411 - reintroduction from the 07-08 legislative sessions. This bill would allow any individual 60 years of age or older to operate an ATV on any non-designated trail, route, or area for hunting or pleasure, or to access a designated trail, route, or area.

HJR H & HB 4204 - an amendment to Michigan's Constitution that would alter the manner in which revenue is distributed from the Michigan Natural Resources Trust Fund. HB 4204 provides the necessary statutory changes to implement the changes proposed in the joint resolution. Currently, 66 percent of the revenue directed toward the MNRTF is applied to the corpus of the fund, rendering 33 percent available for the development and acquisition of various recreational projects submitted via grant application to the Board that oversees awarding the grants provided for in law. **Chairman Charters** advised to keep a close watch on this bill to ensure the original intent of the Michigan Natural Resources Trust Fund isn't altered.

The resolution and enabling legislation propose expanding the scope of eligible expenditures to include:

- the management of land and water resources for recreational purposes
- the development and management of habitat for game and sport fisheries, including the stocking of game and fish

Further, not less than 50 percent of the available expenditures during the fiscal year shall be expended for the expanded duties described above. In addition, not more than 25 percent of the total amount available for expenditure shall be expended for the acquisition of land and rights in land, and not more than 25 percent of the total available for expenditure shall be used for the development of public recreation facilities.

The sponsor of the resolution has indicated that hearings may begin in April.

Senate Activity:

SB 010 – As previously reported on SB 010, this bill would allow the Department to issue orders prescribing the lawful means for taking raptors for use in falconry. This bill became necessary when the legislature failed to act on repealing a sunset clause that previously provided for the regulation of taking raptors.

SB 034 - reintroduction from the 07-08 legislative sessions. This bill provides statutory restrictions for the appropriate expenditure of funds from the Waterways account. The intent of the legislation is to provide direction and protection beyond that which was provided in the Constitution for eligible expenditures of those funds.

SB 164 - allows the Department to issue permits to use a crossbow for those with a temporary disability. Currently, the Department only has the authority to issue crossbow permits for those with a permanent disability.

WASHINGTON D.C. REPORT

Director Humphries provided Commissioners a copy of "Seasons' End, Global Warming's Threat to Hunting and Fishing," compliments of the Association of Fish and Wildlife Agencies.

MONTHLY SPEND PLAN

Sharon Schafer, Chief, Budget and Support Services introduced **Mark Bouvy, Budget, Development and Control Section Chief**. Mr. Bouvy recently came to the DNR from the Michigan Department of Transportation.

Ms. Schafer reviewed the Monthly Spend Plan for the DNR. The February 2009 Update can be found on the following website:

http://www.michigan.gov/dnr/0,1607,7-153-39002_11862_49123---,00.html

She summarized changes to the plan including: increased available grants authority to \$2.2 million of which \$2.0 million was snowmobile improvements grants, and eliminated unused computers saving the DNR \$100,000.

In Forest, Mineral and Fire Management (FMFM), the timber line was increased by \$750,000 but is not being spent at this time due to revenue concerns. Department of Management and Budget has notified the Department that a reduction in mileage charges will result in a savings of \$1,153,00 this fiscal year.

Ms. Schafer reviewed the DNR's FY 2009 Projected Revenues as of February.

NEW STATE FORESTER, CARA BOUCHER

Director Humphries announced that Cara Boucher, Forest, Mineral and Fire Management Division, has been chosen to the position of State Forester and Assistant Chief of FMFM.

ISLAND LAKE SHOOTING RANGE UPDATE

Director Humphries reported that approximately 50,000 users enjoy the Island Lake Shooting Range annually, bringing in approximately \$50,000 in revenue annually from the sale of State Park Motor Vehicle Permits. The Range brings in between \$26,000 and \$48,000 annually dedicated to the DNR's Recruitment and Retention Section. The concessionaire that operates the Range employs a staff of 23.

The Range helps generate \$11.6 million for conservation from Federal Pittman-Robertson Funds, of which over \$150 million total has come to Michigan.

The range was closed for 32 days in 2008 (closed holidays include Christmas Eve and Day, New Year's Day, Easter, Memorial Day, Independence Day, and Labor Day).

Following are the DNR's community relations efforts to date:

- Constructed 25 shooting sheds on sporting clay course;
- Prohibited use of 50 caliber bmg centerfire or larger cartridges;
- Prohibited use of muzzleloader firearms exceeding .70 caliber;
- Limited shotgun shot size;
- Limited shotgun powder;
- Limited shotgun barrel length to 26" minimum (except youth models);

Additional actions to be taken include:

- Eliminate Station A-1;
- From Station B – only shoot towards the left;
- Shift Station C to face more towards the northwest direction;
- Move Station D to shoot more westerly;
- Shift Station J and K to shoot more westerly;
- Shift Station S to shoot more easterly;
- Limit stations in use to 18 at any one time;
- Install a solid roof over the rifle/pistol shooting structure (additional funding needs to be sought to construct roof);
- Sound material in shooting lanes on rifle/pistol range (continue to seek funding to pursue this option);
- Quiet Days: Complete range closure year round on Tuesdays (except the rifle/pistol range during November 1-15);
- Continue holiday closures;
- Wednesday hours of operation: Pistol/rifle range open April-December, Sporting clay course open year round;
- Adopt a Land Use Order of the Director making violation of shot size a civil infraction: limit shot size on clay target range and maximum limit of powder on clay range.

Future Range expansions are being planned to include archery sports.

The above changes are voluntary by the DNR and were not mandated by the courts. The DNR is attempting to reduce noise coming from the Range.

STIMULUS PACKAGE UPDATE

Joe Taylor, DNR's stimulus package coordinator, reviewed the highlights of the Stimulus Package. This process changes daily. The DNR is continuing to look for opportunities and apply for funds that will address the DNR's needs, or pass along information to DNR's partners to enable them to apply when the DNR is not eligible. Final guidance/criteria have not been received from all federal agencies administering the stimulus funds. Once that is received, the DNR will apply for all funds it is eligible to receive. To review the current Stimulus Package information on the web, go to the following address:

www.michigan.gov/recovery

Keep in mind this website is updated daily.

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The Committee of the Whole meeting adjourned at 4:25 p.m. and the Public Appearances portion of the meeting convened at 4:35 p.m.

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PUBLIC APPEARANCES

Ron Andres
William Audette, Lake Orion
Richard Bauer, Howell
Katie Bauer, Howell
Ed Beckley
Bob Beutler
Doug Brown
Michael Brownfield
Marilyn Carr, Citizens for a Quiet Community
David Carriveau, MUCC, Highland Field Trials Association
Tim Cospers, Grand Ledge
Jeffrey DeTager, Cedar Springs
Jeff Deregnacourt
Ron Eurick, Frankenmuth Forest Archers
Dean Hall, North American Bowhunting Coalition
Larry Holcomb, Calhoun County
Millard Holton
Phyllis Holton
Lillian Hopkins, Citizens for a Quiet Community
John Ingersoll
Chuck Jordan, Ten Point Crossbows
Jerry Keck, Tuscola County Archers
Therese Kline, Michigan Trail Riders Association
Bill Krepps, President, MUCC
Emily Kunkel, Hillsdale
Daniel Kunkel, Hillsdale
Robbie Kunkel, Hillsdale
Jeff Kunkel, Hillsdale
James Larsen, Michigan Traditional Bow Hunters
Steve Lawrence
Bruce Levey, Michigan Bow Hunters Association
Ashley McKellar, Michigan Traditional Bowhunters
Susan McSawby, Grand Traverse Band of Ottawa and Chippewa Indians
Tim Minge
Ellen Nitz, Citizens for a Quiet Community
Tim Pfifer, Flint Regional Chapter, Safari Club International
Dave Roose, Pope and Young Club
Ted Rutkowski
Ed Spinazzola
Amy Spray, MUCC
Jim Sweeney, Traverse City
Michael Thompson, Otisville
Bill Walker, Michigan Bear Hunters Association
Hal Watts, Mason
Jeness Wiegand, Citizens for a Quiet Community
Ron Zerfas

William Audette, Lake Orion, supports the expansion of crossbows usage and in doing so provides an opportunity to share the resources and extend that use to the fullest level for any and all who choose to participate. Following are his recommendations: open a stand-alone season permitting hunting with a crossbow for whitetail deer in all hunting zones; include the dates of October 1- through November 14, and December 1 through January 1; require an archery only or combo tag; require a no-cost crossbow permit for purposes of research and gathering data; and require compliance with all current/applicable hunting regulations.

Jerry Keck, Tuscola County Archers, believes allowing crossbows during the archery hunting season will reduce the challenge of bow hunting. He does not believe hunter recruitment and retention would increase if crossbows are allowed during archery season.

Therese Kline, Michigan Trail Riders' Association, discussed programs for the next generation of horse trails riders through the Michigan Trail Riders Association. She asked that the DNR reconsider moving the Goose Creek Trails.

Emily Kunkel is 10 years old, likes using a crossbow during the archery season in Michigan and requested that she, being under the age of 11, be able to hunt with a crossbow. **Daniel Kunkel** hunts with a crossbow in Ohio and has taken four deer with a crossbow. He would like to hunt with a crossbow during archery season in Michigan, but is too young under the current regulations. **Robbie Kunkel**, 15, would like crossbows allowed in Michigan during all seasons giving kids who do not have the strength to pull a bow the opportunity to hunt during archery season.

Jeff Kunkel supports and recommends allowing youth age 10 to 15 or 16 to hunt with crossbows. He believes restrictions create barriers to recruitment and retention. He said restrictions should only exist if absolutely necessary and if scientifically based. If considering crossbows for everyone, he does not believe it would shorten the archery season. He believes it is firearms that account for the majority of the deer harvest. Mr. Kunkel noted that the Wildlife Division had previously claimed that crossbows will not have a detrimental impact on the wildlife population.

Bruce Levey, Michigan Bow Hunters Association, said the Association does not support additional changes to the crossbows regulation.

James Larsen, Michigan Traditional Bow Hunters, opposes crossbows usage in archery season.

Chairman Charters recognized **Representative Darwin Booher**.

Jim Sweeney, Traverse City, supported the proposal by Mr. Audette earlier in the meeting that supported crossbows usage during the October 1-November 14 season.

Tim Cospers, Grand Ledge, supports hunting with a crossbow and supports full inclusion. He is a person with a disability and cannot hunt in December due to health reasons.

Ron Eurick, Frankenmuth Forest Archers, opposes using crossbows during archery deer season.

Michael Thompson, Otisville, supports full inclusion of crossbows, or at a minimum, recommended: 1) allowing children the option of using a crossbow; and 2) lower the age exemption for adults to 50.

Ed Spinazzola requested that the DNR conduct a feasibility study and a five year state pilot program to determine the effectiveness and public acceptability of food plots on public land.

Ted Rutowski supports a full inclusion crossbow season during October 1 through November 14.

Ron Andres said data has shown no detrimental impact on the resources from allowing crossbows. He read a letter from Darin Goens, National Rifle Association of America-Institute for Legislative Action, in support of full inclusion of crossbows and proposed a \$5 stamp to pay for the research on the impacts from crossbows.

Larry Holcomb, Calhoun County, opposes using a crossbow during archery season with the following exceptions: 1) make sure the disabled can use a crossbow during archery season; 2) allow use of crossbows in archery season by hunters 65 years old or older; and 3) allow use of a crossbow by anyone in the deer seasons where guns are allowed.

David Carriveau, MUCC, Highland Field Trials Association, supports the proposed order on field trials.

Susan McSawby, Grand Traverse Band of Ottawa and Chippewa Indians (GTB), said the 2007 Inland Consent Decree mandates consultation between the States and the Tribes regarding bear harvest and said the dialog with Wildlife Division and Tribal biologists on the local level have been “fairly positive.” The GTB, Wildlife Division, and the U.S. Forest Service recognize that the Lower Peninsula has a single bear population with areas of concern regarding hunting effort, harvest, and distribution.

In 2008, she said the GTB became involved with the Bear Management Consultation Team with just one Tribal representation to represent five sovereign 1836 Treaty-signatory Tribes. She believes the DNR is attempting to circumvent the consultation process with the Tribes on the Bear Management Consultation Team and the development of Wildlife Conservation Order, Amendment No. 5 of 2009. The GTB opposes Option A and supports Option C but added that no changes should be made without consultation with the GTB.

Director Humphries said it is important to differentiate between the requirements to consult with the Tribes. She said the DNR is required to consult with the Tribes when setting regulations, but not to confuse regulations-setting with the Black Bear Management Plan/Bear Consultation Team discussions.

Ashley McKellar, Michigan Traditional Bowhunters, does not agree with any proposals to increase crossbow usage.

Jeff Deregnaucourt encouraged unrestricted crossbow use in Michigan during archery season and firearm seasons.

Millard Holton supports full inclusion of crossbows statewide. If this cannot occur, he recommended the following: 1) reducing the minimum age to 50; 2) supports full inclusion in Zone 3 in all seasons; and 3) include youths age 10 to 16 in all seasons in all zones.

Michael Brownfield distributed details on the Talisman Dark Angel crossbow that is capable of shooting 360 plus feet per second.

Tim Pfifer, Flint Regional Chapter, Safari Club International, believes if youth 10 years old are allowed to hunt with a crossbow, they will begin using a conventional bow by the time they are 20 years old.

Mike Thorman, speaking on behalf of Joe Hudson, U. P. Bearhoundsmen, supports Proposal G and supports the Bear Management Plan except for the recommendation for the creation of the White Oak area. He said there was unanimous agreement by the Bear Consultation Team, including staff, that research needed to be conducted before this could be recommended. The club country representative not only agreed, but offered to finance half of the money and staff to get the job done. This is needed because it is not known what the success rate will be in this area. He believes the bear population would be negatively impacted if the White Oak proposal is allowed to occur. He believes, if the White Oak proposal is approved, it will go against Proposal G.

Dean Hall, North American Bowhunting Coalition, is a member of the National Rifle Association and does not support crossbow expansion and does not support its stand on license fees.

Ellen Nitz, Citizens for a Quiet Community, does not believe the DNR should be involved in shooting ranges and said promises were made and are not being met. She recommended that the concessionaire at Island Lake Shooting Range not receive a renewed contract until sound issues are resolved to the citizens' satisfaction.

Jeness Wiegand, Citizens for a Quiet Community, said noise levels from the Island Lake Shooting Range are high and does not believe shooting ranges should be allowed in State parks and recreation areas.

Marilyn Carr, Citizens for a Quiet Community, appreciate efforts made but do not believe it will correct the problem.

Lillian Hopkins, Citizens for a Quiet Community, asked that the noise levels from the Island Lake Shooting Range be reduced.

Jeffrey DelTager, Cedar Springs, does not believe the NRC should allow the use of crossbows during the traditional archery season.

Doug Brown opposes crossbow usage during archery season.

Tim Minge supports full inclusion of crossbows.

Steve Lawrence opposes using crossbows during archery season and supports issuing a separate license for crossbows.

John Ingersoll does not believe citizens have an avenue to file a written complaint and have the allegations against DNR members thoroughly investigated.

Dave Roose, Pope and Young Club, opposes the use of crossbows during archery season.

Ed Beckley supports full inclusion of crossbows; and questions why cattle farmers aren't held to the same baiting and feeding standards as everyone else.

Bill Krepps, President, MUCC, reaffirmed the MUCC policy on crossbows saying that MUCC supports pursuing a crossbow season that does not conflict with the archery season. He supports the use of crossbows during firearm season including muzzleloader season.

Amy Spray, MUCC, recommended that the NRC support the recommendations of the Bear Consultation Team to maintain the integrity of advisory groups.

Chuck Jordan, Ten Point Crossbows, supports expanding crossbow usage as long as there is a limitation on the feet-per-second of the crossbow.

Bob Beutler supports full inclusion for crossbows.

Ron Zerfas supports using crossbows October 1 – November 14 when the weather is warmer.

Phyllis Holton supports full inclusion of crossbows. She said she has a 12 year old grandson that cannot pull a bow yet and wants to hunt.

Richard Bauer, Howell, opposes crossbow use during the archery season.

Katie Bauer, Howell, does not support the use of crossbows during the archery season.

Hal Watts, Mason, supports full inclusion of crossbows.

Bill Walker, Michigan Bear Hunters Association, served on the Bear Consultation Team representing the bear hunters. He said that two recommendations made by the Team were unanimous. The first recommendation, that the language of HB 5331 that would do away with requirements of the participation license was signed into the law but not supported by the DNR. Regarding the White Oak recommendation, the Team recommended that the issue be studied and that the study take place soon.

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The Public Appearances portion of the meeting adjourned at 7:10 p.m. and the Regular Meeting of the NRC convened immediately thereafter.

**APPROVAL OF MINUTES – FEBRUARY 5, 2009 NATURAL RESOURCES
COMMISSION MEETING**

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

**CROSSBOWS REGULATION, WILDLIFE CONSERVATION ORDER, AMENDMENT
NO. 2 OF 2009**

Commissioner Madigan made a motion, supported by Commissioner Wheatlake, to amend the crossbow regulations.

1. Allow crossbow use in any hunting season in Zone 3;
2. Allow hunters age 50 and older to use crossbows to hunt deer during the October 1 to November 14 bow and arrow deer season;
3. Include a maximum limit on the bolt velocity of a crossbow used for hunting to 405 feet per second;
4. Strike the term “free” from Section 2.1, subsection 15(b) (referring to the crossbow stamp);
5. Request the Michigan Legislature to amend the hunting and fishing licensing statutes to provide the Department crossbow license options;
6. Place a three-year sunset on crossbow hunting; thereby requiring the Commission to reevaluate crossbows in 2012, after the Department has surveyed and accumulated data on crossbow use for the 2009-2011 hunting seasons.

Discussion on the motion ensued:

- Commissioner Brown suggested that the time period for hunters 50 and older should include the October 1 - November 14 dates and not reference the “bow and arrow deer season”;
- Commissioner Wheatlake asked why 405 feet per second was chosen as the maximum velocity;
- There was discussion concerning the issue of maximum velocity;

Commissioner Madigan made a motion, supported by Commissioner Brown, to withdraw the original motion. The motion to withdraw this original motion passed unanimously.

Commissioner Madigan then made a motion, supported by Commissioner Brown, to amend the crossbow regulations as proposed in his original motion but with the following changes:

- Item #2. (from above) This will now read, “Allow hunters age 50 and older to use crossbows to hunt deer from October 1 to November 14;
- Item #3. (from above) Change 405 to 350.

Discussion ensued. **Commissioner Richardson** said he respects the fact that staff does not believe allowing crossbows will be a detriment to the deer herd.

Commissioner Madigan chaired the Crossbow Disability Work Group as well as the recent crossbow discussion group. These forums allowed a great deal of discussion and public testimony. He thanked the participants for their opinions, passion and respect for the process. He said if the expanded use of crossbows is not detrimental to the deer population and provides additional hunter opportunity, it is a good decision.

Chairman Charters said he was hopeful that any decision made regarding crossbows would not impact the intent of Proposal G.

Commissioner Wheatlake believes expanding crossbow usage in Zone 3 will assist in lowering the deer population.

Commissioner Brown said that private landowners still have the authority to limit hunting on their property. She hoped research would be allowed on private lands.

The motion to amend passed unanimously.

The motion to approve the Wildlife Conservation Order, Amendment No. 2 of 2009, as amended, was approved.

DIRECTOR'S ACTION ITEMS

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

COMMITTEE REPORTS

NRC Policy Committee on Finance and Administration

The NRC Policy Committee on Finance and Administration convened at 8:50 a.m. on March 5, 2009, in Rooms 402 and 403 of the Capitol Building. Commissioners Wheatlake and Richardson were present for the Committee. Commissioner Charters, Madigan and Brown were also present for the NRC.

This meeting was held in the Capitol Building to allow Legislators easy access to the presentations being made. Representatives Sheltroun, Booher and Lahti were represented.

Dawn Fedewa, Budget and Support Services, reviewed the 2010 Proposed Budget for the Game and Fish Protection Fund, State Park Improvement Fund, and the Forest Development Fund. She noted that the numbers reflected are appropriations and are not actual revenues. The monthly spend plan is a document that tracks actual revenues used to anticipate trends. Details can be viewed at the following website:

http://www.michigan.gov/documents/dnr/CoverMar2009_269493_7.pdf

Game and Fish Protection Fund – Discussion: **Commissioner Wheatlake** noted that license sales are flat and investments are down due to the economy. He said investment funds are a victim of the times.

State Park Improvement Fund – Discussion: Camping fees are down slightly and it is expected that any fund balance will be eliminated this fiscal year. At this point, one disaster or problem outside of the normal operations would be a problem. **Commissioner Wheatlake** applauded the creativity of the Parks and Recreation Division staff. **Sharon Schafer, Chief, Budget and Support Services**, stated there is not enough money available to address all of the problems in the parks.

Forest Development Fund – Discussion: Fiscal year 07-08 was a good year for timber revenues and a fund balance developed. Forest, Mineral and Fire Management Division intends to spend the fund balance, but, at the same time, watch revenues to ensure enough money is available. If revenues begin to fall, the spend plan will be re-evaluated.

Commissioner Richardson complimented staff on their transparency on the budget issues. **Director Humphries** said that “most of the savings accounts have been depleted and the house needs repairs.” There will be program cuts in 2010.

The Committee meeting convened at 9:30 a.m.

NRC Policy Committee on Wildlife and Fisheries

The NRC Policy Committee on Wildlife and Fisheries met on March 5, 2009 at 12:30 p.m. Commissioners Madigan and Charters were present for the Committee. Commissioners Brown, Richardson and Wheatlake were also present.

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The NRC meeting adjourned at 7:40 p.m.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES

The NRC Policy Committee on Wildlife and Fisheries meeting was called to order on March 5, 2009 at 12:30 p.m. Commissioners Madigan and Charters were present for the Committee. Commissioners Brown, Richardson and Wheatlake were also present.

Draft Michigan Black Bear Management Plan: **Adam Bump, Wildlife Division,** provided an overview of the draft Black Bear Management Plan. He outlined the public engagement process and then highlighted sections 5 and 6 of the plan. Section 5 is related to bear management goals and chapter 6 discusses bear management strategies. Mr. Bump highlighted the seven strategies that are within the plan. The plan will be proposed for Director's action in April. To view the management plan, click on the following address:

http://www.michigan.gov/dnr/0,1607,7-153-10363_51367---,00.html

Bear Regulations and License Quotas: **Adam Bump** presented the proposed regulations and license quotas for 2009. He outlined how the Wildlife Division establishes license quotas. He also explained how tribal adjustments are made within this process. Next, he presented the proposed quotas, which includes 4,600 for western UP, 4,960 eastern UP, 1,875 northern LP, and lastly three for Drummond Island. The hope is that these quotas will have the following impacts to the bear population: stabilize the western UP, increase the eastern UP, and decrease the northern LP. These changes would decrease harvest in 2009 by 16 percent and decrease licenses by 12 percent

Mr. Bump proposed regulations changes to dog training, season structure, baiting regulations, and the Red Oak management structure. The proposed dog training changes are to have a five-day no bear hound training prior to the first bear season in both peninsulas and allow all dog training activities to begin on July 8. For season structure, the proposed regulation would be to restrict opening day in the LP to bait only but extend the LP season by two days, which would be for hunting with hounds only. For baiting regulations, the proposed change would be to limit the total number of baits any one individual can maintain to 12. (This would still limit the hunter to 3 baits.)

Lastly, Mr. Bump outlined three options for the Red Oak management structure. Option A would be to create a White Oak area to allocate 300 private land licenses that could only be used in that area. Option B would also create a White Oak area. Within this area, the season would be lengthened by one week and would be available to all successful Red Oak bear management unit license holders (this would be for all land ownerships in the White Oak area). Option C would be to maintain existing structure while evaluating social and biological factors.

Elk Regulations: **Rod Clute** outlined the proposed 2009 elk season dates and quotas. The DNR recommends Hunt Period 1 is September 1 to 4 and then September 11 to 15 with 110 licenses available; Hunt Period 2 is October 13 to 21 with 110 licenses available; and Hunt Period 3 is December 8 to 15 with 160 licenses available. Mr. Clute also proposed an optional January 2010 hunt, if needed, which the Director would determine. Next, Rod explained how many tribal licenses would be available per each hunt period. He also announced the Elk Management Plan will be updated and revised.

Field Trial Area Regulations: **Harold Herta** proposed a change to the Field Trial regulations. There seems to be some conflicts between field trial participants and quail hunters. On more than one occasion, quail hunters have harvested the quail that were planted by the field trialers for their event. The proposal would restrict the taking of quail on designated field trial grounds at Ionia and Highland Recreation Areas to the field trial event participants only on those dates when authorized field trial events are scheduled. The field trial areas would have to be posted by the Lessees.

2008 Bovine Tuberculosis (TB) Surveillance: **Dr. Steve Schmitt, Veterinarian, Department of Natural Resources, and Dr. Steve Halstead, State Veterinarian, Department of Agriculture,** provided an overview of the TB surveillance efforts and testing results for 2008. **Dr. Schmitt** highlighted that 16,260 deer were tested in 2008, which makes total testing for TB to 178,372 deer. In 2008, 36 deer tested positive for TB. Only two animals were found out of the four county area. However, one of the positives was located in Iosco County, which can be a concern since other positive deer have also been found around that area in past years. **Dr. Schmitt** reminded the NRC about the TB eradication strategies. They include keeping deer from concentrating by supplemental feeding and baiting and by reducing deer numbers through hunting to a level supported by natural vegetation. Next, **Dr. Schmitt** presented the results related to prevalence rates. For 2008, the TB prevalence rate was 1.8 percent inside DMU 452 and 0.2 percent in the five county area outside DMU 452. The prevalence rate for yearlings within DMU 452 was 0.4 percent. **Dr. Schmitt** explained the statistical significance related to these rates and emphasized that disease transmission has declined significantly within the DMU since 1995. However, the decline in the transmission rate is slowing down. The DNR is working to develop additional tools to help manage Bovine TB, which includes an effective TB vaccination, TB blood test, and a TB Disease Model.

Dr. Steve Halstead presented the 2008 TB surveillance efforts related to livestock. Three bovine TB positive herds were discovered during this time period, all located in the Modified Accredited Zone: a medium sized beef cattle herd in Oscoda County, a medium sized beef cattle herd in Alpena County, and a privately owned cervid herd (white-tailed deer) in Montmorency County. He outlined the changes the livestock producers would like, such as relief from the burden of surveillance testing, creating a risk-based strategy, and further reducing the risk of disease getting into the herd. The producers also would like to have the Modified Accredited Zone reduced. The Memorandum of Understanding (MOU) drafted by MDA, DNR, and the USDA VS reflects these interests in a framework of increased producer responsibility for risk management.

The Committee meeting adjourned at 2:45 p.m.