

## MINUTES

### NATURAL RESOURCES COMMISSION

December 8, 2011

Diagnostic Center for Population and Animal Health  
4125 Beaumont Road  
Lansing, MI 48910

#### Present for the Natural Resources Commission (NRC)

Timothy L. Nichols, Chair  
Mary Brown  
Hurley J. Coleman  
John Madigan  
John Matonich  
J.R. Richardson

#### Absent

Frank Wheatlake

#### PRESENT FOR STAFF

Rodney Stokes, Director, Department of Natural Resources  
Debbie Whipple, Executive Assistant to the Natural Resources Commission  
Stacy Welling, Upper Peninsula Regional Coordinator  
Bob Reichel, Legal Counsel, Office of the Attorney General  
Other Department staff

### COMMITTEE OF THE WHOLE

**Chairman Tim Nichols** called the Committee of the Whole meeting to order at 3 p.m.

#### DIRECTOR'S REPORTS

**Director Stokes** first thanked members of the Mentored Youth Hunting Program Workgroup for their efforts in the presentation during the NRC Policy Committee for Technology, Information, Management and Education (T.I.M.E.) earlier in the day. He believes the issue is very important to the state.

### **Budget Update**

**Director Stokes** called on **Sharon Schafer**, chief of the DNR Finance and Operations Division, to give an update on the department's budget.

**Schafer** introduced some of her staff who were present and critical in the budget development process. Present were **Joe Frick**, chief assistant who handles all the real estate issues; **Erik Eklund**, budget section manager; **Dawn Fedewa** and **Jason Crandall**. **Schafer** also introduced members of the Treasury Department who will give an investment update. Treasury staff included **Dan Quigley**, specialist in the Long-Term Fixed Income Division; **Greg Parker**, deputy CIO of the Bureau of Investments; and **Paul Nelson**, administrator in the Long-Term Fixed Income Division.

**Schafer** gave a budget presentation, which included a summary of year-end balances for FY 2011 and what the outlook is for FY 2012. She highlighted some funds, including fund balances, projected revenue and estimated expenditures. She noted that adjustments will be made where necessary.

**Quigley** reviewed investment reports for the five DNR-related trust funds for which the bureau manages assets. He also presented a performance summary of the investments.

**Parker** gave a brief economic outlook update, mentioning that the U.S. economy is growing, but slowly, which is normal after a recession. He also said that, unfortunately, although unemployment numbers are decreasing, it's because people are dropping out of the workforce, not because they're finding jobs.

### **Fred Meijer**

**Director Stokes** said a few words about **Fred Meijer**, an individual who partnered with the DNR to assure that citizens had excellent recreation opportunities in Michigan. **Meijer**, businessman, philanthropist and outstanding Michigan citizen, passed away November 25, 2011. **Stokes** said the entire state has been a beneficiary of **Fred Meijer's** longstanding commitment to Michigan, and the state would be very different without the special impact he left behind.

### **Black Lake Sturgeon Dispute Update**

**Dennis Knapp**, DNR tribal coordinator, and **Jim Dexter**, acting DNR Fisheries Division chief, gave an update on the formal dispute filed against the state by the Little Traverse Bay Band of Odawa Indians over the state harvest of sturgeon from Black Lake during 2011. **Knapp** explained that the 2007 Inland Consent Decree provides for state/tribal allocation when Black Lake sturgeon population estimates exceed 750 mature fish. He said for 2011, the state and tribes agreed on a 14-fish quota allocated 50/50 between the state and tribes, i.e. 7 bag limit for the state and 7 bag limit for the tribes. However, 2011 state anglers harvested 11 lake sturgeon (4 fish over). **Knapp** said the DNR responded

to the formal dispute with a proposal to more stringently control state harvest efforts. The dispute resolution process states that if the written response does not resolve the dispute, the parties shall meet within 15 days to attempt to resolve the dispute. Subsequent steps, if required, include referring the issue to the Executive Council, then mediation, and finally, the federal court. **Knapp** said the state has been clear that an agreement needs to be reached by approximately January 12 so the Director can announce a state harvest quota for 2012 by January 15, which he is required to do each year pursuant to Fisheries Order 240.

**Commissioner Madigan** asked if the dispute isn't resolved in time, will there be no fishing season on Black Lake. **Dexter** responded that if there is no agreement by January 15, neither the state nor the tribes will have a fishing season on Black Lake.

### **Parks and Recreation Awards**

**Ron Olson**, chief of the DNR Parks and Recreation Division, announced that the DNR Parks and Recreation Division received two national awards, primarily for its strong focus on public engagement, resulting from the approach it took in developing a new public boating access site on Eight Point Lake, the largest (400 acres) lake in Clare County, which had no public boating access. In October 2010, the Parks and Recreation Division received an award from the States Organization for Boating Access (SOBA) for facility innovation, usefulness, high quality, uniqueness and economic benefit. The division also received an award in January 2011 from the Boat Owners Association of the United States (BoatUS) for its success in protecting public water access and innovative solutions.

### **Legislative Update**

**Gary Owen, DNR Legislative Liaison**, called the commissioners' attention to HB 4298, which was given immediate effect today (December 8, 2011) and is headed to the governor's desk for signature. **Owen** said it is a bill that essentially changes the way the department looks at granting private easements over state-owned land. The legislation will change the process for granting private easements.

**Owen** also mentioned SB 822 and SJR Q, sponsored by Sen. Tom Casperson, which would modify expenditures for the Michigan Natural Resources Trust Fund. **Owen** explained that, among other things, the bill changes the cap of the Park Endowment Fund from \$800 million to \$400 million.

Finally, **Owen** mentioned SB 248, which is the land cap bill sponsored by Sen. Tom Casperson. **Owen** said he expects the bill to be voted on next week in the House committee. He explained that the department has been able to work with Sen. Casperson on a number of exemptions, and the DNR has been neutral on the bill since it left the Senate.

**Owen** also provided a written update on the following legislation:

SB 248 – Land Cap Bill (Sen. Tom Casperson)  
SB 499 – Telecommunication Facilities on Rail Trails (Sen. Tom Casperson)  
SB 822 – Modify Expenditures for MNRTF (Sen. Tom Casperson)  
SJR Q – Modify Expenditures for MNRTF (Sen. Tom Casperson)  
HB 4917 – Transport of Crossbows (Rep. Peter Pettalia)  
HB 4298 – Granting Easements on state of Michigan land (Rep. Steven Lindberg)  
HB 4845 – Define Boating Safety Certificate (Rep. Frank Foster)  
HB 4846 – Watercraft Violations (Rep. Wayne Schmidt)  
HB 4847 – Identification and Lighting Requirements (Rep. Harold Haugh)  
HB 4848 – Creates Felony for Eluding Police/COs (Rep. Andrea LaFontaine)  
HB 5109 – Personal Flotation Devices (Nancy Jenkins)  
HB 5110 – Investigatory Stops (Rep. Richard LeBlanc)  
HB 4969 and 4970 – Tax Exemption for Forest Land (Rep. Frank Foster)  
HB 4302 – Qualified Forest Property Recapture Tax (Rep. Ed McBroom)

**Chairman Nichols adjourned the Committee of the Whole at 4:00 p.m.**

**Partner in Conservation Award**

**Director Stokes** announced that the Partner in Conservation Award listed on the agenda has been rescheduled in accordance with the recipient's request.

**Hunter Education Volunteer Instructor of the Year Award**

**Director Stokes** announced that **Jim LePeak** from Munith in Jackson County has been named the Michigan 2011 hunter education volunteer instructor of the year. **LePeak** has volunteered his time to the hunter education program since 1999, serving as both an instructor and a coordinator for Jackson and Hillsdale counties. In addition to training as many as 5,000 students over the past 13 years, he also has recruited a number of new instructors to the program, including his two sons and a grandson.

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**Chairman Nichols called for public appearances at 4:15 p.m.**

**PUBLIC APPEARANCES**

**Deborah Mulcahey** spoke against allowing equine use at the Blueberry Ridge Pathway in Marquette. She doesn't believe the trails should be open to horses since the trails are the most used cross-country skiing trails in Michigan. Mulcahey believes equine representatives should work on the horse trails that were established for them at Thunder Valley, just as skiers have done on the trails at Blueberry Ridge.

**Bill Priest** of Maple Rapids said he would like to see changes in the allowable firearms used for the all-firearms season and muzzle-loading seasons in Zone 3 or southern zone. He provided lists with examples of the guns and calibers that would be acceptable in the muzzle-loading season as well as the all-firearms season. He also included a list of benefits he feels would be realized by the changes, including additional sales tax revenue through sales of firearms, equipment, ammunition; an increase in license sales; a reduction in the deer herd; and aid to the state's retailers. **Priest** said several states have already implemented the regulations.

**Rob Miller** of Byron Center voiced his concerns with SB 248 and the potential negative effect it could have on the Natural Resources Trust Fund. **Miller** asked why the DNR hasn't taken a more active role in opposing the proposed legislation and why the department has taken a neutral position. He asked the director to please reconsider taking action.

In response to **Miller's** question, **Director Stokes** said that the bill is written significantly different from what was introduced. He said the bill is not what he wants, but he negotiated the best deal he could to make it tolerable. **Stokes** said the land belongs to all Michigan citizens, not the DNR; it's the public's land, and it is up to all citizens to oppose the bill.

**Amy Trotter** of MUCC commented on Fishing Order 219 concerning spearing regulations. She said MUCC has policy dating back from 2004 when its members clearly indicated they support spearing and feel it should be available on any body of water where it can be done in a biologically sustainable manner. **Trotter** said the DNR should be vigilant in keeping an eye on the list of what waters are open to and closed to spearing and make regulation changes when needed. **Trotter** also mentioned that MUCC is interested in Mr. Priest's proposal (see above) and pointed out that MUCC has a resolution from 2010 and are interested in re-engaging in the discussion.

**Amy Trotter** also spoke on the deer season. She noted that the MUCC has a video on line that speaks to the past deer season. She went on to say that now, more than ever, she's hearing a lot of complaints and concerns from southern Michigan, in particular Barry Eaton and Cass counties. MUCC is doing some informal surveys at deer processing facilities and talking to its members. She said the organization has a proposal from its convention last year regarding streamlining the buck tags.

**Director Stokes** asked **Trotter** to explain some of the concerns. **Trotter** said hunters saw a lot of deer in the summer, but when the deer season arrived, they weren't seeing deer on their trail cameras, nor their tree stands, etc. She said these aren't just weekend hunters; they're committed to the sport.

**Michael Yachcik**, president of the Michigan Hawking Club, thanked the DNR and NRC for everything they do on the club's behalf. He gave a brief background of the group and said the Michigan Hawking Club supports the new falconry regulations proposed in Wildlife Conservation Order Amendment No. 1 of 2012.

**Dave Hogan** of Burton, former president of the Michigan Hawking Club, spoke in favor of the proposed changes to falconry regulations. He said Michigan's regulations are a bit more restrictive than the new federal regulations that came out a couple of years ago, so under an agreement with the Michigan DNR, the state regulations are revisited every two years. He said the DNR has been very accommodating in helping to update the regulations to give more freedoms and to bring Michigan more in line with federal regulations.

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**Chairman Nichols adjourned the public appearances portion of the meeting and called the regular meeting to order at 4:45 p.m. He noted that all members who were initially in attendance are currently present for the regular meeting.**

### **FOR INFORMATION ONLY – NATURAL RESOURCES COMMISSION**

**Chairman Nichols** listed the NRC's *For Information Only* item as:

- Amendment to Falconry regulations  
Wildlife Conservation Order Amendment No. 01 of 2012

### **NATURAL RESOURCES COMMISSION ACTION ITEMS**

#### **Approval of Minutes, November 10, 2011, NRC Meeting**

**Commissioner Matonich** made a motion, supported by **Commissioner Madigan**, that minutes of the November 10, 2011 NRC meeting be approved. Motion carried unanimously.

### **FOR INFORMATION ONLY – DIRECTOR**

**Director Stokes** listed the Director's *For Information Only* item as:

- A late memo for sturgeon regulations statewide (FO-240)

### **DIRECTOR'S ACTION ITEMS**

**Director Stokes** indicated he will sign all Director's action items, including all land transactions and oil and gas lease auction, for November.

**Commissioner Matonich** asked about the state forest and wildlife land exchange in which the Little Traverse Conservancy in Harbor Springs will acquire approximately 2.5 acres of state-owned land in Maple River Township, Emmet County, in exchange for approximately 20.7 acres of privately owned land in the Beaver Island Wildlife Research Area in Charlevoix County. **Ed Meadows** of the real estate division confirmed that approval of the exchange is contingent upon the applicant acquiring the Braun Nature Preserve. **Meadows** said the exchange would not take place until that happened.

**Commissioner Coleman** asked for details of the oil and gas lease auction. **Lynne Boyd**, chief of the Forest Management Division, said that to put it in perspective, it was the 235th sale, with the 46<sup>th</sup> highest average bid per acre, the 37<sup>th</sup> highest revenue-producing auction, and the 27<sup>th</sup> highest total acres offered. She said it wasn't the best but was not where near the worst. She went on to report that \$1.4 million came in and that the last auction made just over \$770,000.

## **COMMITTEE REPORTS**

### **NRC Policy Committee on Wildlife and Fisheries**

**Commissioner Madigan**, chairman of the NRC Policy Committee on Wildlife and Fisheries, reported that **Russ Mason**, chief of the DNR Wildlife Division, gave an update; **Brent Rudolph** provided a preliminary report on the 2011 firearm deer season results; **Mason** and **Brian Frawley** furnished an update on the antler point restrictions issue; **Karen Cleveland** talked about proposed changes to falconry regulations; a budget presentation was given by **Gary Hagler**, chief of the DNR Law Enforcement Division; and **Russ Mason** discussed the 2012 calendar of issues for the Wildlife Division.

**Madigan** asked that the commission proceed with the antler point restrictions guidelines as discussed. **Chairman Nichols** had no objections.

### **Michigan State Parks Advisory Committee**

**Commissioner Coleman**, chairman of the Michigan State Parks Advisory Committee, reported that several issues were addressed in the meeting, including information regarding a PBS series to be filmed in the state of Michigan recognizing some historical areas in state park facilities. Dr. Monty Dobson, an archaeologist and passionate spokesperson for American history from Drury University, gave a presentation on the series. **Coleman** also reported that DNR Parks and Recreation staff gave an update on the Recreation Passport; **Maia Stephens** provided an update on 2012 outdoor recreation program planning; and meetings for 2012 were discussed. **Coleman** said the parks advisory committee is requesting to hold more frequent meetings in 2012 and would like to hold a joint meeting with the Michigan State Parks and Outdoor Recreation Blue Ribbon Panel. **Coleman** asked that minutes of the parks advisory committee meetings be included as its official report in the minutes of the NRC meetings.

### **NRC Policy Committee on Technology, Information, Marketing and Education (T.I.M.E.)**

**Commissioner Brown**, chairman of the NRC Policy Committee on Technology, Information, Marketing and Education (T.I.M.E.), reported that members of the Mentored Youth Hunting Program workgroup, chaired by **Commissioner Matonich**, provided a presentation that included recommendations of the workgroup. **Brown** asked that an order be prepared for review at the January 12, 2012 NRC meeting, for

approval at the February 9, 2012 NRC meeting. **Brown** said she would like to have the workgroup look at the issue of requiring a background check for mentors and that a definition of a mentor and what is expected of one should be incorporated in the order. **Brown** also mentioned that schools should be included in the outreach for the program and that the workgroup reconvene twice a year for the next two years to monitor the program.

**Chairman Nichols** asked that the DNR moved forward with an order of the proposed regulations that will be brought before the commission for information only at the January 12, 2012 NRC meeting, for action at the February 9, 2012 meeting.

**Chairman Nichols** presented Commissioner Matonich with a certificate of appreciation for his contribution and service in chairing the Mentored Youth Hunting Program workgroup.

### **COMMISSIONER REPORTS**

**Commissioner Matonich** reported that he attended a public hearing December 1 in Marquette on the Blueberry Ridge and Thunder Valley trail systems together with Director Stokes, Commissioners Nichols, Wheatlake, Richardson and Madigan as well as other DNR staff members. **Chairman Nichols** thanked members of the Hiawatha Snowmobile Club for graciously hosting the meeting. He also thanked **Director Stokes** and DNR staff members involved in planning the hearing. He said there was great feedback from members of the public regarding the issue.

**Commissioner Richardson** indicated that the newly formed Timber Advisory Council, of which he is chairman, will meet sometime before the January 12, 2012 NRC meeting.

**Chairman Nichols** announced that committees meeting at the January 12, 2012, NRC meeting are the NRC Policy Committee on Wildlife and Fisheries and the NRC Policy Committee on Technology, Information, Marketing and Education (T.I.M.E.).

The next regular meeting of the commission is scheduled for **Thursday, January 12, 2012, at the Diagnostic Center in Lansing.**

**Commissioner Madigan** made a motion to adjourn. The motion was seconded by **Commissioner Richardson** and unanimously passed. The regular meeting of the NRC was adjourned at 5:10 p.m.

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APPROVED:  
Date: \_\_\_\_\_

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Timothy Nichols, Chair

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Rodney A. Stokes, Director