

MINUTES

NATURAL RESOURCES COMMISSION

September 15, 2011

Walker Cisler Center
Lake Superior State University
650 W. Easterday Avenue, Sault Ste. Marie, MI

Present for the Natural Resources Commission (NRC)

Tim Nichols, Chair
Mary Brown
Hurley J. Coleman
John Madigan
John Matonich
J.R. Richardson
Frank Wheatlake

PRESENT FOR STAFF

Rodney Stokes, Director, Department of Natural Resources
Kelley Smith, Acting Deputy Director
Debbie Whipple, Executive Assistant to the Natural Resources Commission
Hal Martin, Legal Counsel, Office of the Attorney General
Other Department staff

Prior to Chairman Nichols calling the meeting of the Committee of the Whole to order at the Cisler Center on the campus of Lake Superior State University (LSSU), NRC commissioners and DNR staff were taken for a tour of the LSSU Aquatics Research Lab along the St. Mary's River.

COMMITTEE OF THE WHOLE

Natural Resources Commission (NRC) Chairman Nichols called the Committee of the Whole meeting to order at 3:00 p.m.

DIRECTOR'S REPORTS

Accessibility Survey Report

DNR Director Rodney Stokes gave an update on a review of public accessibility at department service centers, field offices, and other facilities utilized by the general public and thanked Commissioner Mary Brown who prompted the survey. **Stokes** reported that the accessibility problems at the Baraga Service Center are being fixed and work will be completed within months with the assistance of the DNR Parks Division staff. He also stated that problems at the Sault Ste. Marie field office will be corrected later in fiscal year 2012, and accessibility design options for several other locations are being researched.

DNR Audit Updates

Federal Audit

Director Stokes advised that, on behalf of the U.S. Fish and Wildlife Service (USFWS), auditors from the Office of Inspector General have reviewed financial and programmatic records for fish and wildlife programs, including revenue and expenditure reviews for Pittman-Robertson, Dingell-Johnson, and Game and Fish funds. Land management and co-management of state forests also were reviewed. It is anticipated the audit report will be completed over the next several months and sent to the USFWS for review. **Stokes** said overall, the auditors were very impressed with the work of the department.

State Audit

Director Stokes also reported that the Office of the Auditor General is in the process of conducting a performance audit on the DNR's real estate functions, including buying, selling and exchanging, and the land consolidation process. Auditors are expected to have completed their work by the end of September and will issue a report in the next couple of months. An audit report on the Retail Sales System (RSS) is intended to be released prior to September 30, 2011. This has been a limited audit due to ongoing modifications of the RSS. And, finally, **Stokes** advised that the Office of the Auditor General has just begun the Single Audit for Fiscal Years 2010 and 2011, which will review the merger and subsequent split of the Department of Natural Resources and the Department of Environmental Quality as well as the usual review of yet to be determined federal grant programs. Financial statements also will be reviewed. This audit report is scheduled to be completed by early summer 2012.

Moose Population Model Overview

Russ Mason, DNR Wildlife Division chief, introduced Dr. Scott Winterstein from the Department of Fish and Wildlife at Michigan State University and an internationally recognized expert in population ecology and leading expert in moose ecology to give a presentation on the modeling effort the Moose Hunt Advisory Council used in their deliberations. **Winterstein** explained the effort used to research some of the consequences of certain scenarios for a moose herd. He said the model is an attempt to duplicate on the computer what is seen in nature, to take data from the past to use in the present to try to predict what might happen in the future.

Moose Hunt Advisory Council Report

Jim Ekdahl, former DNR employee and chair of the Moose Hunt Advisory Council, asked members of the council to introduce themselves. They are:

- Dr. Russ Mason, DNR Wildlife Division chief
- Mick Jarvi, president of U.P. Whitetails Association of the Keweenaw Peninsula and member of the Western Upper Peninsula Citizens Advisory Council and the Upper Peninsula Sportsmen's Alliance
- George Lindquist, representative of Michigan United Conservation Clubs
- Jason Dinsmore, regional representative of the National Wildlife Federation
- Roger LaBine, chairman of the Conservation Code Committee representing the 12 tribes of the Great Lakes Indian Fish and Wildlife Commission and member of the Lac Vieux Desert Band of Lake Superior Chippewa
- Jill Witt, senior wildlife biologist at Little River Band of Ottawa Indians, tribal representative of the five member 1836 tribes (not in attendance)
- Jim Hammill, retired DNR wildlife biologist appointed by the Legislature (not in attendance)

Ekdahl explained that the council was appointed by PA 366 of 2010 and charged with examining the biological and economic feasibility of establishing a moose hunt in the Upper Peninsula. The council was required to complete their review of the issue and report to the Department of Natural Resources, Natural Resources Commission and Legislature by December 22, 2011. The council relied on a varied of resources in investigating the issue, including a DNR Wildlife Division white paper, the modeling report from Dr. Winterstein, and public input.

Ekdahl advised that the council was submitting a report recommending a limited moose hunting season in the western U.P. Among specific recommendations in the report are:

- management priority should be placed on continued growth of the moose herd;
- first year harvest level set at no more than ten bull moose;
- resolution of Indian treaty issues before a season may be initiated;
- hunting only in the core moose area in the western U.P., which includes portions of Marquette, Baraga and Iron counties
- a hunting season held only in years following a moose population survey, currently every other year; sustainability of the herd should trump all other considerations

Ekdahl said that a resolution of Indian treaty issues is an absolute necessity before a season may be initiated.

The full report can be found online at www.michigan.gov/moose along with more information about the Moose Hunting Advisory Council and Michigan's moose population.

Commissioners expressed a concern that all partners in the issue should be in concert before any action is taken in pursuing a hunt. It was decided that **Dennis Knapp, DNR tribal coordinator**, would contact tribal representatives to make sure that tribal concerns are being addressed before a final decision to move forward is made.

Frontier Renewable Resources Project Update

Lynne Boyd, DNR Forest Management Division chief, introduced **Art Abramson** from J.M. Longyear, a natural resources company based in Marquette, and **Ken Nielson**, vice president of operations from Frontier Renewable Resources, along with DNR staff member **Steve Milford**, eastern U.P. district supervisor for the Forest Management Division, to give an update on a project that is taking place in Kinross. **Boyd** said the project is an example of a group partnership among state government, federal government and private corporations that are working together to construct a new biofuels facility in Kinross, the state's first cellulosic ethanol plant.

Boyd explained that the Michigan Economic Development Corporation, which was unable to attend the meeting, also played a large role in the project, which included awarding a \$20 million Center of Energy Excellence Grant.

Nielson, speaking on behalf of Frontier, explained that the summary of the project is to build a commercial-scale cellulosic ethanol plant, beginning with 20 million gallons and expandable up to 80 million gallons. He said the plan is to break ground the fourth quarter of 2011 and to start operations the last half of 2013. The total investment in the project is more than \$200 million, and it is estimated that job creation in the area will include over 50 highly skilled, good-paying jobs at commercial operations, approximately 150 construction jobs, and up to 500 spinoff jobs, according to state calculations.

Legislative Update

Gary Owen, DNR Legislative Liaison, who was unable to attend the NRC meeting, submitted a written legislative update. **Director Stokes** offered to answer any specific questions on the report.

MICHCANSA Snowmobile Trip Presentation

NRC Chairman Tim Nichols introduced **Bill Bradfield**, of Cadillac, Michigan, who gave a presentation on an international 4,000 mile snowmobile journey from Sault Ste. Marie, Michigan, to Tok, Alaska, February 15, 2010, to raise funds for diabetes research.

Bradfield shared that the trip began with a ceremonious ride around the famous Soo International 500 racetrack and took riders through Canada and across the Top of the World Highway to Tok, Alaska, successfully finishing March 9, 2010. **Nichols** explained that he invited **Bradfield** to make his presentation at the meeting for several reasons – it highlights one of Michigan’s winter wonderland activities; one of Michigan’s residents was the catalyst behind the remarkable quest; and even though the group traveled outside Michigan, the trip originated in Sault Ste. Marie. **Bradfield** said they plan to do a ride every year, including Sweden and Russia in 2014, the same year they’re hosting the Winter Olympics. **Bradfield** thanked the DNR for the work they do and expressed appreciation for the good relationship between the Michigan Snowmobile Association and the DNR.

Haycock Partners in Conservation Award Presentation

Director Stokes presented Eliot and Naomi Haycock of Chassell, Michigan, with the department’s Partners in Conservation Award for their dedicated volunteer service to promote the Recreation Passport, which has replaced motor vehicle permits for entry into Michigan state parks, recreation areas, and state-administered boating access fee sites. The Haycocks logged over 3,000 miles in a specially-decorated recreational vehicle and devoted more than 2,500 volunteer hours, visiting 35 different events and interacting with more than 20,000 people, to promote the passport. The Haycocks are long-time volunteers in the DNR’s campground host program as well.

Buchholtz Partner in Conservation Award Presentation

Director Stokes presented long-time Upper Peninsula conservation activist Ken Buchholtz of Escanaba with the Partner in Conservation Award for his significant impacts on many levels of conservation in the state. Buchholtz has been active in conservation for over 40 years, including developing new avenues for persons with disabilities to enjoy hunting and the outdoors; working with youth programs such as Archery in the Schools, 4-H shooting sports, educational scholarships, hunter safety, and youth mentoring; and working with the DNR on habitat projects, women’s programs, and land purchases. Buchholtz takes his volunteer duties very seriously and is highly committed to natural resources conservation and management in Michigan.

Lifesaving Award Presentations

Chief Gary Hagler, DNR Law Enforcement Division, recognized several citizens who played a part in the rescue of Conservation Officer Dennis Gast who fell through the ice on Otter Lake in Houghton County into eight feet of freezing water while responding to a complaint on his department snowmobile. **Hagler** presented lifesaving awards to **Steve and Russell Nash** and **John and Julie Filpus**. Due to the weight of his wet uniform and equipment and the poor conditions of the surrounding ice, Gast’s attempts to free himself were futile. **Hagler** said the DNR and Law Enforcement Division are grateful for the assistance of the heroic citizens who immediately responded in extremely precarious conditions without hesitating to put their own lives in danger to save Officer Gast. During

the rescue, the snowmobile of Steve Nash also fell through the ice. In addition, **Hagler** awarded certificates of appreciation to **Harold Filpus and DNR Wildlife technician Brad Johnson**, who recovered the snowmobiles the following day, as well as **Baraga High School shop class students** who assisted in the repair of the snowmobiles.

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PUBLIC APPEARANCES

John Reis, treasurer and former president of Michigan Sharp-tailed Grouse Association, said their group has been interested for a long time in restocking sharp-tailed grouse in the Lower Peninsula and formally agreed at its August 20 meeting to request a partnership with the DNR to bring a restocking project to reality.

Paul Strom, Great Lakes Sport Fishermen, Escanaba, representing approximately 400 members in the organization, asked for the commission's support of the reintroduction of the walleye slot limit for Bays de Noc. They believe the reinstatement of the slot limit will help rehabilitate the damage that has been done in Little Bay de Noc by illegal fishing. He said the conservation regulation worked well when it was in place and had much support in their region. He also communicated his appreciation for the law enforcement efforts and dedication of DNR staff, in particular, **Shannon VanPatten, Reid Roeske, Darryl Shann, John Wenzel, Gary Hagler and Wade Hamilton**, among others, who have been extremely helpful in bringing to justice a number of individuals who were caught in a sting operation, have been prosecuted successfully, and are presently incarcerated.

Captain Ken Lee, Bay de Noc Charters, said he is a charter boat captain on Little Bay de Noc and also is on the board of directors of the Bay de Noc Great Lakes Sport Fishermen. He expressed his support of the proposal to re-implement the slot limit regulation on Little Bay de Noc, i.e. to allow anglers to harvest only one walleye over 23 inches in the five fish daily bag limit. **Captain Lee** stated that the regulation was in place from 1994 through 2009 but was removed despite opposition from local anglers, sport-fishing groups, and non-local anglers. Unfortunately, the estimated population of Little Bay de Noc walleyes now is just half what it was just 10 years ago, and the bays have a bad reputation in the fishing community. Because of the lack of anglers coming to the area, businesses lost customers and were forced to close. With a huge portion of the adult walleye population removed illegally, now, more than ever, it is important to protect the large fish. **Lee** furnished a chart showing the sport-fish harvest numbers of walleye in the Little Bay de Noc over the past 25 years.

Captain Keith Wils, Walleyes Choice Fishing Tackle & Charter Service, vice president of Bay de Noc Great Lakes Sport Fishermen, Inc., and member of Lake Michigan Citizens Fishery Advisory Committee, spoke in favor of reinstating the slot limit for walleye on Little Bay de Noc. He said their great fishery is disappearing, and they need help from the DNR and NRC to restore it.

Alan “Snuffy” Ettenhofer, co-founder and joint committee chairman of all eight U.P. Whitetails Association, Inc. organizations, addressed the commission with the membership’s concerns regarding the lack of a good CWD Emergency Plan and a much-needed updating of the Chronic Wasting Disease Surveillance and Response Plan. **Ettenhofer** stated that the CWD plan now in place was written back in 2002 with very little knowledge of what CWD was really about and how or how fast it could spread. **Ettenhofer** ended his remarks by asking the NRC, on behalf of the U.P. Whitetails Association, to update the out-of-date CWD plan and offered the association’s help in formulating a plan that will not only protect the general public but Michigan’s wildlife as well. **Ettenhofer** provided a packet of material to each commissioner that included, among other things, information on the overall deer population decline recorded during 2010 and ideas on how to update the plan.

Gregg Schumaker, president, National Wildlife Control Operators Association (NWCOA), commented on the proposed regulations regarding the take and control of nuisance wildlife in the state of Michigan. He indicated that both the NWCOA and the Michigan Animal Damage Control Association (MADCA) are becoming increasingly concerned with the current regulations, the permit system currently in place, and law enforcement issues that affect wildlife control operators in the state. Both organizations feel that all individuals providing commercial wildlife damage control should prove through testing and/or training, reasonable levels of competency before being issued a permit. **Schumaker** said he is hopeful that the DNR will review and re-evaluate current rules, regulations and permit-holder qualifications regarding wildlife damage and control, and the NWCOA looks forward to working with the Michigan DNR to provide safe and biologically sound management solutions and decisions.

Kevin Baker, president of Michigan Animal Damage Control Association (MADCA), said the Michigan Animal Damage Control Association completely agrees and concurs with all statements previously offered by Gregg Schumaker of the National Wildlife Control Operators Association regarding permit/license qualifications for wildlife control operators. He stated that MADCA is adamant in its belief that wildlife and the citizens of Michigan all will benefit from the implementation of a permit qualification system, and as president of MADCA, he would like to be involved in the development and adoption of such a system.

Commissioner Wheatlake suggested the two groups get together and establish and present parameters for qualifications. Schumaker indicated they have done so and furnished the department with models. **Dan Eichinger** of the DNR Wildlife Division said the matter was discussed in the Wildlife Committee meeting earlier in the day and **Schumaker** and **Baker** provided example curricula from other states. **Eichinger** said it is the intention of the Wildlife Division to move forward in establishing that training piece and the associated permit. **Eichinger** said the department is committed to working with the groups to build the training piece. Commissioner Matonich asked that commissioners be notified of the timeframe for the completion date.

Amy Trotter, Michigan United Conservation Clubs (MUCC), commented on Fisheries Order 219. She said MUCC appreciates the reformation and work of the warm water, formerly known as the cool water, committee and the process it has gone through over the past couple of years. Speaking on bowfishing, **Trotter** said she thinks what's being proposed in terms of simplification of the regulations and expansion of opportunities is moving in the right direction. **Trotter** said she has been asked by the Legislature as well as other organizations about MUCC's opinion on the pike and muskie spearing part of the order. She said the organization is still gathering information on the issue. They appreciate the opening of lakes that have previously been closed, however, have asked the DNR for the justification of maintaining the rest of the closures.

Director Stokes asked **Trotter** if MUCC would be able to render their recommendation on FO-219 in the timeframe given by **Jim Dexter**, acting director of the DNR Fisheries Division. **Trotter** responded that as long as the decision is still not to move forward on the order before November, they will be able to make a recommendation during that time.

George Lindquist, trustee of the U.P. Whitetails of Marquette County, thanked the Commission for the regulations that were established on the buck rules in the U.P. and said they appear to be working to help build the deer herd. He's had a lot of positive feedback from hunters who prefer to hunt in the U.P. He thinks there will be a much better hunt this year than in prior years. **Commissioner Richardson** thanked the group for helping to educate the public on the regulations.

Robert Miller, Byron Center, first spoke in support of the proposed changes to Fisheries Order 219 (FO-219) as a member of the Warm Water Resources Committee. He said the committee has been working with all sides of the issue and is offering a good, simplified compromise to spearing regulations by reducing restrictions and opening and extending opportunities while maintaining a few lakes with strict regulations. As a representative of the Bowhunters Association of Michigan (BAM), **Miller** said the organization is in full support of FO-219 proposed changes, however the group will continue to work to further reduce restrictions. **Miller** said BAM is currently working with **Mary Benson** of the DNR to get youth involved in the sport.

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Chairman Nichols adjourned the public appearances portion of the meeting and called the regular meeting to order at 6:25 p.m.

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, August 11, 2011, NRC Meeting

Commissioner Brown made a motion, supported by **Commissioner Madigan**, that minutes of the August 11, 2011, NRC meeting be approved. Motion carried unanimously.

FOR INFORMATION ONLY ITEMS – DIRECTOR

Chairman Nichols listed the Director's For Information Only items as:

Statewide Trout, Salmon, Whitefish and Lake Herring Regulations (FO-200)

Special Fishing Regulations for Coolwater Species on Select Lakes (FO-206)

Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Sauger, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes and White Bass (FO-215)

Regulations for the Taking of Minnows for Commercial Purposes (FO-216)

Spearing Regulations - Statewide (FO-219)

Catch Reporting Regulations for Commercial Minnow, Wigglers and Crayfish Catchers (FO-231)

DIRECTOR'S ACTION ITEMS

Director Stokes indicated he will sign all Director's action items, including all land transactions, for September. Action items include:

Waters Open and Regulations Governing the Taking of Wigglers and Crayfish for Commercial Purposes (FO-227)

Proposed October 27, 2011, Oil and Gas Lease Auction

Establishment of Fees for Oil and Gas Lease Classification Reviews and Oil and Gas Lease Classification Amendment Requests

COMMITTEE REPORTS

NRC Policy Committee on Wildlife and Fisheries

Commissioner Madigan, chairman of the NRC Policy Committee on Wildlife and Fisheries, reported that an update was given by **Wildlife Division Chief Russ Mason**; an update on furbearer regulations by **Dan Eichinger**; a fiscal year budget update and report on fishing regulations by **Acting Fisheries Division Chief Jim Dexter**; an update on the Boardman River restoration project was given by **Todd Kalish** of the DNR Fisheries Division; and **Dr. Ashley Moerke** of Lake Superior State University gave a presentation regarding the LSSU and DNR partnership. **Madigan** asked **Chairman Nichols** to move the moose plan issue that was discussed earlier to the Wildlife Committee for further discussion, and request was granted.

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.), said since everyone attended the committee meeting, there was no need for a further report.

NRC Meeting Dates for 2012

Commissioner Brown moved that meeting dates for the 2012 Natural Resources Commission be approved as presented. **Commissioner Wheatlake** seconded the motion and it was passed unanimously. The 2012 meeting dates are as follows:

January 12
February 9
March 15
April 12
May 17
June 14
July 12
August 16
September 13
October 11
November 6
December 13

Commissioner Wheatlake suggested the 2012 U.P. meeting be held in Ironwood and that the Wisconsin DNR be invited to participate. **Commissioner Madigan** said he had a request to hold a meeting on Harsen's Island and asked that it be considered as well. **Commissioner Coleman** asked that a meeting be held in Saginaw, and **Chairman Nichols** announced that the February meeting is already scheduled for Dearborn. The matter will be discussed and final location announced in the future.

COMMISSIONER REPORTS

Commissioner Coleman noted that he will be honored on October 6 in Canton as he is inducted into the Michigan Recreation and Park Association Hall of Fame. **Chairman Nichols** offered his congratulations.

Commissioner Matonich reported that he attended his first TB Advisory Council meeting on August 17 as the NRC representative. He said a number of questions have come up about strengthening the relationship between the Department of Agriculture and Rural Development and the DNR, and he's working with the DNR Wildlife Division to address some of the questions. **Matonich** also reported that the Mentored Youth Hunting Program workgroup held their first meeting in Flint on August 25 and had very good attendance. **Dan Eichinger** put together a survey for the workgroup and they have received between 340 and 350 responses to the survey to date. Good information has been collected on how people feel about mentored youth and what some of the potential problems and benefits are for the future. MUCC did a great job on providing research on some other states' programs. A presentation on safety figures will be offered at the next meeting. A report will be presented at the T.I.M.E. Committee in November, an order for information in December, and a final order in January. The next workgroup meeting is scheduled for 5:30 p.m. September 21 at the MUCC headquarters in Lansing.

Commissioner Madigan thanked Lake Superior State University for hosting the NRC meeting and said they did an excellent job. He also thanked **Commissioner Richardson** for helping to host the reception Wednesday evening.

Chairman Nichols also offered his thanks to LSSU, Commissioners Madigan and Richardson, LSSU board member Frenchie LaJoie, and LSSU President Tony McLain and Ray Schebel for all their hard work in coordinating the meeting and the previous night's reception. **Nichols** also reported that he had the opportunity to testify on behalf of the NRC before the Michigan House subcommittee on Natural Resources regarding enhanced penalties for violations of the baiting ban. He attended with DNR Legislative Liaison **Gary Owen** and DNR Law Enforcement Division Deputy Chief **Dean Molnar** who spoke on the importance of getting the regulations in place quickly by the Legislature.

Commissioner Richardson thanked LSSU as well. Also thanked those citizens who attend the meetings for their passion and dedication to the state's natural resources.

Director Stokes asked Russ Mason to announce the award that was given to former DNR Director Rebecca Humphries. **Mason** reported that the national Association of Fish and Wildlife Agencies honored former Director Humphries with its highest award, the Seth Gordon Award, for her dedication to advancing fish and wildlife conservation. It was noted that she has been instrumental in improving the partnership between state

agencies and the hunting and shooting sports community. Humphries is the first woman in the agency's more than 100 years to receive the award. **Stokes** commented that former **Director Humphries** is well respected in the natural resources arena around the country.

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 6:40 p.m.

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APPROVED:

Date: _____

Timothy Nichols, Chair

Rodney A. Stokes, Director