

MINUTES

NATURAL RESOURCES COMMISSION

January 13, 2011

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

PRESENT FOR THE NRC

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

ABSENT FOR THE NRC

John Matonich
Hurley Coleman

PRESENT FOR STAFF

Peter Manning, Legal Counsel, Office of the Attorney General
Rodney Stokes, Chief of Staff, Department of Natural Resources and Environment
Stacy Welling, Regional Director, Upper Peninsula Region
Gary Owen, Legislative Liaison
Debbie Whipple, Assistant to the Natural Resources Commission
Additional Staff

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

Executive Order 2011-1 and Transition

Rodney Stokes, DNRE Chief of Staff, provided an overview of Executive Order (EO) 2011-1, which abolishes the Department of Natural Resources and Environment (DNRE) and creates the Department of Natural Resources (DNR) and the Department of Environmental Quality (DEQ). **Stokes** indicated that the EO gives an effective date of March 13, 2011, for the two agencies to become separate organizations and that in the meantime, **Dan Wyant** will be the interim director of the DNRE, working closely with Stokes as chief of staff of the DNRE until March 13, 2011, when **Wyant** becomes director of the DEQ and **Stokes** becomes director of the DNR.

Stokes listed some of the other highlights of the executive order, including:

- The Office of the Great Lakes returns to the DEQ, and the director of that office, former state **Senator Patty Birkholz**, will continue to serve on the Governor's Cabinet.
- The Mackinac Island State Park Commission returns to the DNR.
- The Natural Resources Commission retains its authority to regulate the taking of game in Michigan. (Until March 13, 2011, **Wyant**, as DNRE interim director, has delegated the director's authority to **Stokes** to act on Wyant's behalf with the Natural Resources Commission for the purpose of administering programs according to statute and rule.)
- The Michigan Natural Resources Trust Fund Board returns to the DNR. (Director **Wyant** has also delegated authority to **Stokes** to serve as a trustee on the board.)

Stokes said he takes the authority delegated to him very seriously and the decision-making process that goes along with it. He will be seeking advice and input from the Commission as well as feedback from the public, and the decisions that are made will be informed decisions that will result in what's best for Michigan's natural resources.

Stokes said he is committed to making the transition as smooth as possible and looks forward to working closely with everyone as the new Department of Natural Resources moves forward.

Stokes highlighted what has been specifically delegated to him as Chief of Staff by Director Wyant during the time period until March 13. He has been delegated authority to handle actions that are routinely brought before the Natural Resources Commission, including oil and gas mineral leasing, land use orders, real estate transactions, wildlife orders (other than game species), fisheries orders, and invasive species orders.

Huron-Manistee Planning Process Update

Cara Boucher, DNRE Forest Management Division, presented an update on the Huron-Manistee Planning Process relating to snowmobiling and hunting in the Huron-Manistee National Forest. **Boucher** reported that the Department has had a long-term partnership with the National Forest Service, and in 2006 when the plan was finalized for the Huron-Manistee, the Department requested intervener status for any appeals that would occur at that time and was granted that status by the Forest Service and did comment on a number of appeals, including one that deals with snowmobile use and hunting. The 6th Court of Appeals found that the Forest Service did not follow its own process in preparing the environmental impact statement and must address any deficiencies the court found. The Forest Service has two alternatives: take no action, which would reaffirm the 2006 plan, or make changes in wilderness and semi-primitive, non-motorized areas.

The Forest Service has decided to prepare a supplemental environmental impact statement and will form an interdisciplinary team to address and evaluate recreational demands, supplies, and the affects of the alternatives on recreation and tourism, and review new information if it's available, gather data, obtain public comments, etc. and provide recommendations to the Forest Supervisor. There are a number of public meetings scheduled around the state, and the timeframe for public comment is by February 11. The DNRE has been invited to be a cooperating agency in the interdisciplinary team, and two staff members have been appointed to work closely with the Forest Service. **Boucher** said it's an ongoing process and the Department is engaged in working through it.

LEGISLATIVE UPDATE

Gary Owen, DNRE Legislative Liaison, provided copies of a list of chairs and members of the new House and Senate Committees for the 2011-2012 Legislative Session and announced that he and Chief of Staff Rodney Stokes will be meeting with various legislative leaders and committee chairs in the next few weeks to introduce themselves, answer any questions, and open up a line of communication between the Department and the Legislature.

Owen gave the following update on a bill known as the moose hunting bill that passed at the end of the last Session:

SB 1013, PA 366 of 2010 (Sen. Jason Allen)

The bill amends Section 40110a, authorizing the Natural Resources Commission (NRC) to issue orders establishing the first open season for moose. The bill establishes a "Moose Hunting Advisory Council" which is charged with presenting a recommendation to the Department, Commission, and the Legislature in the form of a report within 12 months of the passage of this bill (December 22, 2011). The report will make a recommendation on whether or not the moose hunting season established in this bill should be expanded in this state or not. The report must take into account "the effect an expanded moose hunting season would have on the moose population in this state and the potential economic benefits of such a season." If the council recommends an expanded moose hunting season, the report must "contain a recommended season length and the number of moose to be taken."

The Department believes that a very limited harvest of moose may be allowable on an annual basis.

TUBERCULOSIS IN WHITE-TAILED DEER

Dr. David L. Ramsey, a researcher with the Arthur Rylah Institute in Australia, gave a presentation on the management of bovine tuberculosis (TB) in white-tailed deer. **Dr. Ramsey** gave a PowerPoint overview presentation on research being done to study the effects of different management options for TB eradication, including increasing harvest rates, vaccination and eliminating baiting. He reported the following conclusions:

- At least a doubling of current harvest rates is required to eradicate TB within 30 years in the presence of baiting.
- An increase in harvest by 25 percent plus annual vaccination and elimination of baiting will eradicate TB within 30 years.
- Annual vaccination only (and no increase in harvest) will only eradicate TB within 30 years if baiting is eliminated – and at least 90 percent of population must be exposed to vaccine.
- TB establishment in a region is six times more likely if baiting occurs during the hunting season.

Dr. Ramsey ended by saying that further work needs to be done, including that model predictions are based on limited simulations and require confirmation; that some model assumptions still need to be tested; and that other management options still need to be modeled.

State Representatives Frank Foster, Ed McBroom, Matt Huuki and Paul Opsommer and Senators Tom Casperson and Darwin Booher were introduced and welcomed to the meeting.

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NRC Chairman Nichols adjourned the Committee of the Whole at 4:00 p.m. and reconvened at 4:30 p.m.

PUBLIC APPEARANCES

Amy Spray Trotter, Michigan United Conservation Clubs (MUCC), distributed a resolution by the Michigan State United Coon Hunters Association (Resolution #12 – State Land Hound Field Trial Permit Revision Proposal), which was presented at MUCC's annual convention in June and addresses the proposed field dog trial amendments. **Trotter** indicated the resolution was supported unanimously by MUCC at its board meeting in August and MUCC fully supports the removal of permit requirements for private land during the open training season. In addition, **Trotter** said MUCC supports the management of mute swan amendments as well.

Rich Porteen, Board of Directors, Michigan Hunting Dog Federation, reported that the group met with the DNRE and other organizations to work on the issue of field dog trials, and they concur with the proposed amendments to eliminate the permit requirement on private land during dog training season.

Jim Wale, Michigan State United Coon Hunters Association, spoke in favor of the proposed amendments on the issue of field dog trials on private land and talked about eliminating field trial permits for competition night hunts during the open training season and for other events, including water races, field trials, and conformation shows, that take place strictly on the club's private property.

Karen Stamper, Walled Lake, Michigan, is against the mute swan management proposal and questioned how the state plans to reduce the mute swan population from 15,000 to 2,000 by 2030. **Stamper** said she doesn't know why there isn't enough water for all water fowl in the 26,857 inland lakes in Michigan. **Stamper** also asked what evidence there was to show that once the mute swans were removed from the lakes, something else isn't going to endanger the vegetation.

Chauncey Moran, Big Bay, Michigan, said there are currently two NRC commissioners from the Upper Peninsula and that continued representation is needed in the U.P. He said those two U.P. commissioners are doing an outstanding job representing the thoughts and processes of an area that represents nearly half the state-owned lands in Michigan, and he would appreciate it if they could continue to represent that very valuable resource. **Chauncey** added that Rodney Stokes has done an excellent job over the years and extended a personal invitation on behalf of his son, Jeremiah, to visit them in the Upper Peninsula.

Tom Funke, Director of Conservation, Michigan Audubon, reported that Michigan Audubon supports the efforts of the Department to protect the Michigan trumpeter swan by thwarting the negative impacts of the invasive mute swan. He offered that Michigan Audubon is Michigan's oldest conservation organization, with over 100 years of conservation history. **Funke** said they have concerns about the on-going effort to re-establish the native trumpeter swan, which is threatened by the expansion of the non-native, invasive mute swan population. **Funke** said they are grateful to the Department for inviting Michigan Audubon to the Mute Swan Forum, and concurrent with the goals of the program, Michigan Audubon is seeking funding for the development of a conservation education program to help Michigan citizens, especially those who live in an area with a swan population, better understand this issue. If funding is received, the program will go live the second half of 2011. *Swans of Michigan* will feature a portable interpretive display to use in brief lectures for community groups where swans and humans come in contact with each other. **Funke** said that Michigan Audubon's Baker Sanctuary in Calhoun County was one of the first places in the state where trumpeter swans were released, and they don't want to see them usurped by the non-native, aggressive and invasive mute swans.

HORSEBACK RIDING ON STATE GAME AREAS

Chairman Nichols called on **Penney Melchoir of the DNRE Wildlife Division** who presented a detailed overview of two bills that were enacted earlier this year (Public Acts 45 and 46 of 2010) that focus on trail systems and pack/saddle animal access. **Melchoir** said that the legislation required the DNRE to conduct a review of current access, specifically at the Gladwin Field Trail Area, the Lapeer State Game Area, and Lost Nation State Game Area, and to hold a formal public meeting regarding that review. As part of the process, **Melchoir** reported that the DNRE has held two meetings – one in Gladwin on November 8 and one in Lapeer on November 10. A third meeting for Lost Nation SGA is scheduled for January 18 in Hillsdale.

Melchoir said that currently, pack and saddle access to department lands is covered under a set of administrative rules, otherwise known as the “State Land Use Rules,” and that the specific regulation reads as follows:

It is unlawful to ride or lead a horse, pack animal, or other riding animal, or any animal-driven vehicle on any area except on roads that are open to the use of motor vehicles, trails, bridle paths, and campgrounds designed for such use by the department and on state forest lands not posted closed to such use or entry.

A combination of game and fish funds and federal aid funds are utilized for area management, and any activities that conflict with these wildlife-related resources are regulated and restricted in order to protect those primary management objectives.

Melchoir said that the restrictions currently in place are appropriate and adequate to protect wildlife management. Although the department actively encourages the use and enjoyment of state lands, and it is part of the department’s mission and responsibility to do so, they also recognize not all uses are compatible, which is why there are laws regulating use of these areas.

Gabrielle Hume of Columbiaville, Michigan, provided copies of her comments regarding horseback riding in state game areas and quoted from Sec. 72102 of House Bill 4610 that was passed into law in 2010. She said according to NREPA 451, Section 723, “...trail means a right-of-way adapted to foot or horseback travel.” **Hume** wanted to establish that a trail, as defined by the public act, is for foot or horseback travel, that nowhere does it say a trail has to be designated for horseback travel. **Hume** went on to say that Section 522 FW21, paragraph 21.5B(2) of Pittman-Robertson would allow such use as horseback riding. **Hume** urged the Natural Resources Commission to recommend to the Department that designated pack and saddle trailways be developed in the Lapeer State Game Area.

State Representative Ed McBroom spoke on the issue of horseback riding in state game areas and said that the report in the state’s presentation that the Pittman-Robertson money somehow restricts the availability of the use of the land was not true and that other states are able to utilize the funds for the same purposes. **Rep. McBroom** also questioned whether 400 miles of trails available for horseback riding seemed fair and reasonable out of all the thousands of acres of land in the area.

Chairman Nichols introduced into the record a letter regarding horseback riding at the Lapeer State Game Area from **State Representative Kevin Daley** who was unable to attend the meeting. The conclusion of Representative Daley’s letter stated that “based on the language in Public Act 46 of 2010...the presumption of the legislature is that the DNR is instructed to reopen any trailways and equine access locations that have been closed since January 1, 2009, barring any documented, sound science contrary to that presumption.”

Chairman Nichols adjourned the public appearances portion of the meeting and called the regular meeting to order at 5:20 p.m.

Chairman Nichols listed the For Information Only items as:

Mute Swan Management
Wildlife Conservation Order Amendment No. 02 of 2011

Field Dog Trials
Wildlife Conservation Order Amendment No. 03 of 2011

NATURAL RESOURCES COMMISSION ACTION ITEMS

APPROVAL OF MINUTES, December 9, 2010, NRC MEETING

Commissioner Madigan made a motion, supported by **Commissioner Richardson**, that the December 9, 2011, NRC minutes be approved. **Commissioner Wheatlake** abstained from the vote as he did not attend the December 9 NRC meeting. Motion carried.

APPROVED:

Date: _____

Timothy Nichols, Chair

Rodney A. Stokes, Chief of Staff

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Management of Bats

Commissioner Madigan made a motion that Wildlife Conservation Order Amendment No. 01 of 2011 regarding bat management be adopted. **Commissioner Richardson** seconded the motion, and it was passed.

DIRECTOR'S ACTION ITEMS

Chief of Staff Rodney Stokes intends to sign all Director's Action items.

COMMITTEE REPORTS

Commissioner Brown reported that there were three presentations at the Committee on Technology, Information, Marketing and Education (T.I.M.E.).

Rob Jellison gave a presentation on archery programs and bow hunting.

Mary Benson and **Dennis Fox** gave range survey results.

Christine Schwerin and **Dennis Fox** spoke about advertising on social media sites.

Commissioner Madigan reported that during the Committee on Wildlife and Fisheries, Wildlife Division Chief **Russ Mason** gave an update; Brent Rudolph gave an update on the elk season; Barb Avers gave an update on mute swans; and there was discussion on field dog trials on private land.

COMMISSIONER REPORTS

Commission Chair Tim Nichols reported that he had an opportunity to attend the Maple River Coop Quality Deer Management meeting, and it was an exceptional evening with approximately 200 people from ages 10-70 years old. It was a very worthwhile event.

Commissioner Wheatlake made a motion to adjourn, seconded by **Commissioner Brown**. Motion passed and the regular meeting of the NRC was adjourned.

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NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES

Wildlife Division Chief Russ Mason gave the following update:

The Upper Peninsula Regional Deer Advisory Team (RDAT) membership selection has been completed and will be announced on January 22. The other RDATs will be announced in a few weeks.

The 2011 application period for Pure Michigan Hunt (PMH) ended on December 31. There was a substantial decrease in sales from last year. Hunters who apply for the PMH have a better chance of being drawn than those putting in for an elk license. Pittman Robertson revenue projections indicate quite a drop in funds for the coming year.

Elk Season Update

Brent Rudolph, Wildlife Division provided an overview of the 2010 elk hunting season. The season objectives were to harvest 160 elk and maintain the elk population near goal of 800–900 animals. In Hunt Period 1 (Aug 31–Sept 3 and Sept 24–27), the objective was to target elk outside primary elk range before breeding season. The quota was set at 60; there were 43 elk taken by state hunters and 6 elk taken by tribal hunters. In Hunt Period 2 (Oct. 16-20), the objective was to provide additional hunting opportunities while elk are still in agricultural areas or avoid hunter crowding in other periods. The quota was also set at 60; there were 32 elk harvested by state hunters and 4 by tribal hunters. In Hunt Period 3 (Dec. 4-12), the objective was to distribute harvest in the Elk Management Units and allow additional harvest outside the core. The quota was set for 110; there were 87 elk harvested by state hunters and 21 by tribal hunters. In January 2010, the elk survey estimated approximately 780 elk on the landscape. Field staff believes elk numbers outside of core were reduced, but some conflicts most likely will still occur.

Mute Swan Management

Barbara Avers, Wildlife Division, reported that there has been an exponential growth of mute swans in Michigan. Their population has reached almost 18,000 birds and the goal is to maintain around 2000 birds. The population must be decreased due to the following issues: Mute swans 1) have a negative effect on submerged aquatic vegetation; 2) can be extremely aggressive toward native waterfowl; and 3) can be extremely aggressive toward humans. A mute swan forum was created to discuss the population situation. Sixteen interested groups and agencies participated and were asked to provide feedback on proposed management efforts. Mute swan population has the potential to increase rapidly if steps are not taken. Currently, management efforts include the nest/egg destruction program and/or the removal of birds on both public and private lands. The Wildlife Division recommends that the Wildlife Conservation Order (WCO) no longer allow rehabilitation of mute swans. Returning any mute swans to the wild is counter to the overall need to reduce the population of these non-native birds. The second recommendation is to remove the need for written approval for designated partners to assist the Department in the removal of mute swans when beneficial to Michigan's natural resources; however, verbal permission would still be necessary.

Field Dog Trials

Dan Eichinger, Wildlife Division, said that the Wildlife Division recommends two changes to the current Wildlife Conservation Order. 1) A person shall not conduct a field dog trial ON PUBLIC LAND without first obtaining written authorization from the director upon an application form approved by the director; 2) A person shall not conduct a field dog trial ON PRIVATE LAND FROM APRIL 16 THROUGH JULY 8 without first obtaining written authorization from the director upon an application form approved by the director.

NRC COMMITTEE ON TECHNOLOGY, INFORMATION, MARKETING AND EDUCATION (T.I.M.E.)

The meeting of the NRC T.I.M.E. Committee convened at 11 a.m.

Commissioners Mary Brown, John Madigan and Tim Nichols were present.

Shooting Sports Updates

Archery Programs and Bow Hunting - Robert Jellison, 7th grade science teacher from Hartland Public Schools, highlighted how programs such as the National Archery in the Schools Program and the Explore Bowhunting Program can get youth more involved in outdoor pursuits, hunting and fishing. **Jellison** mentioned that participation in our programs both as a teacher and an administrator has been invaluable.

Range Survey Results - Mary Benson mentioned that the primary goals of the DNRE's recruitment and retention section are to increase the number of shooters in Michigan by upgrading their services to shooters by improving their shooting range Website and upgrading their ranges as money becomes available.

In June 2010, a survey form was created to include questions about archery, shotgun, and rifle/handgun ranges, as well as amenities offered. Four hundred surveys were mailed, with 60 undeliverable. The information that was received is valuable for the continuation and goals to provide a safe setting for the general public, including hunters and recreational shooters, to develop their skills in firearm use as well as increase hunter education programs so that youth and new hunters continue to be safe while enjoying their sport.

Advertising on Social Media Sites - Dennis Fox and Christine Schwerin reported that the department received for the first time a National Shooting Sports Foundation Range Partnership Grant. This was a very competitive grant process, and the Michigan DNRE was the only state agency to receive the grant. With this grant, it was decided to market DNRE's shooting range Web page by utilizing Google and Facebook ads. Results for using Google was slow but finished strong, the average cost per click was about \$.62 and \$6,663 was spent; results for Facebook was strong but finished weak, the average cost per click was \$.71 and \$4,195 was spent.

The information from this grant project was very useful and informative. The information gathered helps create a baseline for future efforts and provides insight into who the audiences/customers are.

The meeting adjourned at 12:15 p.m.

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