

MEETING NOTES

NATURAL RESOURCES COMMISSION (NRC) POLICY COMMITTEE ON WILDLIFE AND FISHERIES

May 12, 2011

Mott Community College
Regional Technology Center
1700 Robert T. Longway Blvd., Flint, MI 48503

PRESENT FOR THE NRC

Tim Nichols
John Madigan, Chair
J.R. Richardson
John Matonich

PRESENT FOR STAFF

Kelley Smith, Acting Natural Resource Deputy
Russ Mason, Chief, Wildlife Division
Doug Reeves, Assistant Chief, Wildlife Division
Dean Molnar, Assistant Chief, Law Enforcement Division
Steve Schmitt, DNR Wildlife Veterinarian
Dan Eichinger, Policy and Regulations Unit Manager, Wildlife Division
Brent Rudolph, Deer and Elk Program Leader, Wildlife Division
Adam Bump, Bear and Furbearer Program Leader, Wildlife Division
Karen Cleveland, All Bird Biologist, Wildlife Division
Additional Staff

Natural Resources Commissioner John Madigan called the NRC Policy Committee on Wildlife and Fisheries meeting to order at 8:45 a.m.

Wildlife Division Chief Updates

Russ Mason, Chief of Wildlife Division, provided the updates.

The moose hunting advisory council will host two public input meetings in the Upper Peninsula in May. The meetings will be held on Monday, May 16th at the Comfort Inn in Newberry from 6-8pm and on Wednesday, May 18th at the Ford Center in Alberta, MI from 6-8pm. These meetings are for interested parties to submit public comment regarding the future of moose management in Michigan.

Russ attended a Rocky Mountain Elk Foundation banquet in Escanaba on May 7th and discussed with the group what it would take to introduce elk to the western Upper Peninsula. Bob Doepker will be writing a white paper with input from Dean Beyer, Brent Rudolph and Brian Mastenbrook on the benefits, obstacles and location of a possible elk introduction. The white paper will be shared with the NRC when it is complete.

The Commissioners received the 10th American Woodcock Symposium book and the Wildlife Division annual report.

Fisheries Division Update

Kelley Smith, Acting Natural Resource Deputy, provided the update on behalf of Fisheries Division. Five years ago Fisheries Division started re-stocking Chinook salmon in Lake Huron and Lake Michigan. There is significant interest from constituents on the re-stocking success in Lake Huron. Re-stocking has not worked well except in far northern portions of Lake Huron. Fisheries Division will present the Lake Huron Chinook salmon stocking decision, results and recommendations at the June 9th NRC meeting.

Cormorant Update

Karen Cleveland (Wildlife Division) and Steve Scott (Fisheries Division) presented the cormorant information. The agencies authorized to control cormorants include DNR, USDA Wildlife Services, USFWS, and State tribal representatives. The 2010 cormorant colony reduction projects resulted in 6,837 birds killed and 13,011 nests oiled or destroyed. The number of birds killed was down from 2009 numbers, yet the number of nests oiled or destroyed was higher than 2009 mainly due to one time access to Hat Island which is a national wildlife refuge. The number of cormorant harassment projects in 2010 was 322, which is lower than in 2009 due to fewer cormorants stopping during migration and fewer at breeding colony sites. Michigan is one of top five states in country that participates in the Public Resource Depredation Order (PRDO). Michigan's cormorant population stabilized at around 30,000 nests from 1997-2007. There has been a 38% decline between 2007-2009 because of changes in the food web, southern aquaculture is declining, and increased depredation take throughout the Flyway. Latest statewide count of 18,200 nests is close to goal range of 5,000-12,500 nests. Another statewide cormorant count is scheduled for 2011. For 2011, the interagency group finalized the following recommended activities:

- Continuation of 2010 projects
- Maintenance of reduced breeding colony size in Les Cheneaux Islands and Ludington Pumped Storage Facility
- Further reduction of breeding colony size at Thunder Bay, Beaver Island Archipelago and Bays de Noc

A new Michigan cormorant Environmental Assessment (EA) is in the process of being finalized. The history of cormorant control ceilings (or limits) includes a 2004 Public Resource Depredation Order allowing take of 4,140 birds, an amended EA in 2006 allowing take of 10,500 birds and a new EA in 2011 allowing a requested take of 20,000 birds. The benefit of a new EA allows for large scale experiments to evaluate control, allows for more flexibility of control at multiple locations, and creates a platform for regional control in the future. Regional control allows for better coordination across a larger geographic scale, more flexibility in how control occurs, and the Mississippi and Atlantic flyway plans have already been developed and are being implemented.

Commissioner Wheatlake commented that cormorants have been seen on inland lakes more and wanted to now if they are nesting there or passing through. Karen and Steve commented that it

depends on the time of year the birds are seen and if there are islands on the lake that provide protection from predators.

Deer Regulations

Brent Rudolph, the Deer and Elk Program Leader for Wildlife Division, presented the deer regulation information. Beaver Island is requesting an antler point restriction (APR) regulation to increase the number of bucks and to provide an adequate buck-to-doe ratio. The restriction would require all harvested bucks to have at least 3 points on one side (points must be one inch or greater in length). This regulation is expected to provide protection for 80% of the yearling bucks and 25% of 2.5 year-old bucks. Commissioner Wheatlake asked what the deer population estimate was on Beaver Island. Brent will get with Brian Mastenbrook to see if he can provide that information. The islanders are more interested in changing the age structure of the deer population than increasing or decreasing the population.

Statewide, 66 Deer Management Units (DMU) are recommended to be open for public land antlerless licenses and 81 DMUs are recommended to be open for private land antlerless licenses, including the multi-county units. Recommended changes are to close Drummond Island (DMU 117) to private and public land antlerless licenses, and open private land antlerless licenses in the Gwinn DMU (152), Rock DMU (252) and Otsego DMU (069). Commissioner Madigan asked if all the open areas are above goal. Brent will bring that information forward during the quota change recommendations at the June NRC meeting.

Three public discussion sessions were provided on the baiting and feeding regulations (March 10, April 7, May 12). The Wildlife Conservation Order (WCO) amendment has been opened as a placeholder for a possible change to the regulation by the NRC. Tribal correspondence regarding the draft baiting amendment will also occur. The NRC has the opportunity to act on the WCO amendment at the June 9th NRC meeting.

Considerations for baiting and feeding include three perspectives:

- 1) The biological perspective includes disease outbreaks are difficult to detect, the establishment and spread of disease is enhanced by baiting and feeding, baiting can alter migration, and concentrated use and increased densities can impact habitat.
- 2) The enforcement perspective includes spatial consistency, stability over time, and escalating penalties would aid officers.
- 3) The public perspective includes diverse views exist regarding costs and benefits beyond disease considerations.

There are a range of regulations that can be considered for legal bait. This includes everything from location (none to statewide), seasons (none to all), quantity (none to truckloads), and type of bait (single-bite to multi-bite). The DNR recommends a statewide ban on baiting and feeding. Under the approved Chronic Wasting Disease (CWD) plan, the Director is required to ban baiting and feeding if CWD is confirmed within the state or 50 miles of the border.

Commissioner Wheatlake asked if we have been in touch with the various Indian tribes concerning the baiting issue. Dennis Knapp indicated yes, we have had ongoing government-to-government discussion on the baiting issue. The tribes did prohibit baiting on tribal lands when the State implemented the baiting ban and they are also discussing changes to baiting on tribal

lands. They are interested in knowing what the NRC decides. The Little Traverse Bands of Odawa Indians has proposed a change to allow baiting on Great Lakes islands.

Commissioner Wheatlake asked how many public comments were for and against baiting. We do not have exact numbers at this moment but estimates are 2/3 in support of baiting and 1/3 opposed to baiting. Additional public comment will also occur today. [Public comments provided during the March, April and May 2011 NRC Policy Committee on Wildlife and Fisheries meetings only were summarized after returning to the office. Out of 65 total public comments (the same person could comment at more than one meeting), 45 public comments support baiting (69%) and 20 public comments are opposed to bating (31%).]

Commissioner Wheatlake clarified the difference about escalating penalties which the Legislature controls and spatial consistency statewide and stability over time which the NRC controls.

Furbearer Regulations

Adam Bump presented the furbearer regulation information.

NLP otter bag limit:

The DNR is recommending an otter bag limit increase in Zone 2 (NLP) from one to two otter. The justification includes stakeholder request for a number of years, data suggests a stable population, and it is unlikely to have a population impact. Impact would be monitored and if populations decline the bag limit would return to one. Commissioner Madigan asked if we have heard any opposition to the increase. Adam responded no, he has not heard of any opposition. Commission Richardson asked how we estimate the otter population. The DNR uses an index based on harvest effort. If we start collecting skulls/teeth we should be able to move towards a population model in the future.

Mink/Muskrat season:

The DNR is recommending an extension of the mink/muskrat season to include February statewide. This recommendation was requested by stakeholders, it is unlikely to result in a significant harvest increase, it expands recreational opportunity, the DNR will monitor harvest, and pelt primeness was an issue with closing the season at the end of January (mink pelt at prime, muskrat pelt just beginning to enter prime). Extending season through February will allow harvest of prime muskrat pelts. Commissioner Madigan asked if we have heard any opposition. Adam indicated one concern expressed but DNR is not expecting large increase in take due to effort required to trap through thick ice in February.

Marten/Fisher:

There is concern about marten and fisher population declines. Interest in combined bag limits from stakeholders and request to eliminate Units A & B. There is no need for separate units. Fisher have had an estimated population decline of 70% between 1996-2007. The proportion of the population harvested increased from 18% in 2000 to 38% in 2006. Annual recruitment has declined greater than 50% from 1996-2007. Marten has had an estimated population decline of 30% between 2000-2007. The proportion of the population harvested increased from 7% in 2000 to 33% in 2007. The annual recruitment has fluctuated from 2000-2007 but the overall trend is

stable. The current regulation allows for 3 fishers and 1 marten during a 15 day season. The DNR recommendation is to eliminate Unit A & B, have a combined bag limit of one either fisher or marten. Maintain the 15 day season and if the populations continue to decline a further reduction may be necessary. Continued harvest allows for recreational opportunity and monitoring. Commissioner Wheatlake talked with a tribal member about bringing marten from Upper Peninsula to the Northern Lower Peninsula. DNR would have to look carefully at moving more marten to NLP. Commissioner Madigan asked how we estimate the population of marten and fisher. DNR used to only look at harvest effort, now we use a new population reconstruction model designed for wildlife. We used the new model for the current population estimates. What does the old harvest effort information tell us? Shows concern of additional harvest effort. Do you think the decline corresponds to the decline to grouse and rabbit population. No, we are not seeing a corresponding relationship. They are not dependent solely on grouse, they will move to other species. Midwest populations of fisher declining overall while East coast and West coast fisher populations increasing. Not sure what is happening in Midwest, additional studies in Minnesota are being conducted.

Minor furbearer changes:

The DNR is recommending the addition of raccoons and opossums to the list of animal that can be hunted at night with a call. Recommend the use of a .22 or smaller rimfire to dispatch legally trapped animals within the "shotgun zone" during the firearm deer season. The firearm can only be loaded at the point of kill.

Furbearer registration recommendations:

The DNR is recommending submission of entire skull for all registered furbearers (fisher, marten, bobcat, otter). This simplifies the requirements and improves data and enhances analytical capabilities.

Possible furbearer issues for 2013:

Adam provided a full range of topics provided to the DNR from internal DNR staff (WLD, LED) and external stakeholders (primarily from the Furtaker User Group meeting). There has been no evaluation of elimination of ideas. Adam will review the issues over the next several months. We are asking for NRC input on priority issues. By selecting the topics early, it allows for more analysis, public input and communication. By late August the DNR will select a finalized list that will be addressed for 2013, most likely the top six or seven items.

Commissioner Wheatlake asked if DNR is still analyzing bobcat populations on an annual basis? Yes. Is it showing a decline in the NLP? Harvest has increased but it appears the bobcat population may be stabilizing. Bobcat populations may be responding to the prey base (grouse). Commissioner Nichols wants to thank DNR for the heads up on issues that are being considered for the future. There was one question from the public about nuisance raccoons in Oakland County.

Meeting adjourned at 10:00 am.

PUBLIC DISCUSSION OF LOWER PENINSULA DEER BAITING AND FEEDING BAN

PRESENT FOR THE NRC

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

Natural Resources Commissioner John Madigan called the Public Discussion of Lower Peninsula Deer Baiting and Feeding Ban to order at 10:30 a.m.

Commissioner Madigan noted the Chairman of the Michigan Commission of Agriculture & Rural Development, Donald Coe, was present in the audience. The NRC and Agriculture Commission have been jointly discussing the baiting issue.

Public Baiting Discussion

Commissioner Madigan stated individuals that signed up to comment had 2:30 minutes each to speak. Comments should be short, to the point and respectful.

1) Bill Audette

Opposed to baiting. From Lake Orion. Listen to the scientists. Scientists have come out against baiting based on the science. Used to bait but does not now since baiting ban implemented.

2) Larry Rhinardy

Supports baiting. Was going to bring petition of ~100,000 residents that indicate baiting ban should be lifted but friend was not able to come with petitions. More hunting land than farm land north of M-10.

3) David Larson*

Supports baiting. Economic loss due to baiting ban irresponsible. Ace Hardware owner that sells bird feed. Recreational feeding of wildlife a billion dollar revenue source. Bovine tuberculosis is here to stay. From Genesee County.

4) Jon St. Croix*

Supports baiting. People purchase bait in a bag which is approximately 6 gallons of bait. Did CWD plan call for Director to ban baiting in entire peninsula? Yes, it did.

5) Armin Tata*

Supports baiting. Proper baiting is small amount of bait spread over large area does not change deer migration or cause disease. Saskatchewan allows baiting. The ethical question about baiting not as easy. Hunting over bait better than no hunting at all. Baiting is a tool.

6) Jeff Jones

Supports baiting. CWD closed down baiting yet feeding deer in enclosures is still allowed. Rents a farm in Lapeer to create food plot. Costs close to \$700 for food plot. Paid farmer \$600 to keep beans standing last year. Bait continues to be sold.

7) Wayne Smith – James Eager Hunting Club and Crump Fox Club

Supports baiting. From Bay County but hunts in Iosco County. Deer herd has already been reduced. Why the need for five antlerless deer permits over the counter. Sees many fewer deer. Food plots are expensive.

8) Eugene Smith – Crump Fox Club

Supports baiting in a restricted quantity. Is northern blue tongue (Epizootic Hemorrhagic Disease - EHD) in Michigan? If transmitted in same way as out West why are there baiting restrictions now yet we have had northern blue tongue and bovine tuberculosis in the past?

9) Richard Hinterman

Not present.

10) Garry Wiley – Michigan Cattlemen’s Association*

Opposed to baiting. Hunts in Alberta Canada. Baiting and the deer population (buck:doe ratio) are the two things that have hurt deer hunting in Michigan. Need quite period between seasons.

11) Dale Trudeau

Supports baiting with minimal grain amounts. Will increase number of deer seen and interest in young hunters. Hunts in northeast Michigan (southern Alpena County) and has never seen so few deer.

12) James Averill – Michigan Bovine Tuberculosis Advisory Committee*

Opposed to baiting. Resolution passed at March meeting. The MI Bovine Tuberculosis Advisory Committee advises the Michigan Department of Agriculture and Rural Development (MDARD) on bovine tuberculosis. Mr. Averill read the resolution. Commissioner Wheatlake asked if lifting ban will affect Tb status in Michigan. Not able to provide definite answer. USDA will decide in the future. Commissioner Wheatlake noted Paul Rose from MUCC signed the resolution. Is that MUCC’s position also? Amy Trotter from MUCC will address question when she speaks.

13) Jim Bassett

Supports baiting with restrictions. Purchased 33 acres near Big Rapids, Newaygo County. Deer hunting slowly became rich man’s sport (food plots, QDMA). Baiting was the equalizer with people who have equipment and money.

14) Gary Crawford

Supports baiting. Hunts in Atlanta area in Montmorency County. Significant economic impact of baiting ban. Used a lot of bait in the past. Supported turkeys by baiting. Did not bait the first year the ban implemented. Can’t grow food plot due to soils and distance from home to hunting property. Turkeys took largest reduction in population the first year, deer

stayed at same number. Now don't see deer or turkeys. Grandchildren do not see turkeys or deer and the young are our future.

15) Tim Pifher – Safari Club International member

Supports baiting with restrictions. Proliferation of chemical type bait attractant, putting it next to food plots is a problem. As a disabled hunter has not seen deer since baiting ban started. Has impacted his hunting. Wants most hunting opportunity with limited impact. Supports science.

16) Merle Shepard – Safari Club International

Supports baiting. All eleven chapters polled on baiting. Supports scientific management. All eleven chapters supported a 2 gallon limit, single bite. Wants DNR to review CWD plan – especially 50 mile radius from border. Have to get with Legislature to get penalties increased. Success rate the same with or without bait. Don't see scientific increase in hunters with bait in other states. Commissioner Wheatlake asked if CWD in other states is there to stay. Depends on how early CWD is found. Wisconsin – there to stay. Minnesota may have caught it early enough.

17) James VanWermer

Supports baiting. Restrictions poorly constructed since he would spread one bag of bait (~ 6 gallons) in past and that was apparently illegal. How can we have two different laws in the UP and LP. Not equal rights for citizens. Has harvested more deer since ban than previous to ban. Although, as he gets older he is likely to use bait more.

18) Amy Trotter – MUCC*

MUCC opposed to baiting. Supports supplemental feeding in UP based on snow depth index. E-mailed most recent comments to Commissioners. Have about 100 people watching the live stream currently. Baiting ban has created five problems: 1) Mobility challenges, 2) Hunters time, 3) Youth, 4) Close target for clean shot, and 5) Experience only hunting with bait. Improving habitat on state and private lands is the best, most sustainable, and economically friendly way to address many of these problems.

19) Bob Hetherington

Supports baiting and recreational feeding. Moved to West Branch to hunt and recreational feed. Built blind to hunt but deer not coming in since baiting ban. No need to hunt if you can't feed. Doesn't buy a license anymore.

20) Bill Lentner

Supports baiting with restrictions. Hunts in Kalkaska area. Harvested 80% of oaks and 100% of everything else. Deer congregating near the few oak trees. Wife is not going to hunt this year. Not seeing deer in 15 days of hunting.

21) Phil Winkel

Opposed to baiting. Need to get buck to doe ratio in better balance. There is more to the economic impact than just lack of baiting. Hunts in Missaukee County, lives in UP. Not

seeing the deer in Missaukee County but neighbors are baiting. Need stronger penalties for baiting.

22) John Goble

Passed on opportunity to speak.

* Provided position statement hand-out to the Commissioners.

Baiting and Feeding Decision Making presentation

Russ Mason presented the baiting and feeding decision making information.

Approximately 2/3 of all comments received supported baiting and feeding in one form or another. Approximately 1/3 of all comments received were against baiting under any circumstance. The public provided several examples of baiting conditions or restrictions (escalating penalties, only certain users, amount, certain materials, etc.) and reasons for/against baiting and feeding (economics, increased sighting of deer, nocturnal deer movements, ethics, hunter conflicts, etc.). Other public comments included make improvements in habitat on state land to offset loss of baiting. Have the same baiting policy for bait/feed across the state. The decision comes down to six basic questions:

- 1) Should baiting and feeding be allowed in the State of Michigan?
 - a. If no, no further questions need answering.
 - b. If yes, NRC is assuming an unknowable amount of additional risk for transmitting disease and additional questions need answering.
- 2) Where should baiting be allowed (UP, LP, statewide, including DMU 487, excluding DMU 487, zones, etc.)?
- 3) What materials should be allowed (grain based, pellets or non-granular – carrots, apples, etc.)?
- 4) Who is going to be allowed to bait (everyone, firearm hunters, archery hunters, youth, disabled persons, etc.)?
- 5) When should bait be allowed (feeding only, baiting only – all hunting seasons, only certain hunting seasons)?
- 6) How conducted (amount, dispersal)?

The presence of bait and feed materials can accelerate the establishment and the rate of transmission of infectious diseases in and among wildlife, livestock and humans. The science does not exist to evaluate the relative risk of one form of baiting restriction over the other. Answers to these questions will direct what the WCO amendment will look like.

Discussion among Commissioners began. Commissioner Nichols has been talking with Director Stokes about improving habitat on state land. The ideas and discussion will be moving forward with the NRC Policy Committee on Land Management.

Commissioner Richardson has listened and appreciates the comments received. This will be an interesting and difficult decision.

Commissioner Matonich also appreciates the comments and this will be a difficult decision either way.

Commissioner Wheatlake commented on what we do know is baiting is continuing. Bovine tuberculosis went from 5% to 2%. The USDA decision on Michigan's Tb status is important. If the state loses its split Tb state status it will have a big impact. The baiting decision probably won't be a unanimous consensus on Commission.

Commissioner Madigan commented that if we lift the baiting ban we need to increase enforcement penalties. How can we allow feeding in enclosed cervid facilities and not allow it outside of enclosed facilities? Russ Mason responded that meaningful penalties are needed. A fact with enclosed facilities is a much stronger standard for testing and liability exists inside enclosed facilities than in the wild deer herd. A private individual in Kent County reported the CWD deer. It is difficult to detect CWD in the wild deer herd and it may exist in our wild deer herd currently at a low prevalence rate. Commissioner Madigan restated that this is not a black/white decision and it will not be easy.

Commissioner Wheatlake asked a hypothetical question...what if three years down the road bovine tuberculosis increases dramatically. DNR will recommend some type baiting restriction and will spend millions of dollars testing either way. Agriculture Commissioner Donald Coe stated the position statement of the Michigan Department of Agriculture and Resource Development (MDARD) is to maintain the baiting ban. At the same time, MDARD is discussing possible alternatives. Habitat management impacts are a big discussion in residential and agricultural areas. Not an easy issue. We should be reducing overpopulation of deer in the state. We will never be able to completely mitigate threats. No easy answer. There is a threat to our ability to conduct agriculture business if disease is spread to farm communities. Need to find effective measures to control the over population of deer (disease, eating crops, car/deer accidents).

Commissioner Richardson asked when did baiting become legal and why? It was never illegal until 2008. As disposable income increased the amount of baiting increased in the 1990's.

Dr. James Averill from MDARD - Bovine tuberculosis free status was granted to the cattle population from the 1970's to the mid-1990's. When the Tb re-emerged in the 1990's the state lost its Tb free status and it was determined the disease was in the wild deer population. It may have been in the deer population the whole time but it was not detected until the 1990's and has remained prevalent since.

Merle Shepard from Safari Club International (SCI) - We must have escalating penalties from Legislature to make any baiting decision effective. SCI will assist if they can, let them know. If crops remain unpicked, if it is a standard practice, it is not considered baiting.

The Wildlife Division will post these meeting minutes on the DNR website.
Meeting adjourned at 12:10 p.m.