

**OFFICIAL MINUTES
PIGEON RIVER COUNTRY ADVISORY COUNCIL
January 16, 2009**

A meeting of the Pigeon River Country Advisory Council was held on Friday, January 16, 2009 at the Pigeon River Country Management Unit Headquarters. Chairman Glasser called the meeting to order at 6:34 pm.

MEMBERS PRESENT: Ken Glasser, Carol Clute, Pete Gustafson, Eugene Horan, John Walters, Mike Castle, Jim Supina, Arch Reeves, Bob Hess, Mike Estes, Mark Ennes, Paul Rose, Dave Smethurst and Dick Myers

MEMBERS ABSENT: Don Huff, Bob Bolinger, Randy Sanders and Rique Campa

EX-OFFICIO PRESENT Brian Mastenbrook and Scott Whitcomb

EX-OFFICIO ABSENT: Dave Borgeson and Rick Henderson

OTHERS PRESENT: Jackie Konecke, Kerry Wieber, Nick Torsky, Eric Bottorff, Matt Theunick, Dayle Garlock, Mike Brown and Joe Jarecki

CHAIR'S OPENING REMARKS:

Chairman Glasser welcomed Dick Myers back after his successful surgery.

Glasser passed out copies of his January 12, 2009 letter to Director Humphries as well as his August 12, 2008 letter and the Director's October 28, 2008 response. (Copies attached.)

Glasser said that normally, the nominating committee for the annual election of officers is appointed at the fall meeting and asked for volunteers. After discussion, last year's Nominating Committee was reappointed. (Eugene Horan, Chair; Dick Myers; and Dave Smethurst)

Advisory Council appointments were discussed. Dayle Garlock said that letters went out today to the groups with a permanent seat on the Advisory Council whose representative's term expired on December 31, 2008, asking them who they want to represent them. Garlock clarified that folks nominated by those groups do not actually become Advisory Council members until they are appointed by the DNR Director.

Glasser said that, due to a recent law, county commissions now have the authority to open some or all of their county roads to ORVs. Otsego, Cheboygan and Montmorency counties are beginning the process of deciding which, if any, county roads to open to ORVs. They will be holding meetings next week to begin the process. He passed out information about the meeting dates and locations as well as information from DNR ORV Trail Manager Paige Perry who works out of the Gaylord DNR office.

Glasser said a snowmobile was used during the elk hunt in Green Timbers to retrieve an elk. He assigned the issue to the Standards and Limitations Committee to review.

Glasser asked Pete Gustafson for an update about the Song of the Morning dam issue. Gustafson said as a result of his request, he received communication from the lawyer for Golden Lotus indicating an interest and a willingness for Gustafson to participate in formal Settlement Agreement negotiations as the legal representative of the Pigeon River Country Association and of the Michigan Council of Trout Unlimited. He has not heard from the Attorney General's office yet, but he is optimistic that the AG will also approve his participation.

Gustafson said the DNR report about the impacts of the sediment release is nearing completion. He thinks it will trigger further discussions. The goal is to accomplish the objectives without litigation, but if not, he expects litigation will occur.

AGENDA

A report about removing the Chandler dam on the Black River by John Walters was added to the published agenda.

APPROVAL OF October 24, 2008 ADVISORY COUNCIL MEETING MINUTES

Motion by Hess, support by Gustafson to send a letter to the Director with a copy to the Natural Resources Trust Fund thanking them for the purchase of the Hackett Lake property. **Motion** carried.

Motion by Gustafson, support by Walters to approve the October 24, 2008 minutes as published.

Motion carried.

PUBLIC COMMENTS

Jackie Konecke, Alpena Horseman's Club, said she appreciates the work that the Advisory Council does. She said the Council has been misled regarding horse use in the PRC. She described why she believes data and information about horse use in the PRC was wrong. She asked that the Council reconsider their support for the present horse use restrictions and write a letter saying horses are okay in the Pigeon River Country State Forest.

PIGEON RIVER COUNTRY BOUNDARY

Kerry Wieber, Forest Land Administrator, FMFM, Lansing, said there have been discussions with landowners north of Green Timbers about purchasing their land. She said the DNR has been considering changing the boundary of the PRCSF to include those ownerships after a property is acquired. She asked if the Advisory Council supports the boundary change. There was discussion that it may be helpful to change the boundary before acquisition.

Motion by Estes, support by Reeves, that the Advisory Council recommends proceeding with the actions that are required to purchase the described property for adding to the Pigeon River Country State Forest.

Also, if redefining the Pigeon River boundary first makes it easier to purchase the properties with Trust Fund monies, then that should be done. **Motion** carried.

After discussion about pursuing acquisition of the mineral rights under the Blue Lakes parcel, **Motion** by Smethurst, support by Walters, that the Advisory Council requests that the DNR contact the owner of the Blue Lakes mineral rights to see if there is any interest in selling to the state. **Motion** carried.

Advisory Council members expressed their appreciation to Wieber and for her efforts in acquiring properties in and around the Pigeon River Country State Forest.

Wieber said the Trust Fund board is considering updating their criteria and it looks like the PRC will continue to be a priority. There was discussion about making purchase of mineral rights under PRC surface ownerships a priority.

Motion by Walters, support by Supina that the Chair write a letter to the Trust Fund board recommending that they increase the priority of mineral rights purchases under Pigeon River Country State Forest surface ownerships. **Motion** carried.

LAW ENFORCEMENT UPDATE

Conservation Officer Nick Torsky introduced Matt Theunick, who was recently assigned to Cheboygan County. He said Mark Depew was recently assigned to Otsego County but could not attend the meeting.

He said the new officers will enhance enforcement efforts in the Pigeon River Country.

Torsky said Law Enforcement and Forest, Mineral & Fire Management divisions will have representation at the county ORV meetings next week. He encouraged representatives from the Advisory Council to attend and advocate for roads in the PRC to be closed to ORVs.

Torsky said he was responsible for allowing a snowmobile to remove a dead elk from Green Timbers. He explained the reasons for his decision and encouraged the Advisory Council to make a recommendation about the issue.

Concerns were raised about the elk hunt regarding the conduct of hunters and guides. Chairman Glasser referred the issue to the Standards and Limitations Committee to be addressed along with snowmobile use to retrieve dead elk in Green Timbers or anywhere in the Pigeon.

Torsky said there were no big problems with either the rifle deer season or the elk season in Otsego County. So far this year there has been better compliance from snowmobiles but he did mention problem areas that conservation officers are aware of.

Conservation Officer Eric Bottorff said that enforcement issues in the north ½ of the PRC (Cheboygan County) are similar to what Torsky described for Otsego County.

BREAK

7:40 pm to 8:10 pm

DNR FOREST, MINERAL & FIRE MANAGEMENT DIVISION UPDATE

Dayle Garlock said he already discussed Advisory Council member appointments except to clarify that Randy Sanders will continue to be the Merit Energy Company representative.

Garlock said the report on oil and gas production for 2008 was recently published. Chairman Glasser asked the Oil and Gas Committee to review the report.

Garlock said Montmorency County was the first county to allow ORVs on county roads under the old law. His experience is that ORVs are not desirable on county roads because many users tend to leave the county roads to illegally ride on adjacent state land areas that attract them. He encouraged Council members to attend the county meetings and speak against opening any Pigeon River roads. He suggested that Council members recommend that county roads be used to make connector routes between places it is legal to ride and services such as fuel, lodging and restaurants.

Garlock commended Kerry Wieber, saying she has done an amazing job in getting existing land transaction cases settled and in being proactive acquiring parcels, especially in and around the PRC.

Garlock introduced new PRC Unit Manager Scott Whitcomb and noted that Scott's dad was Brian Mastenbrook's predecessor.

Garlock was asked about removing the buildings on the former Kronlund property, especially since they have become a safety hazard. He said previously allocated funds for removal had been cut during prior budget cuts so that people could be kept working and that Whitcomb would address new plans for removal.

EX-OFFICIO REPORTS

FMFM Division

Scott Whitcomb introduced himself saying he grew up in Wolverine, understands that the

PRC is special, and he is really glad to be here. He said this is the end of his second full week as Unit Manager and he is still getting familiar with things.

Whitcomb said the DNR received a Trust Fund grant for building demolition on all state lands that was appropriated in October. He will be putting PRC priorities, including the Kronlund buildings, in the mix. More money for building removals is being requested from the Trust Fund for this year and the plan is to make this a continuing request. He said, with 58 steps, the building removal process is complex and it takes time to remove a building.

Whitcomb said that the foresters are working on Operations Inventory; Pickerel Lake Campground is on a schedule for reopening in May; and the contract for repairing High Country Pathway footbridges is progressing – the bridge across the Pigeon River has been completed and the contractor will be working on the bridge across the Black River as the weather permits.

Whitcomb said that because of difficulties with Civil Service, the Unit Manager Position Description was changed so that 20% of his time must be spent on a vehicle access plan for all state forest land in the Northern Lower Peninsula. This will include updating the PRC Vehicle Access Plan as recommended in the updated Concept of Management. The NLP Vehicle Access Plan will probably be based on the PRC's plan in that a road will be open if it is on the map as open, otherwise it will be closed.

Whitcomb said FMFM Chief Lynne Boyd told him she was mistaken about there being a white paper about the Open Meetings Act. However, it is the opinion of the DNR that the Advisory Council is subject to the Open Meetings Act so Advisory Council decisions cannot be made by email, telephone poll, etc. Glasser said he disagreed. He said the law wants deliberations of government in the open. Since the Advisory Council is advisory and not a governing body, the Open Meetings Act should not apply.

In response to a question, Glasser said that money has been allocated for the Otsego County Road Commission to replace the Sturgeon Valley Road Bridge over the Pigeon River this year.

Wildlife Division

Brian Mastenbrook passed out a map of the December elk hunt kill locations (copy attached). He said this year there is a January hunt because there are a lot of elk outside of the designated range. The January hunt is going on now. 281 elk were killed in the first two hunts and 22 have been killed so far in January. He expects hunters will take 30+ animals in January. Similar numbers will need to be harvested next year to get close to the population goal.

Either an elk survey or a moose survey is done every year. The moose survey will be done this year, so the elk survey will be done next year.

Mastenbrook said he would characterize the rifle deer season as being on the low side of normal.

In answer to a question about tribal elk permits, he said the tribes are allocated a number of permits that is equal to about 10% of the number of permits issued to non tribal hunters. Unlike state permit holders, if tribal permit holders are unsuccessful, they can continue to hunt in the next season of that hunt sequence (August/September, December, and January).

CHANDLER DAM REMOVAL

John Walters said the Tip of the Mitt Watershed Council has applied for and received funds for removing the dam on the former Kronlund property. Michigan Council of Trout Unlimited Executive Director Bryan Burroughs made some suggestions that will lower costs. Also, a U.S. Fish & Wildlife Service grant that was rescinded has been reapplied for. An attempt will be made to get donations from TU and others in case the U.S. Fish & Wildlife Service grant is not approved.

OTHER BUSINESS

A recommendation was made to refer the Osmun Lake plan that was mentioned by Dave Borgeson at the October Advisory Council meeting to a Fisheries Committee. After discussion, Chairman Glasser referred the Osmun Lake plan to the Wildlife Committee and asked for their recommendation at the April Council meeting.

Horseback Use Committee Chair Dave Smethurst said he has been thinking about public input regarding horses. There is ongoing legal horseback use in the PRC. The Advisory Council should have input about that and look at and reflect on it.

Scott Whitcomb was asked for a report about the 2008 horse use compared to other years.

As a horseback rider and camper, Carol Clute described some of her experiences in the PRC. She said that the decision to limit horses in the PRC was largely due to concerns raised by the Resource Stewards and not about federal money, according to what Resource Management Deputy Mindy Koch said at a meeting that she attended. She asked why the Resource Stewards never came to the Advisory Council about their concerns.

FUTURE AGENDA ITEMS

There was discussion about holding a Saturday Advisory Council meeting that would include a field trip. The consensus was that a field trip meeting was a good idea. Chairman Glasser said he would work on arranging a field trip meeting.

Smethurst said the Horseback Use Committee will be meeting. He asked any interested Advisory Council members to contact him.

ADJOURN

Chairman Glasser adjourned the meeting at 9:03 p.m.

Minutes were taken and summarized by Joe Jarecki.

Respectfully Submitted,

Scott Whitcomb, Secretary