

**OFFICIAL MINUTES
PIGEON RIVER COUNTRY ADVISORY COUNCIL
APRIL 15, 2011**

A meeting of the Pigeon River Country Advisory Council (PRCAC) was held on Friday April 15, 2011 at the Pigeon River Country Management Unit Headquarters. Chairman John Walters called the meeting to order at 6:30 pm.

MEMBERS PRESENT: John Walters, Mike Brown, Arch Reeves, Paul Rose, Jack Deming, Dick Myers, Ken Glasser, Eugene Horan, Kerry Mase, Dave Smethurst, Jim Supina, Pete Gustafson, Don Horrocks

MEMBERS ABSENT: Randy Sanders, Rique Campa, Jessica Turino, Mark Ennes, Bob Hess

EX-OFFICIO PRESENT: Nick Torsky, Law Enforcement Division, Scott Whitcomb, Forest Management Division, Rick Henderson, DEQ

EX-OFFICIO ABSENT: Tim Cwalinski, Fisheries Division; Brian Mastenbrook, Wildlife Division

OTHERS PRESENT: Kerry Wieber, Forest Management Division, Lansing; Sara Wall, Forest Management Division, PRC, Mindy Koch, Resource Deputy Director, DNR, Joe & Judy Jarecki, Chuck Titus, Dennis Hall, Darlene Alexander -Equestrian, Jim Ormsbee - Elk Horn Grill, Richard Kropf – PRC Association, Gerald Stevens, Donna Kassuba, Dave Kassuba, Gary Waldo, Shari Waldo, Tom Serino – Our Hometown News-Vanderbilt

The meeting started with the Pledge of Allegiance followed by introduction of attendees.

Introductions

Chairman Walters introduced Kerry Mase, as a new member at large to the Council, replacing Carol Clute and Don Horrocks, as the new Cheboygan County Commissioner member replacing Bob Bollinger.

AGENDA

- Glasser recommended adding a discussion on Committee composition under New Business.
- Chairman Walters indicated that Brian Buck, representative from Enbridge Pipeline will be postponed until the July Council Meeting.
- Agenda was approved as adopted.

APPROVAL OF JANUARY 21, 2011 ADVISORY COUNCIL MEETING MINUTES

Motion to approve the Minutes from the January 21, 2011 Advisory Council Meeting by Supina, seconded by Rose. Motion carried.

PUBLIC COMMENTS

Chuck Titus introduced himself as a 30 year resident of Vanderbilt. He stated his concern over the Department's policy on clearcuts. His main complaint surrounded a 12 acre timber sale that is being set up by his residence. Scott Whitcomb, PRC Unit Manager met Mr. Titus at his residence and discussed his concerns and a decision was made to put a buffer along Mr. Titus's property in which the maple would be left.

Richard Kropf, Representing PRC Association also made mention of his concerns and dislike over the Department's policy on clearcuts on state forest lands.

Gary Waldo expressed his concerns with the leftover tops on state land after a timber sale has been completed. He indicated it is very difficult to walk through and would like to see fewer tops left on the ground after a completion of a timber sale.

Chairman Walters asked how the DNR handles the public's concerns regarding timber sale prescriptions. Whitcomb explained the DNR does as much as possible to address public concerns. Unfortunately, not all property owners are happy with management decisions. If the DNR were to let adjacent private property owners dictate the overall management of forest management on state lands, it would affect management on thousands of acres of

forest.

Rose commented he believes if this situation were happening between two private landowners, you might not have ended up with a buffer at all, instead the DNR compromised with the private landowner.

CHAIR'S OPENING REMARKS:

At this time, Chairman Walters thanked Mindy Koch, Kerry Wieber and all DNR staff attending the meeting.

OLD BUSINESS:

Update on Proposed Song of the Morning Gas & Oil Well Developments, Rick Henderson

Schmude Oil, Inc, Wellmaster Production Company, LLC, and Dennis Schmude d/b/a Schmude Oil filed an Administrative Petition to Appeal the denials of 9 out of 11 permit applications in the Song of the Morning Ranch to the (then Director of the MDNRE now Director of the DEQ). Eight of the wells were denied because they are in the non-development area as defined in Part 619 of Act 451 of 1994 amended and 1 well was denied because it was within 1320' of the Pigeon River. The appeal centers on these points: #1 - Stipulation and Consent Order is not binding on Golden Lotus, Inc. or the companies because they were not signatories; #2 - Song of the Morning Ranch is not covered by Part 619. The terms of Part 619 apply only to the Pigeon River Country State Forest as defined by the NRC in 1973 which only included state owned lands and were not covered in the 1973 Concept of Management. They also assert that MEPA was also not applied properly in regard to prudent and feasible alternatives and the Department's failure to show that the drilling of the wells would have any adverse impact.

Currently motions are being filed with the Administrative Law Judge. We are waiting for the Administrative Law Judge to rule on the motion. Schmude's brief on appeal will be due 28 days after the ruling. Darryl Paquette is lead Assistant Attorney General on this case.

Update of PRC Land Acquisitions – Kerry Wieber/Scott Whitcomb, DNR

Kerry Weiber discussed three parcels of land approved for acquisition and presently in the closing stages. The first parcel is the 40 acre Stevens Property, which is adjacent to state land on 3 sides, off Sawdust Pile Road and mineral rights may be available. The second parcel is the Tinsey Property, an 80 acre parcel which is adjacent to state land on 3 sides. This parcel has Black River frontage and mineral rights are being retained. The third parcel is the Bruot Property, a 40 acre parcel on Sawdust Pile Road, mineral rights will also be retained on this parcel.

The first two parcels mentioned are within the PRC Boundary and the third is outside the PRC Boundary. All properties will likely be managed by the staff of the PRC, but the third parcel will not follow the same rules as the other 2, which are within the boundary of the PRC.

Wieber mentioned another 95 acre parcel will be going to the NRC Meeting in May for approval. This parcel is within the PRC Boundary and the mineral rights will be retained on this parcel for 15 years, subject to production. Another 40 acre parcel is also in negotiation at this time.

Kerry informed the council that the Ford/Hamp Property acquisition will not take place as the property owner has decided not to sell.

The Governor signed the supplemental appropriation bill with the MNRTF Grant Awards. For the PRC, these included the 621 acre Saunders Creek property, a 480 acre parcel in the Gaylord FMU that is adjacent to the PRC and the 2,100 acre Storey Lake tract.

Jack Deming questioned what the total amount of acres that could be added to the PRC Boundary. Within the Concept of Management there is a section regarding this question which was referred to for the answer.

Don Horrocks, Cheboygan County Commissioner, indicated that citizens are commenting on how the State is paying too high for properties which makes it difficult for local citizens to compete in the purchase process. Kerry Wieber commented that the State pays fair market value for properties they acquire. They use at least one state appraisal and sometimes 2 appraisals to determine fair market value.

Horrocks also commented Cheboygan County residents have voiced their concerns that the DNR doesn't look good when they are closing parks/or state forest campgrounds and on the other hand they are purchasing lands. There

are concerns that when this happens, the county and/or townships are losing out on the taxes when a property gets sold to the State.

Deputy Director Koch discussed some background regarding the MNRTF (Michigan Natural Resources Trust Fund). A constitutional amendment required that oil, gas, and other mineral lease and royalty payments be placed into the Trust Fund, with proceeds used to both acquire and develop public recreation lands. In any one fiscal year, up to a third of all mineral lease revenues plus the interest and earnings of the Trust Fund could be used to both purchase land for resource protection and public outdoor recreation and develop outdoor recreation facilities. Koch also mentioned that the DNR staffs the trust board, but does not manage it.

Deputy Director Koch mentioned that by next month, the MNRTF will cap out, so less money will be going out. Any new revenue will be going into the Park Endowment Fund.

SUBCOMMITTEE REPORTS

Standard & Limitations - Rose

Paul Rose, Chair of Standard & Limitations discussed the topics the committee discussed at the meeting held April 15, 2011. Two Motions were addressed.

- First Motion brought forward was to recommend that the PRCAC make no changes to the current policy as it relates to the boundaries to the PRCSF Management Unit.
- Second Motion was to recommend that a discussion take place during the business portion of the PRCAC meeting on the issue of commercial uses within the PRC Management Unit.

Chairman Walters opened the floor for discussion on commercial use on State land.

Smethurst discussed the need for a clear definition of what the guidelines or criteria are for being a guide on state land and for commercial use on state land.

Dave Kassuba, local citizen and guide commented on his experience with the public and guiding them on a hunt. He mentioned that he has brought hundreds of people over the years to the PRC on guided hunts for bear, elk, coyote and deer which brings money to the local area. He would like to see guides allowed in the PRC.

The Concept of Management does not directly address this type of commercial use. It mentions conservative stewardship to protect the PRC, but because commercial use on State land is complex the Council feels it needs to be addressed in depth. Any activity that becomes excessive or may impact the public, needs to be regulated within the PRC Boundary.

Chairman Walters suggested sending the issue of commercial use on State land back to Standards & Limitations Subcommittee for the purposes of developing a policy recommendation concerning commercial activities within the PRCSF Management Unit, including commercial hunting guides.

BREAK

NEW BUSINESS

Cheboygan River Assessment – Tim Cwalinski, DNR.

Tim Cwalinski contacted Scott Whitcomb and indicated that the Fisheries Division would not be able to attend this Advisory Council Meeting.

Whitcomb was able to report some information. He explained that the Department has done this type of assessment with many rivers with the purpose of establishing a baseline with the state of the watershed, biological factors of the river, etc. Both public comment and review has closed, but Scott indicated that if the Advisory Council had any comments, could still contact Neal Godby. Whitcomb also mentioned that the Assessment was available for review online.

Enbridge Pipeline Response Planning – Brian Buck

Chairman Walters explained that the representative from Enbridge was not able to make this Council meeting, but will attend the July meeting. Chairman Walters indicated this is the same company that had the spill on the Kalamazoo River. They would like to discuss safety issues with a pipeline and their response policy in case of an

emergency.

PRCAC Subcommittee Discussions

Glasser had questions on not reappointing certain non-council members on subcommittees.

Chairman Waters wanted to include a majority of council members on all subcommittees while still keeping the committee size manageable. Subcommittees are open to the public and anyone can attend, but they cannot vote.

Concerns by Brown that certain people were taken off subcommittees given their dedication to the Advisory Council. Brown feels that if people are willing to put in the time, they should be given the right to vote. Smethurst commented he liked having council members on the subcommittees.

Deming commented on having smaller sized committees. You can have too many people on committees.

Chairman Walters indicated that the subcommittees have been made and are finalized.

Scott Whitcomb mentioned to the Council that Jessica Turino would be replacing Mike Castle for Timber Industry.

EX-OFFICIO REPORTS

Law Enforcement Update –

Nick Norsky commented that hunting and snowmobile season this past season was lower than normal. He felt this was partly due to the high price in gas and the poor snow conditions. Torsky commented on new fishing regulations taking affect April 1st for certain parts of the rivers within the PRC.

Forest Management Division Update – No staff from Forest Management Division represented.

PRC Unit Update –

Whitcomb reported two campgrounds slated for closure within the PRC - Round Lake and Pigeon Bridge. The main reason behind state forest campground closures were the loss in general funds the DNR receives for the recreation program. The loss in revenue was over \$300,000. Legislation is proposed allowing local government the ability to purchase campgrounds for \$1.00. Whitcomb also mentioned the possibility of local units of government leasing campgrounds, which could happen without legislation.

The NRC is discussing state forest campground closures this month so a determination should be made on which campgrounds will be closed by mid-May.

Eugene Horan questioned whether there can be any major development changes to a state forest campground if a local government entity were to take over the management. Whitcomb expressed that the type of state forest campground would remain the same. If a campground is leased, all DNR standards would be followed by the local government entity.

Whitcomb expressed that when the DNR is given the official notice from the NRC on the closure of these campgrounds, it would likely lead to the total decommission of the campgrounds. It is not clear whether dispersed camping would be allowed there.

Deming mentioned that the Otsego County Parks Department may be interested in taking over Pigeon Bridge State Forest Campground.

Horrocks questioned which campground closed in Cheboygan County. Whitcomb indicated the campground in Cheboygan County was a group horse camp.

Joe Jarecki commented on his past history as unit manager on the closure issue of state forest campgrounds. Both Round & Pigeon Bridge have been slated for closures for the main reason they are being slated this year, lack of revenue.

Whitcomb commented that staff at the PRC have been and will be working diligently on trying to get compliance by having campers pay their daily camping fees.

Tom Serino, Our Hometown News – Vanderbilt, had concerns that the campground closures would hurt the

economy of Vanderbilt. Whitcomb mentioned Pickerel Lake SFC would be the next closest campground for the public to use which is generally under utilized. Whitcomb mentioned that there is always the option for the public to disperse camp on State land, free of charge with a camp registration card.

Chairman Walters asked the question on whether a person could camp at Elk Hill Campground without horses. Whitcomb indicated that a person could camp there without horses.

Wildlife Division Updates – No staff from Wildlife Division was able to attend this council meeting.

Torsky mentioned, in lieu of Brian Mastenbrook, that there would be a change in the Elk Season this coming fall. There will be an August - September season with 90 hunters and a December season with 65 hunters. Permit numbers were reduced this past year, especially in the December season. The Department's goal for numbers is 800 - 900 animals.

Fisheries Division Update – No staff from Fisheries Division was able to attend this council meeting.

FUTURE AGENDA ITEMS

Enbridge Pipeline 5

Report from Standards & Limitations on Commercial Use Policy Recommendation

Clearcutting/ Timber Management Practices

ADDITIONAL DISCUSSIONS

Deming asked the question why roads are closed in timber sale contracts that are completed by the timber producer. Whitcomb explained that with all timber sale contracts at the time of their completion, the logging company must close all roads they used for accessing the lumber. The Department does not want new roads established throughout state land and having the logging company complete this while onsite is the best management practice and the most efficient way to get this done.

Deming asked about the trust fund monies that were awarded for the Pigeon River Country Headquarters building. Whitcomb indicated that a \$50,000 grant from trust fund was acquired for the maintenance of the exterior logs of the building itself, for work on drainage issues around the building & for more interpretive displays for the public at the headquarters.

Deming asked if any staff at the PRC field office has training in CPR. Whitcomb expressed that personnel are not required to take any CPR training, but that some do on a volunteer basis. Deming said he will try to get the office a defibrillator for emergency situations.

Whitcomb updated the council on the staff at the PRC office. Whitcomb is working still at both the PRC and Atlanta Management Units. Bob Henning is working as the Equipment Operator and has been doing a great job at compliance with campers and getting them to pay for camping instead of just camping without paying. Sara Wall is the new forester at the office, and has been doing a great job learning her new job. Rick is still working here and helping with the training of Sara, while Kris is now down to two offices, Atlanta & PRC and has been asked to fill in at the Baldwin Office for a short time.

Rose asked if there was some type of breakdown of acres within the PRC by funding sources. Whitcomb indicated there is a map available with this type of information and also an electronic document that would show this type of information and that he would work on getting that for Rose.

ADJOURN

Motion by Walters for adjournment, seconded by Whitcomb. Adjourned 9:03pm

Respectfully Submitted,

Scott Whitcomb, Secretary