

Eastern Upper Peninsula Citizen Advisory Council (EUPCAC)
Meeting Minutes – APPROVED 8/28/24
Wednesday, June 5, 2024
6:00-8:30pm Eastern
LMAS Health Department Conference Room, Newberry

Chair: Tom Buckingham Vice-Chair: Gary Gorniak Secretary: Steve Dey

Council Members Present

Tom Buckingham	Al Garavaglia	Mark Maida
Ken Collier	Gary Gorniak	Glenn Moll
Jeff Cox	Tim Hass	Tom Paquin
Grant Dewitt	Robert Liebermann	Julie Weist
Steve Dey	David Lieble	

Council Members Excused/Absent

Bernie Hubbard	Joe Smith	Tony Wright
Travis Kangas	Mark Spencer	

Department of Natural Resources (DNR) Staff Liaisons & Guests

Eric Cowing, Parks & Recreation Division, Newberry
Kristi Dahlstrom, Executive Division, Marquette
John DePue, Wildlife Division, Baraga
Stacy Haughey, UP Field Deputy, Executive Division, Marquette
Nicole Hunt, Parks & Recreation Division, Lansing
Cory Kovacs, Fisheries Division, Newberry
Dave Lemmien, Wildlife Division, Sault Ste. Marie
Jon Spieles, Marketing & Outreach Division, Newberry

Call to Order

The Eastern UP Citizens' Advisory Council meeting was called to order at 6:06pm by **Chair Tom Buckingham**. He welcomed everyone in attendance.

Introduction of All Attendees (Council/DNR Staff/Public)

Introductions of those in attendance were made.

Adoption of Agenda

Chair Buckingham asked the Council if there were any corrections or additions to the agenda; none were brought forth. **Mr. Hass motioned to adopt the agenda as presented; Mr. Cox supported the motion. Chair Buckingham called for a vote on the motion. The motion passed unanimously.**

Approval of Previous Meeting Minutes

Chair Buckingham asked if there were any changes to the April 4, 2024 meeting minutes which were distributed to the Council via email for review. **Mr. Collier motioned to accept the minutes as submitted; Ms. Weist supported the motion. Chair Buckingham called for a vote on the motion. The motion passed unanimously.**

DNR Reports from Division Staff

Written staff reports were provided via email to Council members on May 29, 2024. The following were verbal additions to those reports:

1. Stacy Haughey, UP Field Deputy

- Mr. John DePue, who will be providing a presentation on white-nose syndrome, and Ms. Nicole Hunt, who will answer questions relating to the ebike proposal, will both be joining the meeting via Zoom.
- The DNR Director will be in the western UP for several days the beginning of June visiting several state parks from Ft. Wilkins to Lake Gogebic, a dam removal site, DNR customer service centers, Michigan Tech University's mass timber program, a Polaris EV trail opening celebration, the new Lake Superior Sportsman's club shooting range facility, and touring the Keweenaw Heartlands area.
- Mr. John Pepin is out on leave this week; any UP press releases will be going through Ed Golder in Lansing until he returns.

2. Cory Kovacs, Fisheries Division, Eastern UP

- The western UP Lake Superior management unit biologist position will be filled soon.
- On June 4, 2024, the DNR Fisheries Division issued a press release regarding the euthanization of over 31,000 Atlantic salmon that were sick with bacterial kidney disease (BKD) at the Harrietta State Fish Hatchery in Wexford County. BKD is a bacterial disease known to cause mortality in trout and salmon and is believed to be largely responsible for the decline in Great Lakes Chinook salmon populations in the mid-1980s. A prescribed 28-day antibiotic treatment was completed May 17, but unfortunately, the treatment was not fully effective in eliminating the infection. This was only a fraction of the statewide fish production and stocking efforts, and Harrietta is not the only DNR hatchery that was rearing Atlantic salmon. The Platte River State Fish Hatchery, located approximately 15 miles west of Traverse City, also reared Atlantic salmon. The fish at Platte were healthy and were stocked in four locations, including the St. Marys River at Sault Ste. Marie with just under 27,000 fish.

3. Jon Spieles, Marketing & Outreach Division

- A new state interpreter, Mr. Jalen Sims, was recently hired at the DNR Pocket Park in Escanaba at the state fairgrounds. There hasn't been a permanent seasonal employee there in a decade; however, the position was funded through an application for federal Pittman Robertson funding. Mr. Sims is working on publicity of the park and the programs he plans to hold there, which should provide a boost in getting kids into fishing and shooting opportunities at the park.
- Registration for fall participation in the new Nature Awaits program has begun. This program offers all fourth graders a chance to visit a state park with a FREE field trip that will help to support classroom learning. 10,000 4th graders already participated in this program this spring. Transportation grants are available to provide bussing and DNR staff are available to provide the program. Council members were encouraged to let all 4th grade teachers know to register their students for this wonderful program. There are 110,000 4th graders in Michigan.

4. Eric Cowing, Parks & Recreation Division

- Memorial Day state park occupancy was at 94% statewide. The highest rate was in 2021 at 95%. The eastern UP state park occupancy was at 90%, very close to the statewide average. Park staff anticipate a strong summer season.

- **Chair Buckingham** noticed very low occupancy at several private and city campgrounds over Memorial Day weekend in the Sault Ste. Marie area.
- **Mr. Maida** asked about state forest campground occupancy. **Mr. Cowing** indicated those campgrounds are not on the state reservation system and are more difficult to estimate.

5. Dave Lemmien, Wildlife Division

- The UP Deer Habitat Improvement Program (DHIP) recently awarded 14 successful grant applications totaling \$140,000. \$40,000 of the funding came from the lower peninsula program which put a hold on their grant cycle for a year.
- The Wildlife Habitat Grant Program, which is a statewide grant program with \$1 million in funding, also recently awarded successful applicants, including 6 proposals in the UP totaling \$300,000.
- Announcements of successful applications will be published via a press release soon.

Public Comments on Agenda Items

Chair Buckingham opened the floor for public comments on agenda items only; none were brought forth.

New Business

1. White-Nose Syndrome Update (Mr. DePue)

- **Mr. DePue**, wildlife biologist from Baraga, provided a slide presentation and update on White-Nose Syndrome in Michigan bats, specifically those in the UP.
- *Bats of Michigan:* There are 9 species, all insectivores (primary nocturnal insect predator). Two are federally endangered bat species, the Indiana bat and the northern long-eared bat. All have legal protection in Michigan. They are long-lived bats, with big brown bats living 30+ years in the wild.
- *Why Should We Care About Bats:* Economic Importance: Pest control benefits \$3.7-\$53 billion/year nationally. Michigan agriculture benefits equal \$528 million to \$1.2 billion annually (2011), ~\$74 per farmed acre. Bats like gypsy moths, tent caterpillars, cutworms, pecan nut casebearers, fruit worms, forest cone worms, hickory shuckworms, and corn ear worm moths.
- *What is WNS:* It is a disease caused by a fungus, *Pseudogymnoascus destructans* (Pd), which causes energy depletion. It impacts a whole suite of cave bat species: little brown, Northern long-eared, tri-colored and big brown bats.
- *Impacts of WNS:* 80-100% mortality rate in hibernacula. Cause of northern long-eared bat (NLEB), little brown bat, and tri-colored bat declines.
- *WNS in Michigan:* Michigan is in its 10th year of infection. All hibernacula have presence of WNS.
- *WNS Impacts in Michigan:* Survey data indicates an 89% decline of the sites surveyed post-WNS infection. Colder hibernacula continue to have higher survival.
- *Michigan DNR Bat Conservation Actions:* Statewide bat monitoring (disease, population), protect critical hibernacula, WNS treatment trials, outreach/education, Bat Habitat Conservation Plan (HCP).
- *Hibernaculum Climate Manipulation:* Reduce internal temperatures to 36-38 degrees F.
- *Lake States HCP:* The Michigan DNR worked with the Minnesota and Wisconsin DNRs to prepare the HCP which provides protection from litigation for forestry management

practices while providing habitat conservation for federally listed species. This plan lays out information needed to obtain an incidental take permit.

- *Lake States HCP Status:* HCP approved in March 2023. Committed to withstand retention. Private landowners with 10,000 or more acres who intend to conduct forest management activities and those with ownerships of any size near important bat habitat features will be eligible to apply for the Landowner Enrollment Program.
- *Questions:*
 - **Ms. Haughey** asked if commercial forest landowners can apply; **Mr. DePue** responded yes.
 - **Mr. Maida** asked about the reasoning for needing that much land to apply? **Mr. DePue** explained.
 - **Mr. Maida** also mentioned a bat box located on state land that is in a state of disrepair and/or neglect. He will provide the location to Mr. DePue. **Mr. DePue** stated the DNR does not normally put out bat boxes on state land. However, many members of the public put up bat boxes on their private land.

2. *Cormorant Update (Ms. Haughey)*

- A slide noting the status of the Wildlife & Fisheries Division’s efforts towards cormorant control this year was provided by both division chiefs.
- Wildlife Division is keeping track of the list of work (and related spending) that has been completed this year regarding cormorant control. There has been a great deal of staff time involved in preparations for ramping up cormorant control and preparing a contract with USDA-Wildlife Services (USDA-WS) to do the control work. The estimated payroll for Wildlife Division so far in 2024 is \$12,242. Fisheries Division has similar estimates of in-kind staff time related to cormorant management.
- This in-kind assistance may not have created visible “deliverables” related to cormorant take; however, it helped provide essential coverage to protect fish during the critical period of fish stocking efforts this spring and to put in place permits necessary for cormorant control this year.
- The Divisions have been in conversations with USDA-WS regarding a contract that will fund additional cormorant control yet this spring and summer 2024 season.
- In addition, Fisheries Division purchased \$1,100 of supplies related to non-lethal harassment measures, mostly for hatchery staff/drivers during stocking events but some of these were also provided to volunteers to help us harass birds during stocking.
- **Vice-Chair Gorniak** indicated he did not have anything additional to report. He feels he is getting the run around from the state legislature. **Ms. Haughey** noted she ran into Rep. Hill who asked about the issue. It was noted that Michigan is impacted more than any other state and should be provided the federal resources for control.

3. *Additional Agenda Items Added by Council*

- There were no additional items added to the agenda by the Council.

Old Business

1. *Wolf Management Update (Recurring) (Ms. Haughey & Mr. Lemmien)*

- This is a standing agenda item at the request of the Council.
- On February 2, 2024, the U.S. Fish and Wildlife Service (USFWS) issued a press release indicating they have completed a status review and finding for gray wolves in the Western

United States and announced plans to launch a first-ever nationwide gray wolf recovery plan by December 12, 2025. This announcement does not make any changes to the legal status of gray wolves in the United States.

- **Ms. Haughey** stated staff are keeping an eye on this development and will keep the council updated.
- **Vice Chair Gorniak** asked when population estimates will be ready from the winter track survey and whether the camera survey data will be incorporated. **Mr. Lemmien** stated the track survey is in the final analysis stage. As far as the camera survey data, the cameras are still taking pictures and the SD cards will be taken in soon to begin that analysis process. It is not known when the camera survey data will be available.

2. Deer Management Initiative (DMI) Update (Ms. Haughey)

- An in-person two-day meeting for the UP DMI group was held at the end of April in Marquette. This was the culmination of weekly meetings and when the group brought forward their suggestions for regulation changes to be considered by the NRC after DNR review. This entire process was requested by the NRC.
- **Chair Buckingham** noted he distributed a copy of a personal summary of the DMI process by Mr. Dave Johnson, UPSA President (and also a WUPCAC council member), and member of the UP DMI group, as well as a brief overview by Mr. Bernie Hubbard, EUPCAC member and member of the UP DMI group to all council members for their review as it pertains to this topic.
- **Ms. Haughey** indicated she spoke to the Wildlife Division chief about this update and wanted to dispel any false rumors of staff being removed from the process; it is simply not true.
- She thanked all the members of the UP DMI group noting the hundreds of hours put in by both members and staff and the enormous amount of dialogue that was exchanged. She acknowledged the confusion noted by a few members at the in-person meeting about the voting process. She stated the entire process is not yet finished. She then reviewed the following:
 - *Final reports from both the UP and lower peninsula DMIs were submitted to the DNR for review by May 24.*
 - *Actionable recommendations will be presented to the NRC for information only at their June 13th meeting in Lansing.*
 - *An NRC work session is scheduled for June 26; this will be a public meeting. Location to be announced.*
 - *Potential action on all regulation changes lies with the NRC and is expected at the July NRC meeting.*
 - *This is a starting point for conversation. It is understood that not every participant is satisfied with the outcomes and the process.*
 - *There are still opportunities for input and to work through some of these recommendations.*
- She then reviewed what she called the “raw UP DMI recommendations”, which are recommendations extracted from the UP DMI’s final report and not yet evaluated by the NRC. Some of these don’t require NRC action and some are legislatively set.
 - 1) Year-round coyote season: no regulatory change, outside of species regulatory cycle.
 - 2) Antlerless harvest during early archery season on single deer license and deer combination license: adding DMUS 127, 066, 131, 042,0361, 007, and 048, remaining

DMUs will have antlerless harvest opportunities during the late archery season removed.

- 3) Eliminate antlerless access permits in DMUs 351 and 352: no antlerless license use in these DMUs.
 - 4) DMAPs only available in DMUs 022, 122, 255, 055, 155, and 121: DMAPs cannot be issued in rest of UP.
 - 5) 3-point APR on single deer license across the UP.
 - 6) Antlerless deer licenses expire on private land on November 14 in DMUs 022, 122, 255, 055, 155, and 121: no quotas in other DMUs.
 - 7) Bear season date changes: no regulatory change, outside of species regulatory cycle.
 - 8) UP-wide hunting and trapping season for wolves: recommendation cannot be taken up at this time.
 - 9) Review regulations every 3 years: no regulatory change.
 - 10) Promote hunter safety in schools: legislative change, no action.
- **Vice Chair Gorniak**, a UP DMI member, noted this was the first time he has seen the recommendations in this format, and they were not listed like this in the final report; **Chair Buckingham** concurred. **Ms. Haughey** stated some of the DMI members were going over these on the radio, but they are not final and can be considered preliminary.
 - **Chair Buckingham**, also a UP DMI member, stated he wanted to recognize Mr. Chad Stewart for all of his efforts in spearheading this initiative and asked **Ms. Haughey** to relay that to him. It was a thankless job. He spoke about the voting confusion, noting there were items put into the final UP DMI report that wasn't voted on. He acknowledged he was very confused by the voting, stating initially it was based on simple majority as each person agreed to items by a yea or nay, but then near the end, it somehow went to a weighted scale and he himself continued to vote by a yea or nay. He feels some of his votes were made incorrectly due to the confusion. He felt Mr. Stewart and others did a great job getting the groups a lot of information in a very short amount of time, but the ending was a train wreck. He referred to the personal summaries he distributed earlier which clearly indicates the voting confusion, stating they are personal opinions and not the DNR's opinions. **Ms. Haughey** stated she attended the last meeting when the voting occurred, and she didn't notice any discontent when folks left the meeting with the exception of one person. **Chair Buckingham** stated most didn't realize how their votes were being tallied under the weighted scale until after they left and there was a time crunch to get the voting done before the end of the meeting. He stated the process was a valuable tool for everyone involved and was very emotional for many. Some were new to this process with no political background or public involvement and it was difficult to get them up to speed. **Vice Chair Gorniak** stated that took the wind out of the sails of the more experienced members. **Ms. Haughey** stated she wishes those members who were confused made it clear before they left so that it could've been cleared up then.
 - In reviewing the raw recommendations, **Ms. Haughey** asked if there were any issues with any of them. **Chair Buckingham** stated that antlerless tags are posing the most angst with no doe on the landscape in many areas of the UP, along with the lack of acknowledgement from the DNR to decipher which items could be kept up to date each year in the wolf management plan rather than waiting until they are delisted.
 - **Mr. Hass** stated it is not clear who had the authority to change what voting mechanism was used later on in the process. **Chair Buckingham** stated the group agreed on the first day of the in-person meeting that a simple majority vote by hand would be utilized, and that's

how members were voting up until the second day when it turned into a weighted vote. Members didn't know it changed until the end results. **Ms. Haughey** stated perhaps it was the facilitator who utilized that process as something she normally used. **Chair Buckingham** stated if the weighted vote was recorded as done, it would be interesting to see specific voting results as he felt his votes would show he voted for all items within all three "A", "B", or "C" options. He stated he doesn't want to derail the entire process; however, he believes the voting should be re-evaluated.

- **Ms. Haughey** stated she found it very disheartening to hear a few of the UP DMI members say they didn't want any connection of this process to the CACs. The CACs add a high value to these types of conversations. The CACs represent the public's viewpoint through council members. She stated one member came to her afterwards and wanted to submit an application. It was agreed there is still work that needs to be done to publicize the CACs.
- **Ms. Haughey** stated overall, she believes the June public meeting process will bring it all together.
- **Mr. Moll** asked about the membership of the UP DMI. **Chair Buckingham** stated there were a few members who were from the lower peninsula, and they were completely unaware of the deer situation here in the UP which made it difficult to see them having the ability to vote on UP issues. **Ms. Haughey** noted a person who spoke at the May NRC meeting stated it was eye-opening to learn how different things were in the UP.

3. Moose Hunt Questions Following Resolution Response (Mr. Lemmien)

- After the submission of both the West and East UPCAC's joint resolution (in September & December of 2023 respectively) regarding the implementation of a moose hunt in Michigan to raise funds for moose research, the DNR's resolution response letter and attachments prompted additional questions from the WUPCAC. **Mr. Lemmien** shared answers to those questions at the WUPCAC meeting on May 29 and felt it would be beneficial to share with the EUPCAC as well. He applauded both Councils for their resolution as a means to gain funding for research, stating, however, the need for research is paramount before any hunt can be possible.
- *Question 1: Minnesota DNR uses helicopters to conduct moose survey. Can Michigan DNR do the same? What training are current moose spotters getting? Are there mostly new spotters each time?*
 - *Training and equipment would be cost factors that may not allow the Michigan DNR to use helicopters. **Chair Buckingham** suggested a partnership with the Michigan National Guard for helicopter training, similar to what they are doing with state parks, as a way to provide this type of opportunity. It was also noted that trained staff are used as spotters; volunteers are not permitted at this time.*
- *Question 2: We need to do some wider surveys to get a better handle of how many moose are emigrating out of the core area. Moose are well known to wander. How many car/moose accidents are not in the core area?*
 - *Less than 5% of vehicle/moose accidents in the west UP occur outside of the core area. I have submitted a research project request to reevaluate the core area to see if the core area has changed in size over time and/or shifted.*
- *Question 3: Now that a great deal of the moose core area is in this Michigamme Highlands conservation easement project, what can be done to preserve or improve habitat for moose? Can we ask them to preserve hemlock and cut aspen at a younger age?*

- *We have been working on acceptable language to the conversation easement which will serve to protect DWC areas and provide/create moose habitat. Continues to be an on-going process which we are happy with the progress and potential outcomes.*
- **Question 4:** I would think wolves can't all follow deer to DWC's, without going into other wolf pack territories. The current DNR wolf lead has said that wolves don't take moose. With wolf pack ranges getting smaller, what do wolves eat in the moose core area after deer migrate out of that area for the winter?
 - *It may have been misunderstood what was said at the NRC meeting during a wolf presentation. **Mr. Lemmien** further explained.*
- **Moose Drops:** Pictures from the moose relocation efforts to the UP in the 30s and the 80's were shown on screen.
- **Question 5:** Can the wolf cameras provide any data on the size of the moose herd? 5b) Are they recording any photos of moose where they are placed on the grid?
 - *Yes, the researchers will be noting moose activity from the camera survey and will be able to determine some data.*
- **Question 6:** The model is presuming a % of years seeing min. 3% growth, as stated in Table 1 of the response. Well, that is not happening, so should that be updated with the information that MDNR has? If the model just used data pre 2011, shouldn't it be run again with current data and new growth assumptions?
 - *The population model does not assume a growth rate but rather predicts the growth rate based on provided harvest rates (i.e., 10 or 20 bull moose) and vital rates from the early 2000's study. Vitals rates at this time were collected from a population which was growing 10% annually. Under the two harvest scenarios the population model estimated the percent of years where the growth rate would be 3% (the threshold for determining to have a moose hunt). If we wanted to update this model, we currently do not have the data to adjust the vital rates to describe the observed growth rate of <1% over the last decade. Updating the vital rates would be important to determine if bull moose mortality from harvest would greatly influence the population trajectory.*
- **Question 7:** At the time of the MAC recommendations, annual growth rate using every other year population estimates by MDNR maybe was one the best metric to determine sustainability of harvesting a few animals, health of the heard etc. The MAC recommendations and the white paper research is a few years old, could we ask MDNR to reassess the most important metrics to determine if a hunt is sustainable and how many animals would be included in the take if that? If that data does not exist, could DNR provide what data they would like to see to support a moose hunt?
 - *Yes, updated moose vital rates (e.g., pregnancy rates, calf twinning rates, calf recruitment, emigration rate, age and sex class survival) to identify what factors are limiting population growth would be required to update population models to determine the viability of a moose hunt and the projected effects differing harvest rates would have on the population trajectory.*
- **Question 8:** Can the model that was used in the 2011 reports as referenced in the response be run with a 5 bull hunt?
 - *Yes, but the results would not be appropriate to apply to the current population given the estimated <1% annual population growth.*
- **Question 9:** Is using just abundance the best information to use to determine the growth "rate" as reported on the first page of MDNR response to moose hunt? I don't see how you get a rate from just a population estimate. In the white paper (2011) the authors discuss

"growth (positive, negative, or 0)... is the result of the interaction of the rates of birth, death, immigration, and emigration." I am sure there are many methods and models for looking at growth rates, I just am a little confused on how you get a rate from just looking at an arial survey done every other year.

- *A rate can be any measure of change over a unit of time. Here we use the change in abundance over a 10-year period to estimate average annual growth rate which showed markedly different patterns between each decade. We could also estimate annual growth rate by using (birth rate + immigration rate) - (death rate + emigration rate). However, these data are not available for the last 18 years and it is not appropriate to apply values from the early 2000's to the current population.*
- **Question 10:** Does figure 1 in the response take into account emigration?
 - *Yes, as this is based off population estimates the change in abundance would reflect individuals that have emigrated out of the core range.*
- **Question 11:** Is there an actual survey report, something similar to what MN does for their surveys? All I could find was the PP online of the moose survey summary.
 - *Yes. A copy will be sent to both the WUPCAC & EUPCAC members.*
- **Council Questions:**
 - **Mr. Maida** asked if a copy of the questions and answers could be sent to the EUPCAC and if additional questions could be asked if necessary. **Mr. Lemmien** agreed and indicated Ms. Dahlstrom will forward a copy.
 - **Mr. Maida** also asked if the UP could get more moose similar to what was done in the 80's. **Mr. Lemmien** stated much more research (habitat, range, landscape, winter and summer browse, reproduction, etc.) is needed before an endeavor like that could be done again. He noted he has submitted two research proposals.

Committee Activity

1. Wildlife Committee (Secretary Dey)

- **Council Consideration of Proposed Resolution – Allow December Crossbow Use in a Portion of the UP**
 - **Secretary Dey** provided an overview of the resolution's key points. He stated the West UPCAC passed the same resolution by majority vote last November.
 - **Ms. Haughey** showed a map indicating the CWD core area, which was reversed last year, and how the resolution could add it back to a similar area.
 - Discussion ensued regarding gains, why crossbows weren't allowed in late season in the UP due to migration protection, and the percent of additional harvest (5-7%).
 - **Mr. Liebermann motioned to approve the resolution as presented; Mr. Paquin supported the motion. Chair Buckingham called for additional discussion. There being none, Chair Buckingham called for a vote on the motion. The motion passed unanimously.**

2. Policy Impact Committee (Mr. Hass)

- **Council Consideration of Proposed Resolution – Oppose the proposed allowance of ebikes to access and utilize the Michigan state park managed lands and Michigan state forest lands managed by the Michigan state parks and urge the DNR Director to deny and/or not recommend such use.**
 - **Mr. Hass** provided an in depth overview of the resolution. He stated the resolution reflects what was posted on the website. He added the information currently on the

website is unchanged, despite the DNR stating it changed the incorrect information afterwards. He noted the president of the eastern UP chapter of the North Country Trail brought this up to him as a concern as it relates to NCT.

- **Ms. Nicole Hunt** of the DNR's Parks & Recreation Division (PRD) provided an overview of the proposed change to the land use order of the Director (LUOD) to allow class I ebikes on state park and state forest managed trails that are currently open to pedal bikes. Higher class ebikes would not be allowed and trails that are only open to hiking would not be included.
 - She explained Public Acts 138 and 139 of 2017 which allows the local authority over the trail to regulate or prohibit the operation of a class 1 ebikes on trails and since the passage of these acts, allowable ebike operational issues or conflicts have not been raised to the DNR, compelling restrictions of usage on improved surface trails.
 - She noted initial concerns by the Forest Resources (FRD), Law Enforcement (LED), and Wildlife Divisions (WLD), which were similar to the Council's resolution, were reviewed and after several additional action items were added, LED and WLD approved moving the LUOD forward and FRD desired to have all three of the bicycle pathways on forest land included. The action items included additional education and training information on the DNR's website, an ongoing survey being placed on the webpage to allow for ongoing comment regarding ebike use, updated signage at trailheads that are open to bicycles to identify whether ebikes are allowed and what class would be allowed which would include a QR code to the survey, so trail users can access from their phone, and two virtual public meetings held during the one-year review period.
 - Another action item developed from the meetings was having PRD would assist with the development and placement of updated signage for WLD lands (primarily those lands where the WLD and PRD boundaries abut) regarding prohibition of bicycle use, including ebikes, on WLD lands. The LUOD was updated to reflect inclusion of the pathways and meetings are occurring to develop the signage for placement on WLD lands.
 - She explained work began on the LUOD as part of making services more accessible under the ADA act.
 - She stated the review of data from other states and bicycle organizations reflecting use of class I ebike use on natural surface trails did not identify any increased resource demand or damage to the trail then what was present with traditional pedal bicycles.
 - The proposal was also reviewed with stakeholder groups and based on their comments, PRD worked with the DNR's Non-Motorized Advisory Workgroup to add into the proposal language a one-year trial period.
 - There was also a stakeholder concern about broad expansion of class II ebike use on trails. The balance reached was to allow class II ebike (throttle assist) use for people with a disability that cannot operate a class I ebike but through a use permit issued by the Department. That language was incorporated into the LUOD draft.
 - She added the DNR's authority to permit, deny or regulate this type of use is strictly limited to lands it has a property interest in – and relating to ebike use, only for the lands it identifies in the LUOD and only on areas open to bicycle use. Meaning that the DNR has no ability to open a bicycle trail to ebike use that is owned by a local municipality, private or federally.

- She noted at one point a map shown on the website inadvertently identified all of the non-motorized trails which gave the impression that it was a broader expansion than what was actually being proposed. It is likely that oversight now causes concern from individuals and groups such as EUPCAC.
- **Secretary Dey** referred to the one-year trial period and asked how it will be stopped if it doesn't work. **Ms. Hunt** stated any prohibited activity would be addressed as all other prohibited activities are, through education and law enforcement. **Secretary Dey** stated he feels this would be unenforceable and trying to retract it would be almost impossible. **Ms. Hunt** stated class I ebikes are allowed on improved use trails and they are not seeing any conflicts but would certainly work to address any that arise.
- **Mr. Hass** referred to the statement that no reports have been received on problems with bikes on the trails that are designed for hikers. He said the average hiking trail if properly managed has a 22-24 inch path for hikers. If a bike were to come upon a hiker on this size trail, neither user would have time to react. He added for improved trails designed for bikes, under the proposed rule, the DNR Director can approve an ebike on any trail, which includes the NCT and feel this is a recipe for disaster. He helps to maintain the NCT and that trail and others in the state will not reasonably accommodate hikers and bikers on a narrow trail. He noted the NCT west of Munising where mountain bikes have caused deep ruts that are difficult to fix.
- **Ms. Hunt** thanked Mr. Hass for his work on the NCT trails. She stated she wanted to make it very clear that if a trail is only open to hiking, ebikes would not be allowed under this proposed LUOD. The expansion is only for trails that already allows for bicycle use. She stated the DNR does not have property rights, such as with the NCT. **Mr. Hass** disagreed with her according to his legal research.
- **Mr. Liebermann** stated he feels the resolution should be rewritten to not include bike use on trails forever. He is a pedal bike rider and can ride at about 12 mph. Able-bodied people should not be riding a motorized vehicle like an ebike on a non-motorized trail. Mountain bikes even do a lot of damage. A lot of people aren't aware of their surroundings and it's a recipe for disaster. Motorized vehicles on recreational bicycle trails will be very disruptive.
- **Ms. Haughey** reminded all in attendance that the NRC meeting at which this proposed LUOD will be up for action by the Director (not the NRC) is next week, June 13.
- **Mr. Moll** feels that many do not understand what an ebike is. There are different classes and very few will go 20 mph without pedal power. A class I ebike requires pedal power and doubts many users would go 20 mph on a state park trail. He feels it is a good proposal and will help some people who otherwise wouldn't ride as much. He stated he didn't know that changing use on the NCT could be done without federal intervention. **Mr. Hass** said it can be and he wasn't fully aware of it either until he researched it. **Mr. Garavaglia** stated he has known Mr. Hass for a long time, and he agrees with him that ebikes should not be allowed on non-motorized trails.
- **Chair Buckingham called for action on the resolution. Mr. Hass motioned to approve the resolution as presented; Mr. Garavaglia supported the motion. Chair Buckingham called for additional discussion. Mr. Maida** asked if a speed limit could be added. **Chair Buckingham** stated his class III ebikes have throttles that can get up to 28 mph with pedaling. **Mr. Moll** stated class I ebikes do not have a throttle. **Ms. Weist** stated it would be difficult to enforce the different classes from being used on trails. **After no**

further discussion, Chair Buckingham called for a vote on the motion. The motion passed by majority vote (11 in favor, 4 abstain).

3. Fisheries Committee (Vice Chair Gorniak)

- *Council Consideration of Proposed Resolution #1 – Recommend any increase in DNR Fisheries revenue be prioritized to provide deliverables (see resolution for 4 deliverables described).*
 - **Vice Chair Gorniak** provided an overview of the resolution indicating that it essentially will hold the DNR accountable if any new license fee increase were to be put through.
 - **Mr. Paquin** stated with a new governor and any new legislators, any promises today can't be guaranteed later on.
 - **Mr. Kovacs** spoke about staff increases and referenced the discussion he and Mr. Caroffino presented about this resolution at the last EUPCAC meeting in Manistique (see April minutes).
 - **Secretary Dey motioned to approve the resolution as presented; Vice Chair Gorniak supported the motion. Chair Buckingham called for additional discussion. There being none, Chair Buckingham called for a vote on the motion. The motion passed by majority vote (14 in favor, 1 oppose).**

- *Council Consideration of Proposed Resolution #2 – Oppose expansion of underwater spearing under regulation FO 219.25.*
 - **Vice Chair Gorniak** provided an overview of the resolution.
 - **Secretary Dey** thought the Michigan Spearfishing Association was in the midst of a three-year trial for the first allowance of underwater spearing. **Mr. Kovacs** responded the trial is due to expire in 2025 and they are asking for the expansion before that trial ends. He referred to the discussion at the last EUPCAC meeting on this topic as well (see April minutes).
 - **Mr. Maida** believes with the cost of spearfishing these sportsmen would be fishing for trophies. **Mr. Kovacs** stated they are under restriction now in the two zones open to spearfishing (in lower peninsula) and they are free diving without tanks. **Mr. Maida** asked how many walleyes were harvested in that area. **Mr. Kovacs** responded just over 450 walleyes were harvested in the two allowed locations in year one. **Vice Chair Gorniak** stated 40% don't report their harvest. **Mr. Kovacs** stated it is something the Council needs to consider.
 - **Vice Chair Gorniak motioned to approve the resolution as presented; Secretary Dey supported the motion. Chair Buckingham called for additional discussion. There being none, Chair Buckingham called for a vote on the motion. The motion passed by majority vote (13 in favor, 2 abstain).**

4. Other Committee Reports

- The Forestry/Invasive Species and Recreation/Trails Committees did not meet since the last Council meeting.

Next Meeting

1. *Next EUPCAC Meeting:* Thursday, August 22, 2024 beginning at 6:00pm at the Quality Inn conference room in St. Ignace.

2. Agenda Items for Next Meeting

- **Chair Buckingham** indicated suggestions for topics for the next meeting can be submitted to him, Ms. Haughey or Ms. Dahlstrom. Suggested topics will be discussed at a pre-meeting with the Chair and DNR staff.

Public Comments (Any Topic)

Chair Buckingham opened the floor for public comments on any topic; none were brought forth.

Closing Comments from Council

Chair Buckingham opened the floor for closing comments from the Council and DNR staff; none were brought forth.

Adjourn

There being no further business, **Chair Buckingham** thanked everyone for attending. He adjourned the meeting at 9:09pm Eastern.