

# Eastern Upper Peninsula Citizen Advisory Council (EUPCAC)

## Meeting Minutes

Thursday, August 20, 2020

6:00-8:30pm Eastern

Virtual Meeting via Zoom

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*Chair: Tom Buckingham Vice-Chair: Gary Gorniak Secretary: Allan Augustyn*

### Council Members Present

Allan Augustyn  
Kristy Beyer  
Tom Buckingham  
Ken Collier  
Jeff Cox  
Jim Duke

Kevin Erickson  
Al Garavaglia  
Gary Gorniak  
Tim Hass  
Bernie Hubbard  
Travis Kangas

Glenn Moll  
Tom Paquin  
Mark Spencer  
Jack Thomas  
Tony Wright

### Council Members Excused/Absent

Grant Dewitt

AJ Downey

Angel Portice

### Department of Natural Resources (DNR) Staff Liaisons

Eric Cowing, Parks & Recreation Division, Newberry  
Kristi Dahlstrom, Executive Assistant, Marquette  
Lt. Skip Hagy, Law Enforcement Division, Newberry  
Stacy Haughey, UP Regional Coordinator, Marquette  
Cory Kovacs, Fisheries Division, Newberry  
JR Richardson, NRC Commissioner, Ontonagon  
Brian Roell, Wildlife Division, Marquette  
Tom Seablom, Forest Resources Division, Marquette  
Ron Yesney, Parks & Recreation Division-Trails, Marquette

### Call to Order/Current Council Member Introductions

The Eastern Upper Peninsula Citizen Advisory Council (EUPCAC) meeting was called to order at 6:01 pm Eastern by **Chair Buckingham**, indicating this was the second virtual meeting via Zoom for the EUPCAC. He welcomed everyone in attendance (31 total) to the meeting.

**Chair Buckingham** indicated the meeting will be guided with a powerpoint presentation and asked those attending to review a slide with housekeeping suggestions. He then welcomed the public participants to the meeting, including reinstated NRC Commissioner JR Richardson. **Commissioner Richardson** thanked him for inviting him to attend and stated he is glad to be back.

**Ms. Haughey** also welcomed everyone in attendance including Commissioner Richardson. She then provided an overview of the Upper Peninsula Citizens' Advisory Councils (East and West) which are an advisory group to the DNR. She displayed a listing of current East Council members, their affiliated group or interest, UP county they represent and displayed a few photos of Council members at work. She stated Council members are very active and engaged in their communities in the area of natural resources. She thanked them for their time commitment and participation. She referenced the CAC webpage for more information: [www.michigan.gov/upcac](http://www.michigan.gov/upcac). **Commissioner Richardson** stated he thanks and appreciates the Council for taking time off from their regular

activities to be engaged in the Council as he believes the CACs are a lifeline for a lot of UP decisions and the groups have helped the progress of the DNR's transparency.

### **Adoption of Agenda**

**Chair Buckingham** asked the Council if there were any corrections or additions to the agenda; none were brought forth. **Mr. Cox motioned to adopt the agenda as presented; Mr. Duke supported the motion. Ayes: All. Nays: None. Absent: See listing on page 1. Motion carried.**

### **Approval of Previous Meeting Minutes**

**Chair Buckingham** asked the Council if there were any corrections to the June 18, 2020 EUPCAC meeting minutes, which were emailed to the Council previously. **Mr. Erickson motioned to approve the minutes as submitted; Mr. Augustyn supported the motion. Ayes: All. Nays: None. Absent: See listing on page 1. Motion carried.**

### **Chair Comments**

**Chair Buckingham** did not have any comments to share.

### **DNR Reports from Division Staff**

Written staff reports were provided via email to Council members on August 13, 2020. The following were verbal additions to those reports:

1. Stacy Haughey, UP Field Deputy: **Ms. Haughey** stated office staff are continuing to work remotely and other staff, such as law enforcement, parks and recreation, and some wildlife, fisheries and forestry staff, have been able to go back to their normal duties or get time in the field. Staff are available via phone or email to answer questions or assist in any way they can. She indicated the state's fiscal year begins October 1, and there will be an update soon on what implications the DNR will be facing. She will keep the Councils informed as information becomes available.
2. Cory Kovacs, Fisheries Division: **Mr. Kovacs** stated he did not have anything further to add to his written report.
3. Tom Seablom, Forest Resources Division: **Mr. Seablom** also stated he did not have anything to add at this time.
4. Lt. Skip Hagy, Law Enforcement Division: **Lt. Hagy** stated he was glad to be back after a long leave of absence. He noted the officers in the field have been very positive and have provided a lot of good support and effort during the last several months.
5. Mr. Eric Cowing, Parks & Recreation Division: **Mr. Cowing** stated parks and recreational sites in general have been extremely busy this summer and staff have been working very hard to do what they can. He added attendance is up 20% in several locations at forest recreation sites from where they normally are this time of year. Everyone is looking forward to fall.
6. Ron Yesney, Parks & Recreation Division-Eastern UP Trails: **Mr. Yesney** indicated he was attending, in lieu of Mr. Paul Gaberdiel, to meet with the Council and provide an update. He reported the trails program throughout the UP has seen a tremendous amount of use this

summer whether it be motorized or non-motorized use. Staff are doing their best to keep up with the increased usage. ORV trail permits are up over 25-30%. Staff have been doing a lot of ORV grading and have been working hard with grant sponsors to restore damaged areas and make repairs on trails due to high use rates. The blind sucker bridge, which is part of the North Country trail, was constructed and completed this spring and several other projects were completed in the east UP.

- **Mr. Augustyn** asked if it is anticipated the UP will see a high number of snowmobiles in the UP this winter that is similar to the high number of ORV and water use this summer. **Mr. Yesney** replied snowmobiling is unpredictable in the state of Michigan, but he believes overall, residents will snowmobile this winter due to the economic stimulus packages and having more time to recreate due to the pandemic. He stated where numbers fluctuate is with snowfall. If neighboring states like Wisconsin and Minnesota have lots of snow, the UP will typically see fewer riders. If those states see less snowfall, the trail numbers in the UP will go up significantly. He stated overall, recreational sporting equipment sales have been up, including presales of snowmobiles, so he expects trail numbers to be up this coming winter as well.
- **Mr. Gorniak** asked how often trails are graded. **Mr. Yesney** stated years ago, ORV routes were graded every other year, but some trails are now graded 2-4 more times a year depending on the route and how much traffic it receives. He added it also depends on whether or not the grant sponsor has their own grooming equipment or whether it has to be contracted out. He further explained, stating overall, they try to grade the trails at least once a year. **Mr. Gorniak** stated it may need to be looked into as some trails are like washboards. **Mr. Yesney** stated there was a late start this year as all grading was paused due to COVID and approval was not received to spend ORV grant dollars in July. He is hopeful grading can occur in the fall.

7. *Brian Roell, Wildlife Division:* **Mr. Roell** reported there as a slight change in the UP deer regulations and he will cover that later on in the agenda. **Mr. Gorniak** asked if ear tags are being placed on bobcats as a picture was circulating of one in the east UP with an ear tag. **Mr. Roell** stated they do not normally put ear tags on bobcats and the one mentioned may have come from the west UP during the predator prey study.

### **Old Business**

1. *Chronic Wasting Disease Updates:* **Ms. Haughey** stated this is a standing agenda item at the request of the Council. She indicated the only update is the DNR is looking ahead to what deer season will look like as far as testing given the pandemic situation. The season will be different and testing will be reduced. Details, such as check stations, patch distribution, CWD testing, etc. are still being worked out. The lab certainly will not be able to sustain the numbers of deer previously tested—Michigan has tested more than any other state in the country. She stated she will keep the Council updated on any new information as this year's deer season develops. **Mr. Gorniak** asked if the lab is all caught up with the testing, as there hasn't been any new CWD cases reported online since December of 2019. **Mr. Roell** responded stating there is no backlog from last year and all testing was paused in mid-March. Samples from summer crop damage permits, etc. that would normally be tested are being stored in freezers at the moment. Lab staff have not been given permission to be back in the lab as of yet.

2. Party Fishing Proposal Status: **Mr. Kovacs** outlined the typical proposal process, indicating he brought the party fishing proposal to the Council in June. He provided a refresher on the proposal, indicating it came from recommendations out of southeast Michigan as an idea to keep party fishing groups together by sharing bag limits (in the same party, in the same boat or dock or shanty, etc.). The proposal was reviewed by statewide law enforcement, as well as fisheries managers and biologists. Since the spring public meetings were cancelled with the outbreak of COVID, the division slowly introduced it to the public in other ways, i.e. to the Council at their June meeting, which in a brief poll, the Council was 50/50 on whether it would be supported by them. A week after the Council meeting, the proposal went to the review committee with DNR fisheries regulations. This committee includes representatives from law enforcement, fisheries division and legal affairs, and handles all fisheries regulations and reviews as well as invasive species control, and other items. He stated the review committee did not support the proposal and it will not go any further for consideration in 2020 or 2021. He provided an overview of the reasons why, with the main reason being the difficulty in enforceability of shore and ice fishing anglers. He said perhaps in the future it can be reconsidered when it is rewritten to work for all anglers and not just specific groups. **Mr. Augustyn** asked what the original motivation was behind the proposal. **Mr. Kovacs** explained it was recommended from angler groups in southeast Michigan in consideration of group fishing together in the same boat and using the same live well. **Mr. Augustyn** also stated he appreciated the consideration of law enforcement with this proposal as its better not to have a regulation that is difficult to enforce and causes animosity between officers and the public.
  
3. Continuing Discussion - Lead Ammunition Effects on Wildlife: **Mr. Wright** provided a brief recap of the discussion on this topic at the June meeting, stating the conversation was on the negative effects of lead ammunition on several types of wildlife and what opportunities there might be for increasing education for new and existing hunters on the suitability of copper ammunition for their type of hunting. He stated Council members indicated they would like more authoritative information before agreeing to any language to include in hunter education and, as such, he invited Mr. Jerry Maynard from the Chocoday Raptors Center and Mr. Tony Duffiney and his colleague Mr. Earl Krom from the USDA Wildlife Services, to speak about the topic. (See below for comments.)

After a fair amount of discussion with guest speakers and Council members, **Chair Buckingham** thanked Mr. Maynard, Mr. Duffiney, and Mr. Krom for presenting their information on the topic this evening. He asked Council members to review and consider the resolution that Mr. Wright brought before the Council which is to include information in hunter education materials regarding the dangerous effects of lead ammunition in wildlife and suggest use of copper ammunition. **Mr. Wright** added that this resolution is non-compulsory and understands the need for a person to utilize lead ammunition in certain situations. **Mr. Wright motioned to adopt the resolution as presented; Ms. Beyer supported the motion. Discussion on the motion: Mr. Thomas** asked if there should be a date included in the materials when the EUPCAC recommended it. **Ms. Haughey** indicated that this year's guide (2020) is already in publication so if the resolution is approved by the DNR Director, it would not take effect until next year's guide. **Ayes: All. Nays: None. Absent: See listing on page 1. Motion carried. A vote was conducted by an online Zoom poll visible to all in attendance. Results: Yes-13, No-1, No Response-3. Motion carried by majority.** **Mr. Wright** thanked the Council for being open to hearing what was said and stated he has learned a lot from the discussion.

### **Public Comment on Old Business Items**

1. *Mr. Jerry Maynard, Chocoday Raptor Center - Lead Ammunition Effects on Wildlife:* Mr. Maynard spoke about lead effects on eagles and vultures, which are two raptor species that are most impacted by lead because they eat dead prey. All of the other raptors eat live prey, so they are not affected as much. He reviewed a bit of science, indicating lead can be extremely toxic to animals, as it also is to people, but particularly raptors because they ingest the lead. The normal amount of lead for eagles is zero as there is no exposure in the wild; the only exposure is through lead ammunition which can reach toxic levels and be lethal in a very short amount of time. He explained his center only rescues eagles (they are stabilized and transported to a licensed eagle rehab center), which occurs about once a month, with a third of those being treated for toxic lead poisoning caused by eating contaminated meat containing lead. He indicated when a deer is hit by a lead bullet, it shatters into tiny fragments and can travel throughout the deer's body via the bloodstream if the deer lives or its heart even beats for a few seconds. He stated although hunters think they are doing a favor by leaving a gut pile in the woods as food for raptors, the piles can be very toxic. He described a case of a poisoned eagle from the eastern UP last fall that was found within two days after it began feeding off a deer carcass—the amount of toxicity was already so high that it took months of therapy before the eagle recovered. Not every eagle is as lucky to be found quickly. He stated the rescue center has two missions, one being rescue and the other being education, noting he welcomes the opportunity to be an educator on the topic at schools, sportsman's groups, and any other group interested.

- **Mr. Augustyn** asked if it is prevalent that eagles get lead poisoning from fishing as previously mentioned. Mr. Maynard stated he isn't sure how prevalent it is but lead sinkers and other fishing gear are still available in fishing shops. **Mr. Augustyn** stated he sees more eagles and vultures in the UP now than ever before and questioned if that is why the issues are becoming more widespread. Mr. Maynard agreed, stating car accidents are the most common injury over lead poisoning. However, he added the raptor rehab center in St. Paul, MN is the foremost center in the country, and they receive almost 1,000 eagles a year with 30-40% of them having toxic lead poisoning so it is very prevalent. **Mr. Augustyn** asked if many turkey vultures are rescued, compared to eagles. Mr. Maynard replied they don't see many turkey vultures at their rescue center. **Mr. Augustyn** spoke about his research in ballistics and the accuracy of lead ammunition and cited the higher cost and difficulty in reloading. He asked if it is true that eagles can easily find gut piles in the woods. Mr. Maynard stated eagles are incredibly good at finding meat from hundreds of feet in the air with their extremely acute vision. He added after finding an eagle in a trap, the rescue center worked with the DNR and the Trappers Association in passing a rule in Michigan that trappers can no longer trap with meat that is visible from the air, which brought Michigan into conformance with many other states that have the same prohibition.
- **Chair Buckingham** asked Mr. Erickson if he had any comments on the reloading aspects. **Mr. Erickson** stated he hasn't tried reloading pure copper ammo. There is a double-coated copper with a lead core but he's not sure if it's the way to go. He said most ammo has a lead core and most shots that pass through, the bullet maintains anywhere from 85-90% of its weight so he would count out any fragmentation. Mr. Maynard added the Minnesota DNR conducted extension research on weight and even if 85%, there is still 15% that's left in the animal's body and it takes very little to kill an eagle. Discussion continued. **Mr. Augustyn** stated he is having a hard time grasping that so many eagles are injured due lead

poisoning in gut piles and how that could be possible with a pass-through lead bullet. Mr. Maynard explained a very small amount is toxic, and a lead bullet fragments so rapidly in the deer's body that it can spread by the blood pumping through the heart in seconds. He stated most hunters and fishermen are great stewards and protectors of the environment, and feels it is more of an educational process.

- **Mr. Roell** stated he is an active reloader and reloading copper bullets is very easy, and they have good accuracy. He noted there are articles on sheep carcass radiographs showing the movement of fragmentation throughout the carcass and agrees with Mr. Maynard. Mr. Krom added that he also is an active reloader and has no issues reloading monolithic bullets. If shooting a ballistic tip, over 50% of that bullet could be lost in fragmentation. Discussion continued.

2. *Mr. Tony Duffiney & Mr. Earl Krom, USDA APHIS Wildlife Services, Okemos – Lead Ammunition Effects on Wildlife:* Mr. Duffiney introduced himself as a state director and his colleague Mr. Krom, a wildlife biologist and firearm instructor. He stated in their line of duties in helping people with human wildlife conflicts, they use firearms quite a bit and can speak to bullet types and accuracy/availability, but they are not experts on lead ammunition effects on wildlife as Mr. Maynard is. Mr. Krom indicated throughout the variety of work they do (beaver control, aviation safety, endangered species protection, waterfowl work), they use non-lead ammunition as much as possible. However, when doing deer surveillance in highly urbanized areas, they evaluate three main requirements to determine the type of ammo to use: 1) little to none of the bullet passes through the animal, 2) rapid expansion in muscle and/or bone when the central nervous system of the neck is target; and 3) strict accuracy standards. Because of these three requirements, lead ammo works best in those circumstances for some deer surveillance. If the technology for non-lead ammunition catches up and meets their requirements, he stated they most likely would adopt the use of non-lead ammo. He recognized that this practice is not typical hunting, in which 99% of hunters are taking a shot to a vital area, looking for a pass through and a blood trail. He stated in those instances, monolithic bullets are a safer alternative than lead.

### **New Business**

1. *Fishing Harvest Registration Line & Other Fisheries Division Updates:* **Mr. Kovacs** stated he has been heavily involved in the registration system for lake sturgeon and muskie harvest, which requires anglers to register their harvest either by calling a hotline number, using the online portal, or contacting a local fisheries biologist or manager. There have been issues with the phone number published in the fishing guide resulting in the number being discontinued. A new phone number is now available (906-287-0816) which is Mr. Kovac's work voicemail. He noted the number can be called anytime to report a harvest by leaving a name, telephone number and what species was harvested. A DNR representative will contact the angler to obtain additional information. This number is updated on the DNR website, but it is not listed in the fishing guide. A press release with this information was also sent out on August 5, 2020.
2. *Review of the Land Use Order of the Director-Transferring State Forest Campgrounds from Forest Resources Division to Parks & Recreation Division:* **Mr. Cowing** indicated this topic was suggested as an update by Council member Mr. Paquin. He stated in 2012, the management or administration of state forest campgrounds was transferred from the Forest Resources Division to the Parks and Recreation Division (PRD) as it was felt the duties fell more in line with PRD.

For a few years, staff worked on trying to meld the duties between the two divisions. However, one issue was the commissioned park rangers did not have authority in state forest campgrounds as state forest rules were different than state park rules. In an effort to streamline procedures, a land use order was signed by the Director that dedicates state forest campgrounds, including a 50-ft perimeter around campground boat launches, as part of the state park system. He added the state forest campgrounds will continue to be co-managed by PRD, FRD and Wildlife Divisions with no real change, and will still be included in the certification process—basically the order cleaned things up internally. **Mr. Seablom** agreed with Mr. Cowing adding the land use order better clarified the authority on enforcing certain rules within the campgrounds. **Mr. Paquin** stated he was involved in the transfer for a number of years before he retired and he thanked Mr. Cowing and Mr. Seablom and the divisions involved as it took a lot of work and energy to get to this point and he wanted everyone to know how difficult it was.

3. Approved UP Deer Regulations: **Ms. Haughey** stated changes to the 2020 deer regulations were voted on at the July NRC Meeting. She mentioned the public can participate in the monthly NRC meetings on a virtual basis. She shared a few slides from Mr. Chad Stewart's presentation to the NRC:
- Changes for 2020 – No Expected Impacts:
    - Deaf hunters eligible for Liberty/Independence hunts
    - All youth hunters (<17) and apprentice license holders exempt from APRs
    - Maximum of 10 private antlerless licenses per hunter (does not have to be in same DMU)
    - Resuming antlerless opportunities with archery in the UP (select DMUs)
    - APRs removed in parts of DMU 122 (near CWD core area)
  - Changes for 2020-Upper Peninsula:
    - All UP (Zone 1) Deer Management Units will be open to antlerless take during archery season using the combo or deer license except: Antlerless deer shall not be taken in DMUs 127, 066, 027, 131, 042, 036, and 031 (corresponds with high snowfall areas)
  - Some Changes for 2020-Lower Peninsula:
    - Antlerless deer can be taken on deer/combo license during firearms and muzzleloader seasons in the Lower Peninsula
    - Antlerless deer can be taken on deer/combo license in both early/late antlerless seasons
    - Early/late antlerless seasons open in all Lower Peninsula DMUs
    - Muzzleloader season in Zone 3 now 10 days
    - All legal firearms used during muzzleloader in SLP
    - Late antlerless season expanded in NLP and SLP by 1 week
    - Carcass movement restrictions in Montcalm and parts of Kent and Ionia Counties (and the DNR recommends hunters limit carcass movement across the state in general)
    - Lake archery season in Wayne, Oakland and Macomb

**Ms. Haughey** asked Commissioner Richardson if he had any comments he'd like to make. **Commissioner Richardson** explained his reasoning behind choosing the DMU's based on high snowfall as many western UP hunters were not in favor of doe hunting for that reason. He stated he welcomes any comments or criticisms on his decision. He added deer regulations will come up again for next year and he will be looking to the CACs for feedback. **Ms. Haughey** added there were several amendments that were in discussion leading up to the July vote and one of those was by Commissioner Nyberg which involved determining closure of DMUs with

snow depth numbers (100 days of more than 12 inches or more the previous year) to antlerless hunting. **Mr. Roell** noted the DNR's legal team has reviewed that amendment, and because there is an issue with the language, the amendment will not be approved at this time.

**Mr. Augustyn** asked about all legal firearms being used during muzzleloader season in the SLP. **Lt. Hagy** stated it is not written well, but means regular firearms are allowed in the area where it was strictly black powder. **Mr. Augustyn** also stated his dismay in those areas of the central and eastern UP which receive high snowfall not being considered in Commissioner Richardson's DMU choices for no antlerless hunting and that several hunters in those areas are opposed to doe hunting during archery season because the herd has not come back. He feels it should've been throughout the UP. **Commissioner Richardson** acknowledged he appreciated the feedback. **Mr. Augustyn** also spoke of the winter severity index amendment as several people wanted that back for years and he hopes Commissioner Nyberg is successful regarding that change. He also noted many people are upset that baiting is open for seniors, disabled and youth hunters, despite the CWD baiting restrictions currently in place; he stated this should not have been allowed and he would like the NRC to know this. **Mr. Thomas** relayed his dismay in the eastern UP counties not being closed off to antlerless hunting in archery season, stating many camp owners are selling their properties because there are no deer due to high snowfall and wolves. He further described properties losing their value because of the lack of hunting opportunities. **Chair Buckingham** agreed that camp owners north of M-28 are selling because of no deer.

4. Additional Agenda Items Added by Council: There were no additional items brought forth.

#### **Subcommittee Reports**

1. Firewood Movement Subcommittee Report: Further reports continue to be on hold until the DNR's policy is put into effect and can be evaluated after a season of use.
2. Fisheries Subcommittee Report: **Mr. Gorniak** stated he learned that cormorant control efforts for next year currently look good and that Ontario is going to have a season where they will be allowed to take 15 cormorants a day.
3. Policy Impact Subcommittee Report: **Mr. Hass** reported he has been asked to review three bills: House Bills 4567, 4568 and 4569 regarding commercial fishing regulations. He will plan to review them along with Mr. Spencer who is a member of the subcommittee and provide a recommendation to Chair Buckingham and Ms. Haughey by the October meeting.

#### **Next Meeting**

1. Next EUPCAC Meeting: **Chair Buckingham** indicated the next regular meeting of the EUPCAC will be on Tuesday, October 20<sup>th</sup> at 6:00pm virtually.
2. Items for Next Meeting Agenda: **Chair Buckingham** opened the floor for suggestions on agenda topics for the next meeting. **Mr. Augustyn** suggested a presentation on the status of White Nose Syndrome in bats; **Mr. Roell** explained briefly the issue with little brown bats and the disease. If there are any other items of interest to place on the next agenda, please email them to Chair Buckingham, Ms. Haughey or Ms. Dahlstrom.



### **Public Comments**

**Chair Buckingham** opened the floor for additional public comments.

1. **Commissioner JR Richardson** indicated at the Senate Hearing for his Natural Resources Commission appointment he was asked about transparency and the first thing he thought of was getting information and messaging out through the Citizen Advisory Councils as an example. He stated he appreciates the Council's time and relayed how important they are to the DNR's mission. **Chair Buckingham** thanked Commissioner Richardson for being an advocate of the CAC's. **Ms. Haughey** stated the CACs are glad to have Commissioner Richardson back and to have another UP voice on the NRC.

### **Closing Comments from the Council**

**Chair Buckingham** opened the floor for closing comments from the Council.

1. **Mr. Augustyn** noted he has seen a very positive fishing season this summer, which could be related to the large number of fisherman/fisherwomen out this year.

### **Adjourn**

There being no further business, **Chair Buckingham** thanked everyone for attending and adjourned the meeting at 7:42pm Eastern.

Approved 10/20/20