MINUTES
NATURAL RESOURCES COMMISSION
February 14, 2019
Lansing Center
333 E. Michigan Street
Lansing, Michigan 48933

Present for the Natural Resources Commission

Vicki Pontz, chair
John Walters
Louise Klarr
Keith Creagh
Chris Tracy

Absent

Dave Nyberg
Rex Schlaybaugh

Present for DNR Staff

Daniel Bock, legal counsel, Office of the Attorney General
Dan Eichinger, DNR director
Bill O'Neill, DNR deputy director
Trevor VanDyke, DNR legal/legislative director
Brooke Parmalee, DNR legislative assistant
Cheryl Nelson, NRC executive assistant

COMMITTEE OF THE WHOLE

Chair Vicki Pontz called the Natural Resources Commission (commission) meeting to order at 1:40 p.m.

Director's Report: Pure Michigan Hunt winners In the ninth year of this contest, Wildlife division chief **Russ Mason** said that each lucky winner would be taking home over $4,000 in donated prizes, including hunting gear and many hunting seasons' licenses. **Mason** thanked the numerous groups and vendors for their generous donations. The winners this year included **Greg Burks** of White Lake (Oakland County), **Jesse Jubb** of Bath (Clinton County) and **John Murphy** of Lapeer (Lapeer County).

Parks and Trails Update: Parks and Recreation division (PRD) chief **Ron Olson** shared that the recreation passport was up 5.9%, revenues are up 7.4% due to $5 fee for the purchase of a passport at state parks. Harbor nights are up 16%, ORVs permits are up 8.5%, snowmobile trail permits are down 34%.

Olson said that the Houghton trail FEMA grant application for funding has been submitted; the department should be informed of approval within the next few months. There will be a State Park Fun Day event at Interlochen state park on May 18. **Olson** also noted that PRD has

launched the infrastructure assessment at 80 harbors of refuge on the Great Lakes and 1,300 boating access sites.

Wildlife Division's Annual Report: Kelly Siciliano Carter, Wildlife division's public engagement and outreach unit manager, presented the division's fiscal year 2018. The report is created from the division's strategic plan to share and highlight key items that have been completed in that year. **Carter** emphasized the CWD portion of the report and recognized that this was not just a wildlife division undertaking, staff from many other divisions assisted. **Carter** ended by thanking the Wildlife staff and complimented them for getting all this work done while also completing many other necessary daily tasks.

Fish Disease Report: Gary Whelan, Fisheries division's research section supervisor, presented a report on fish diseases. **Whelan** said that while most diseases haven't shown any effects on people, although he suggested that people do not eat raw fish out of fresh water lakes. Most fresh water diseases begin as pathogens below the surface but aren't noticed until dead fish show up on the top of the water body. Largemouth bass virus (LMBv), Epizootic Epitheliotropic Disease (EEDv), Viral Hemorragic Septicemia virus (VHSv) pathogens are the most-noted bacterial infections. **Whelan** said that these diseases have a large effect on Michigan economics and provided helpful habits to assist in deterring them including cleaning equipment and boats, not moving live fish or water between lakes, reducing fishing during stressful periods, not holding fish in live wells for a long time if they are going to be released and reporting mortalities of over 25 fish. More information may be found at Michigan.gov/eyesinthefield.

Chronic Wasting Disease (CWD) Update: Wildlife division's **Chad Stewart** and **Kristin Phillips** Communication and Engagement chief **Phillips** said that the communication efforts have changed to "Your Actions Matter" campaign for wildlife enthusiasts, asking them to feed wildlife responsibly. She also shared that there will be stakeholder meetings throughout the state during March/April, townhall meetings in summer, and the department will be working on 2019 hunter communication plan for later this year. **Stewart** provided a 2018 CWD surveillance summary adding that the department couldn't have gotten this level of detail without the partnership of the state's many stakeholders. **Stewart** also provided an update on the resolution for the Antler Point Restrictions (APRs) survey in the thumb area. To date, the department has a response rate of 59% of 2,100 surveys initially sent to individuals who have hunted one of the five thumb counties, a follow-up survey will be sent to non-responders on February 19. It was also noted that a decision will need to be made by July, 2019. He said that the department is designing an experiment with APRs in Newaygo, Mecosta, Montcalm, Kent and Ionia counties, where CWD is known to exist. The experiment should be able to provide estimates on deer abundance, sex and age ratio changes, deer harvest, hunter numbers and hunter perceptions of APRs. **Stewart** said that a decision is expected in July on moving forward with the experiment. More specifics on CWD may be found at www.michigan.gov/cwd. Wildlife division's **Dwayne Etter** and **Stewart** fielded questions from the commission regarding the cost if the five-county area experiment, that is estimated at $450,000, how the model is being developed at this early stage, the assistance needed from stakeholders/co-ops in the thumb area are currently assisting, the regulatory actions needed for this to go forward as proposed, viability of a mandatory registration, and the necessity to have this completed and approved by July, 2019.

Introduction of the DNR's New Legislative Liaison, Craig Brunet: **Director Eichinger** introduced the department's new legislative liaison, **Craig Brunet**, who received both his

Bachelor of Science in Political Science and Master of Public Administration from Northern Michigan University. He previously worked for the Michigan House of Representatives, serving the 109th district, he then took his talents to the department of Technology, Management and Budget.

Legislative Report: Trevor VanDyke, director of the legal and legislative section provided a written report of legislation related to the department. In addition to the written report, **VanDyke** provided information on recent legislative highlights.

Committee Reports:
Michigan State Parks Advisory Committee (MSPAC) Commissioner Klarr shared that the committee received updates on Sargent Sands, the budget, PRD's centennial year, and MSPAC's finance committee. MSPAC's 2019 major goals and priorities were identified and there was a subcommittee review and appointments to the Finance Committee and Stewardship Committee.

NRC Policy Committee on Wildlife and Fisheries: Commissioner Klarr received a report from chief **Dexter** on the 2019 Black Lake sturgeon season, Fisheries Order 200.19A and the recommendations that would be made to the full commission later that day. **Chief Mason** provided information on the Michigan Pheasant Hunters' Initiative, **Barb Avers** presented the 2019-20 Migratory Game Bird Hunting Seasons recommendations and **Ashley Autenrieth** presented the Bear License Quotas and management goals for bears

PUBLIC APPEARANCES BEFORE THE NRC

(Brooke Parmalee read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 3:04 p.m.**)**

Jim Sweeney spoke on the proposed APRs in the CWD zone, he shared a report of his findings with the commission and said he is not in favor of mandatory APRs.

Dan Kimmel from Michigan Bass Nation, talked about the importance of bass fishing in the state, including inland panfish. He feels bass fishing is significant for Michigan and said it is number one in angler days and number 2 in for fishing behind panfish**. Kimmel** asked the commission to give importance to bass fishing and fish disease, even with the spotlight on deer and CWD.

Erik Schnelle, president of the Michigan Quality Deer Management Association (QDMA) spoke on CWD management research. He feels some key elements about APRs are missing; no one thinks they are a magic wand that will make CWD disappear. Michigan QDMA wants to help get information out, setting goals, creating a roadmap, and see that appropriate doe harvest goals get communicated to hunters as soon as possible. Habitat needs also need to be looked at. His group doesn't want to see the Youth or Liberty hunts changed. The director added that there is discussion ongoing in the department regarding those hunts.

Aalden Guilmette opened by sharing something his grandfather told him 25 years ago; he said he was sorry deer hunting wouldn't be here in the future like it was at that time, it will be only for the elite. **Guilmette** added that he does not think that adding APRs will improve the herd health, the baiting ban decreases the average hunter's success who hunt on public land. He

does not feel that there is any data that shows an increased risk of spreading disease by baiting. **Guilmette** is not in favor of APRs.

Elliot Hubbard said that under APRs he believes that there will be plenty of tags for antlerless to still take deer. **Hubbard** is in favor of APRs in the thumb area and believes this will benefit hunters and deer alike.

Mike Thorman, representing the Michigan Dog Hunting Federation came before the commission speak on behalf of himself, **Joe** and **Nancy Hudson** and **Tim Dusterwinkle**. **Thorman** would like to keep the bear Houndsmen out of the Liberty hunt to avoid hunter conflict. He also does not want to be in woods with dogs when kids are out in the Youth hunt weekend. UP Bear Houndsmen wanted a concurrent opener within both peninsulas. He would also like to see the Youth deer hunt and Youth duck hunt on different dates.

Regarding bait barrels, **Thorman** would specifically like to see 33 gallon, steel, bolted on the top, with ¾ inch holes. **Thorman** said that the only opposition that he knows of is from the people who live in bear country who do not want to see outsiders (hunters from other regions) coming into their area, leaving barrels. They are there in that area and can keep their bait lively. **Thorman** talked about different types of bear baiting and that hunters go to great lengths to disguise their barrels so it can't be seen. He would like to see three barrels and hunters be given free sticky tags for these barrels so if they are pulled over by law enforcement they can see that the barrels are there legally. **Thorman** would like to see barrels on state land only for a two – year trial period. If this does not work then the regulation can be changed at the next regulation cycle.

Sam Morello, president of the Michigan Bow Hunters Association (MBHA), talked about archery hunters and CWD, noting that their procedures are aligned with the departments. The MBHA members were given a survey and **Morello** shared comments from members in his group including; 1) APRs are supported by some but are not cookie-cutter, different areas require different management techniques, 2) another member wrote that he does not support APRs, the hunter should be able to use their own judgement and thinks a 1-buck rule would do the same thing, 3) a third member hunts public land with longbow-5 point, that is a trophy, doesn't agree with long muzzle loader season. The MBHA is an organization that has mixed responses as he feels the state does. Only 30% of his membership responded to MBHA's survey. They believe that hunters should be surveyed when they purchase tag.

Bryan Burroughs, executive director, Michigan Trout Unlimited (MTU), shared MTU's concerns regarding Fisheries Order 200.19A and that they have been trying to have scientific conversation with the department/commission over the course of several years. Burroughs said that he was not happy with the process leading up to having the 33 streams re-added to the order. They would like to see the regulation put back in place by the scientific standards as set by law.

Dave Buikema shared the results of a recent survey taken members of the co-op, Southern Mecosta Whitetail Management Association (SMWMA) by MUCC, overall the co-op performed extremely well. Results included: 67% of the members are happy with their hunting experience since joining the co-op and that 38% of their members were happy with the hunting experience before joining the co-op. Statistically, they've almost doubled their hunter satisfaction rates since the co-op began in 2008; they started with 200 acres and have grown to over 10,000. The

SMWMA would like to see APRs pass in the thumb area and feel this satisfaction rate could be seen if APRs were put into regulation throughout the entire state.

Amy Trotter, executive director, MUCC, introduced **Ian Fitzgerald** is their new deputy director. She said that MUCC supports the bear forum and their process to include stakeholder involvement, but there are a few items on the bear regulation recommendations where they haven't developed a recommendation. They do support bait barrels on public and private land and that they be tethered, but not to a tree, that they are labeled, and they support small holes, ¾ to 1 inch in size. An important component is reducing predation of dogs at the barrel site. They want bear baiters to be respectable.

Jim Hammill/Mike Leonard, from the SCI Foundation talked about deer winter range management on state forest lands in the UP and shared a book with an additional informational sheet on the information he was presenting. **Hammill** said that deer winter habitat guidelines developed jointly between the Wildlife division and the Forest Resources division were not being followed, co-management between the division is not functioning as intended, department policy for cedar management is not being followed, and shelter for deer in cedar stands is not being managed sustainably. He said that current cutting practices in cedar are serving to further concentrate deer in the remaining shelter, potentially increasing the likelihood of disease transmission. The SCI Foundation is concerned that the state forest certification will be threatened by current non-sustainable forestry practices and site conversion of sensitive forested wetland systems and critical habitat for deer. The group is further concerned that current state forest management practices are not in compliance with game purchased land management requirements. **Hammill** concluded by urging the department to nullify the interoffice directive of December 16, 2013, Deer Winter Range Guidelines and asking the department to immediately establish a moratorium on cutting of all cedar and hemlock on state land in deer winter range across the entire UP, with the exception of those trees required to be taken for physical operation in the timber sale. He would like to talk to the director more on this topic.

Dean Dallavalle asked for a youth bear hunt on a two-year trial period, starting in 2019, which would not be a special hunt and would be in the 15 counties in UP only the first year. This would be a one-time only opportunity for youth hunters between the ages of 10-16 who is a Michigan resident and a graduate of the current hunter safety class and can be from the online program as long as they have fulfilled the field day requirement. Application must be made by May 20 for **Lisa Jackson**, drawing specialist from the Wildlife division, to reserve the tags. **Pontz** asked if UPSA voted on this request, **Dallavalle** said that several resolutions had been passed by several groups including Western UPCAC. **Eichinger** posed the question regarding the bear management units in the UP, if the intent would be to have a current graduate of hunter safety from that county get an allotted tag, to which **Mr. Dallavalle** responded yes. **Eichinger** said the department would have to check into the fairness between counties and bear management units and lower peninsula graduates as well. **Dallavalle** added that he presented this to the bear forum for the entire state, not just the UP. **Walters** thinks that this is on the right page but there is a lot more work to do.

Chauncey Moran talked about state land sustainability and the natural areas program that has stalled since 2009. Some areas have been declared a natural area to be designated but are not declared are not protected. If they aren't dedicated minerals can still be used. **Moran** said that of the 78 natural areas in Michigan, only 20 are legally dedicated. **Moran** would like to have a

state natural area management team reenergize this program. He noted that **Phyllis Higman** from MNFI is still working on this as is **Amy Derosier** from Wildlife.

Tony Smith, Eaton County QDMA, said that moving the Youth hunting season to an earlier date is a problem for QDMA.; they are in opposition to a move. Regarding the five-county area experiment, **Smith** thought that this was going to be a comparative study with surrounding areas. He feels that it has now shrunk down to just the five-county study. spoke about Newaygo county, no CWD positives were found in the 2018 season, although 200% percent over the goal were tested. They would like to see four point APR on second tag on combo tag; harvest was 60/40 antlered vs. antlerless deer by taking away four point APR

Tamy Machiele, Michigan Deer Trackers and Michigan Deer Tracking Hounds spoke about dispatching injured deer; their groups have moral, ethical and biological issues with the regulations as they are now written. **Machiele** thanked department staff; **Steve Chadwick, Jami Seldon-Manor, Lt. Wicklund** and their local conservation officer for being easy to work with on their issues and they look forward to their continuing relationship. The groups would like the laws concerning tracking dogs to have clarity and to be easily enforceable. **Machiele** said that the groups have collected data from states with similar laws as to what they would like to see in Michigan. They have not found any major infractions within other states. They would like to move forward with updating the laws to easily dispatch wounded animals.

Bob Jones talked about APRs, which he called trophy management. **Jones** did some review on states with APRs, some of the numbers he shared included; decrease in overall participation and a 20-40 percent increase on illegal deer harvested and overall decrease in the harvest. Long-term APRs had a detrimental effect on the overall health of the herd. **Jones** feels that it would be reckless with what we know about CWD to move forward with APRs.

Al Ettenhofer representing UP Whitetails, said that the Escanaba area had a DRIP grant that had far-reaching effects as they are now seeing too many deer. **Ettenhofer** said that deer management assistance permits (DMAPs) are hard to get and the antlerless deer there are becoming a problem. These occurrences are in no-doe permit areas, so they will be working with Wildlife to secure some DMAPS for herd control.

Tony Demboski from UPSA, spoke about bear regulations and commended many persons; UPSA, bear forum, after communicating with staffers, **Demboski** changed his decision, a revote was taken and the members of UPSA strongly support the bear regulations as presented. They would like to see a maximum of three barrels to be put in ground and must be removed at end of season. **Demboski** also said that his recommendation would be to make this change a two-year trial regulation.

Tony Radjenovich, president, Coalition to Protect Michigan Resources, spoke about the MM-4 lake trout harvest and their desire to protect sport fishing in the state. **Radjenovich** asked about the Treaty rights and the Consent decree which expires in August, 2020 and is concerned about the overharvest in MM-4 and how it would affect the Traverse zone. The group will continue to work on Treaty rights and are offering their support to the commission and department

Chris Patterson, attorney, Coalition to Protect Michigan Resources, addressed the management decisions on MH-1 & MH-2, noting that they have been at all Consent Decree negotiations and executive meetings. Two-bag limit in MH-1, one-bag limit in MH-2; they agree

with this recommendation because, exceeding the limits in years past does comply with requirements and it maintains consistency between MH1-3. The higher bag limit could cause damage to the fishery because it will draw anglers to other states/areas to fish. **Patterson** asked that the department manage fisheries in good faith and this would be in good faith following this recommendation would do that.

Rashel Titus, came before the commission to talk about APRs and deer management. she acknowledged the other side of APRs and deer management, they do care about the wants and needs, strong passionate desires to preserve hunter opportunities. They want to balance between the wants and the needs of hunters. **Titus** is against the use of APRs.

Chair Pontz adjourned the public appearances portion of the meeting at 5:13 p.m. and called to order the regular meeting of the NRC at 5:44 p.m. She noted that all commissioners who were present at the Committee of the Whole were present for the regular meeting.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSSION

FOR INFORMATION ONLY - NATURAL RESOURCES COMMISSION

Pontz reviewed the items for information only:

Migratory Game Bird Hunting Seasons, Managed Wetland Area Regulations, Wildlife Conservation Order Amendment No. 3 of 2019, FOR INFORMATION ONLY

Bear Regulations and License Quotas, Wildlife Conservation Order Amendment No 4 of 2019, FOR INFORMATION ONLY

Pontz called for any requested revisions, **Klarr** moved to request that the department bring forward a revised amendment for action next month to include the following:

Allowing the use of barrels for baiting bear on department-owned public lands only, using the criteria noted on page 7 of the current memo up for information. Specifically:

- Implement a minimum size restriction of 33 gallons and ensure bait barrels are steel.
- Limit the number of bait barrels to one per bait station.
- Require hunters to affix a tag with either their Michigan driver's license number or DNR sportscard number to barrels.
- Require that bait barrels be securely anchored to a post in the ground with a chain or cable no more than eight (8) feet in length.
- Bait barrels must have a secure lid and no more than three (3) open holes no greater than one inch in diameter.
- Limit bait barrel locations to only within 100 yards of a state forest road.

Pontz asked for discussion, **Walters** would like to make a motion that to exclude the Lower Peninsula from bait barrels, there was no second, **Pontz** asked for any further discussion, **Creagh** motioned to amend to add a 2-year sunset. Tracy seconded. **Pontz** asked for a vote on requesting the department with a revised order the amendment only. A vote was taken, with the only no vote coming from commissioner **Walters**.

Statewide Trout Salmon, Whitefish, Lake Herring, and Smelt Regulations, Fisheries Order 200.19A, FOR INFORMATION ONLY

Tracy made a motion to request that the department bring forward a revised Fisheries Order 200.19A for information to the March 14, 2019 meeting to include the following changes:

- Reinstate the original 33 10-brook trout daily possession limit streams to the Upper Peninsula 10 Possession Brook Trout Waters, which were previously listed on pages 35-37 of the November 2018 version.
- Reduce the Lake Trout daily possession limit in Lake Huron grid MH-2 from a 4 Lake Trout daily possession limit to a 3 Lake Trout daily possession limit. The exception shall read:

  4) Lake Huron
  b) The daily possession limit may include up to three (3) Lake Trout and Splake, in any combination in management unit MH-2.

Pontz called for a second. **Walters** then requested before a second to the motion that **Tracy** break his motion up into two separate motions, as they are two separate issues.

Tracy subsequently made a motion for the revised Fisheries Order 200.19A to reinstate the original 33 10-brook trout daily possession limit streams as indicated above. **Pontz** called for a second, **Klarr** seconded the motion. **Pontz** asked for all those in favor of the motion requesting a revised Fisheries Order 200.19A to say yes, **Klarr, Creagh** and **Tracy** said yes, **Walters** opposed. **Pontz** indicated the motion passed.

Tracy then made a motion to request that the department bring forward a revised Fisheries Order 200.19A regarding the Lake Trout daily possession limit as read previously. **Pontz** called for a second, **Creagh** seconded the motion. **Pontz** called for discussion, there was none. **Pontz** asked for all those in favor of the motion requesting a revised Fisheries Order 200.19A to say yes, all commissioners present were in favor.

Pontz noted that the revised Fisheries Order 200.19A will come back for information only in March based on information provided by the department during the policy committee on wildlife and fisheries, to be followed by a vote in April.

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, January 10, 2019, Natural Resources Commission Meeting

Commissioner Tracy made a motion that the minutes of the January 10, 2019 NRC meeting be approved. **Commissioner Creagh** supported the motion. **Pontz** called for discussion, there being none, **Klarr** abstained as she was not in attendance. A vote was taken and the motion carried unanimously.

DIRECTOR - ACTION

Chair Pontz listed the director's action items on the agenda, director **Eichinger** indicated that he would approve all items.

COMMISSIONER REPORTS

Commissioner Walters and **Schlaybaugh** were participants on a Lake Huron's Citizen's Fishery conference call and learned much about MH-1 & MH-2 quotas. He also attended necropsy study at Turtle Lake Club and learned much about the science behind what the study concluded.

Commissioner Creagh attended the bull moose conservation law society effort at MSU for young lawyers to concentrate on natural resources. He participated in goose hunt with **Joe Robison** and spoke to Quality of Life leadership group on February 5. **Creagh** also looked at wetland mitigation banking efforts that the department is working on.

Director Eichinger spent the previous weekend in the UP attending a UPSA meeting and the UP Whitetails of Marquette county banquet. He also attended Governor Whitmer's State of the State address the past Tuesday.

Chair Pontz visited the Smokie Mountains and Florida and Wetlands Mitigation project in the Gratiot-Saginaw state game area with **Steve Shine**. **Pontz** added that she appreciated the engagement received at the day's meeting.

Next Meeting

Chair Pontz announced that the next meeting of the NRC is scheduled for Thursday, March 14, 2019 and the Shanty Creek Resort, 5780 Shanty Creek Road in Bellaire.

Committees meeting that day with include a joint Outdoor Recreation Advisory Council/NRC Marketing, Outreach, Youth and Partnership meeting, and the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

Commissioner Tracy made a motion to adjourn. **Commissioner Walters** supported the motion and the meeting was adjourned at 5:35 p.m.

FOR

Vicki J. Pontz, NRC Chair

Daniel Eichinger, DNR Director

DATE: 3/14/19