

MINUTES
NATURAL RESOURCES COMMISSION
December 13, 2018
Lansing Community College, West Campus
5708 Cornerstone Drive
Lansing, Michigan 48917

Present for the Natural Resources Commission

Vicki Pontz, chair
J.R. Richardson, vice-chair
Rex Schlaybaugh
John Walters
Louise Klarr
Dave Nyberg
Chris Tracy

Present for DNR Staff

Peter Manning, legal counsel, Office of the Attorney General
Keith Creagh, director
Bill O'Neill, deputy director
Brooke Parmalee, legislative assistant
Cheryl Nelson, executive assistant

COMMITTEE OF THE WHOLE

Chair Vicki Pontz called the Committee of the Whole meeting to order at 2:31 p.m. At this time **Pontz** thanked Commissioner **J.R. Richardson** for all of his efforts during his terms on the Natural Resources Commission. She asked for a moment of silence for **Tim Kobasic**, a strong, long-time Upper Peninsula (UP) trails advocate.

Director's Report

Parks and Trails Update: Parks and Recreation division (PRD) chief **Ron Olson** shared that on December 1, the welcome center at Silver Lake was renamed in the honor of longtime ORV enthusiast **Collin Hansen**, who lost his battle with cancer in 2012.

Olson said that the snowmobile season is off to a good start, permits are up 45 percent. He reported that the opt-out for the recreation passport passed in the Recreation and Tourism committee on December 12 and is moving forward. House Bill 6124 that also allows the passport to apply to trailheads is also moving forward. For the fiscal year, camping and lodging nights were up one percent, total revenue was up 14.9 percent or almost one million dollars, due to the policy change that reservations may now only be up to 14 days, instead of the previous 21 days, making those spots available that may have otherwise gone vacant. ORV sales were flat and snowmobile permits were up slightly last month. **Olson** thanked **Richardson** for his dedication to the UP and service with the commission. He also thanked Director **Creagh** for being very good to work with during his tenure at the helm of the department.

Office of the Great Lakes Update: **Rick Hobrla** provided an update on the Saginaw Bay rock reefs that had been lost due to sedimentation. He noted that the U.S. Environmental Protection Agency assisted by providing funding for the restoration effort. Design and engineering have begun with bids slated to go out in the spring. Work is expected to be completed in the next year. **Hobrla** also talked about the Quality of Life (QoL) invasive species team that is working to distribute over \$3.6 million to local governments, universities and other to help combat invasive species.

Lifesaving Awards: Law Enforcement division chief **Gary Hagler** presented lifesaving awards to Conservation Officers **Kyle McQueer** and **Dave Miller** for their heroic efforts in saving a woman, who has Huntington's disease that was stranded on a cliff by Lake Michigan.

Taylor/Obenauf Land Donation: Director **Keith Creagh** invited up the heirs of **Dr. Walter Obenauf**, which included **Sylvia Taylor**, **Dr. Helen Taylor** and **Rebecca Taylor**; they are donating their 40-acre property to the state. This parcel has been in their family since 1900 and been managed with conservation in mind. **Creagh** shared some background on **Dr. Obenauf**. **Dr. Sylvia Taylor** shared some comments about the donation and property.

Pure Michigan Hunt Name Change: Wildlife division's digital media specialist **Eric Hilliard** presented information on the proposed name change of the Pure Michigan Hunt to Michigan's Ultimate Hunt effective in 2019.

Thomas L. Washington 2018 Conservationist of the Year Award: Chair **Pontz** and Commissioner **J.R. Richardson** presented the annual commission-nominated award to **Mr. Tony Demboski**. **Ms. Heidi Washington**, **Thomas L. Washington's** daughter, stated that it was an honor to have this award in her father's name and that **Tony** reminds her very much of her father and the coalitions he was a part of. **Mr. Demboski** was chosen for this award for his conservation advocacy and his ability to build relationships and partnerships that set goals and got results. Commissioner **Richardson** also read a resolution to **Tony** from the Eastern UP Citizen's Advisory Committee. **Mr. Demboski** said that he's been fortunate to deal with the department, commission, and the legislature. He greatly appreciated the receiving the award and concluded by saying that communication is the key to good partnerships.

Chronic Wasting Disease (CWD) and Bovine Tuberculosis (TB): Wildlife division's assistant chief **Steve Chadwick** along with Marketing and Outreach division chief **Kristin Phillips**, provided an update on chronic wasting disease (CWD) and bovine tuberculosis communication outreach efforts, including surveillance efforts with sampling locations, additional deer check stations and stand-alone deer head drop boxes. More information may be found at www.michigan.gov/emergingdiseases.

Polyfluoroalkyl Substances (PFAs) Update: **Dr. Tammy Newcomb**, senior water policy advisor provided an update on PFAs in wildlife and fish and possible human associated health outcomes in the environment. There are 36 sites throughout the state where PFAs has been confirmed. **Newcomb** also mentioned the eat safe wild game program and what the Fish and Wildlife Consumption Advisory Committee (FAWCAC) does. More information on PFAs may be found at www.michigan.gov/pfasresponse. **Creagh** thanked **Newcomb** for her work on the science panel.

Legislative Report the commission was provided a written report of legislation related to the department.

Committee Reports:

Michigan State Parks Advisory Committee: Commissioner Louise Klarr said the committee received the management plan for Fayetteville State Park; a resolution was passed in support of the plan. The committee also received a presentation, "A Year in Review of the Parks and Recreation System," highlights from 2018. They ended the meeting identifying goals for 2019.

NRC Policy Committee on Wildlife and Fisheries: Commissioner Rex Schlaybaugh shared that the committee received a report from Fisheries division chief **Dexter**, which included information on the impact of a proposed increase in the daily bag limit for lake trout in northern Lake Huron. They received a report from fish production program manager **Ed Eisch** on the state's fish rearing and stocking efforts and possible impacts to fish populations and tribal relationships. Wildlife division chief **Mason** provided information on two upcoming wildlife conservation order amendments; the Pure Michigan Hunt Name Change and the Deer Feeding Exception on Beaver Island. **Chad Stewart** gave preliminary firearm deer season results and deer checked for the 2018 deer season compared to 2017.

PUBLIC APPEARANCES BEFORE THE NRC

(**Stacy Welling Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 4:16 p.m.)

Kevin Cawley feels that there needs to be a protection plan for steelhead. He would like to see the department do surveys and would like a monitoring tool for the steelhead that would provide reasonable data analysis. **Cawley** asked for an extension of creel surveys into the fall.

Commissioner Tracy suggested he bullet-point what he would like and forward that information to the commission for additional consideration.

George Lindquist, president, MUCC, wanted to attend the December meeting because it was to be commissioner **Richardson's** last NRC meeting. He believes that many issues have evolved since **Richardson** became a commissioner and that there is now a good partnership between the department, commission and sportspersons.

Erik Schnelle, state president, QDMA, thanked **Richardson** for his service and the department for the work they have been doing on the CWD front. He said that the QDMA appreciates the work that goes into protecting our deer herd. **Schnelle** also thanked hunters for going the extra mile to get their deer tested. **Schnelle** said QDMA would like to see more communication on doe harvest. **Chair Pontz** and **Commissioner Tracy** thanked **Schnelle** and his group for their continued interest and involvement.

Chauncy Moran thanked **Richardson** for all he has done for the commission, department and state. He also thanked **Creagh** for all that he has done for the department and the state. **Moran** would like to look at the minerals program and what returns the department receives. Minerals are of great concern to him; they are not sustainable and can't be repaired.

Dr. Jeff Powers, a veterinarian from **Beaver Island** would like to see recreational feeding allowed on the island.

Amy Trotter, deputy director, MUCC thanked both **Dr. Newcomb** for attending and presenting and **Commissioner Klarr** for attending their recent policy meeting in Chelsea. **Trotter** thanked **Creagh** for all of his efforts during his tenure with the department. She also thanked **Richardson** for his continued work with MUCC for the natural resources of the state.

Tony Demboski indicated that he will continue to communicate with the commission and department. **Demboski** also thanked **Richardson** for his service and the commission for choosing him to receive the Thomas L. Washington 2018 Conservationist of the Year Award.

Chair Pontz adjourned the public appearances portion of the meeting at 4:57 p.m. and called to order the regular meeting of the NRC at 4:57 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 COMMISSION

FOR INFORMATION ONLY – NATURAL RESOURCES COMMISSION

Pontz reviewed the items up for information only.

Pure Michigan Hunt Name Change, Wildlife Conservation Order Amendment No. 1 of 2019, FOR INFORMATION ONLY

Deer Feeding Exception on Beaver Island, Wildlife Conservation Order Amendment No. 2 of 2019, FOR INFORMATION ONLY

Commissioner Tracy added that he would like to have more thought and data before the commission moves forward on this item and would like the wildlife division to put some additional information together that can be shared with the commission before they vote.

Commissioner Nyberg added, specific to surveillance, that it would be helpful to have a benchmark for a dataset. **Schlaybaugh** would like this information reported at next month's Wildlife and Fisheries Committee meeting.

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, November 8, 2018, Natural Resources Commission Meeting

Commissioner Tracy made a motion that the minutes of the November 8, 2018 NRC meeting be approved. **Commissioner Klarr** supported the motion. **Pontz** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Fisheries Order 200.19

Commissioner Tracy made a motion that Fisheries Order 200.19, Statewide Trout, Salmon, Whitefish, Lake Herring and Smelt Regulations be adopted. **Commissioner Walters** supported the motion. **Pontz** began discussion saying that the commission had requested the department bring an updated proposed order for action with the following changes: remove the seven additional waters that had increased the possession limit on brook trout and change the lake trout daily possession limit from three to two in MH-1 so the state can meet its lake trout management requirements laid out in the 2000 Consent Decree, due to angler over-harvest of the state's lake trout allocation in 2016 and 2017. **Schlaybaugh** made a motion to amend

Fisheries Order 200.19 to change the daily possession limit for Lake Huron to include up to four lake trout and splake, in any combination in management unit MH-2, making it effective May 1, 2019. **Walters** supported this motion to amend, **Pontz** called for discussion on the request to amend, **Schlaybaugh** talked about discussion at the November meeting regarding the science and biology around MH-1 and MH-2, and reduction is required due to the over-harvest in 2016 and 2017 to meet our obligations under the Consent Decree. He understood that there is a technical science committee and when they addressed lake trout in MH-1 they also talked about MH-2 and Fisheries assistant chief **Grischke** indicated that their best science and knowledge now is that the population in both districts is uniform. **Schlaybaugh** went on to say that the technical science committee would like it as a single unit. The reduction will make no biological difference. He said that we are penalizing sport anglers for no scientific or biological reason. **Schlaybaugh** said if there is a need to decrease the harvest in MH-1 then we should increase the harvest in MH-2. This would give anglers roughly the same opportunity to catch the same number of lake trout. **Schlaybaugh** said that it is important that we communicate that the department is mandated to look at the science, based on what he's heard, he is comfortable that this amendment would be consistent with the science as discussed last month. **Schlaybaugh** indicated that if fisheries came back with different information within the next three or four months he would be willing to remove this amendment request. **Commissioner Nyberg** made a point to emphasize communication with the basin groups and that it's important for groups to understand the ultimate goal is to manage MH-1 and MH-2 as one fishery and did not previously come to fruition. **Nyberg** added that we need to communicate to reinforce with our partners what that objective is. **Richardson** asked about getting the surveys out, chief **Dexter** said that most of the work would be done through public meetings and with their advisory groups and their membership at large. **Pontz** added that what she heard from the department's presentation to the fisheries and wildlife committee was that there was insufficient science to make this kind of decision at this time; she was also concerned that making this change would not be a very responsible way to start negotiations with the tribes for the 2020 Consent Decree; that it is outside of the usual process of stakeholder engagement used by Fisheries division was a concern to staff.. She does not feel it is a very responsible way to handle this issue. **Schlaybaugh** asked that this go into effect on May 1. This would be a deferred date, legal counsel **Manning** indicated that the order itself would go into effect on April 1 with a section indicating this portion of the order goes into effect May 1. **Pontz** asked **Manning** what would happen at a subsequent meeting if the commission decided they did not want to go forward with that amendment; **Manning** said that an amended order would have to be brought forward to the commission for information in April and action in May. **Pontz** said that she believes we shouldn't make this change at this time, it should be made as another amendment at a later date. **Schlaybaugh** indicated that **Dexter** would plan to bring the updated order for information in April with all the data collected, then move forward for action in May. Again, **Pontz** would ask that they do not make this change now, that it be brought forward in April and May; the commission shouldn't make this amendment now when it may change at a later meeting, by making a science-based decision.

Director Creagh participated in the Executive Council meeting and said that he has significant concerns with the rationale going from a three to two possession limit and from a three to four possession limit because it is a single biological unit. During the Executive Council the technical staff did bring a recommendation to the floor with co-management under Consent Decree that did not pass, there was no support at the table from the trustees. **Creagh** added that there may be significant concerns raised by the Tribes either through future issues or in the court system which should not be advantageous during the Consent Decree negotiations. He added that the

Consent Decree does have language about giving due notice if changes are to be made. **Creagh** said that the department was not satisfied with the results of that meeting. The state has worked with the Tribes in the past, forgiving some of their penalties over time; the state did not get reciprocal consideration or treatment. We could contest the action at the Executive Council by appealing to the judge as a part of the Consent Decree, but with the renegotiation in the near future this may or may not be to our advantage and best for the resources.

Commissioner Nyberg asked what the ultimate objective is; he thought it was maintaining the three possession daily limit in both MH-1 & MH-2. If this is what the state biologists and the Tribal biologists are telling us then the commission should act accordingly. **Nyberg** added that this is a complicated matter and he supported **Schlaybaugh's** amendment but struggles because the outcome of the Executive Meeting was not a good faith discussion of jointly putting the resource first. **Pontz** said it is our job to do what is right for the resource first. Her main concern is that **Dexter** said that this is outside the process but is important in his building relationships both with tribes and other fishing groups. It is important to have those kind of processes in place before the commission makes a decision such as this. She continues to have a problem with the deferred implementation, and more input is needed to from more groups before the commission should take action. **Pontz** called for a vote to approve to amend Fisheries Order 200.19, but first asked **Schlaybaugh** to share his amendment request again for the commissioners; his motion was to amend Fisheries Order 200.19 to change the daily possession limit for Lake Huron to include up to four lake trout and splake, in any combination in management unit MH-2, making it effective May 1, 2019. **Pontz** called for a vote on the amendment only; a rollcall vote was taken: **Tracy**-yes; **Nyberg**-yes; **Klarr**-yes; **Richardson**-no; **Walters**-yes; and **Schlaybaugh**-yes; amendment to the order passed. **Pontz** then called for discussion on the amended order, there being none, a vote was taken, all commissioners, with the exception of **Richardson**, voted yes; the motion for Fisheries Order 200.19 as amended passed.

DIRECTOR - ACTION

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

COMMISSIONER REPORTS

Commissioner Schlaybaugh shared that he had a successful deer season and took the opportunity to go to one of the CWD check stations that was associated with a processor and was impressed with how efficient and organized the department staffers were. He commended the department for their online process for checking disease results.

Commissioner Walters met with **Representatives Cole** and **Allor** and some hunters where they discussed baiting and feeding. He came out with a better understanding of the hunters' opinions. He missed the November meeting as he was on business in Oregon and stated that he doesn't like to miss the commission meetings as he wants to do what is better for the state's resources.

Commissioner Richardson was a successful deer hunter this season, harvesting a 10-pointer. He thanked the commissioners, the stakeholders, the hunters, the department; for making the stars align and work together as they are now. He reminded his fellow commissioners to keep

engaged with the stakeholders, attend meetings, be involved. **Richardson** concluded by saying that it has been a real honor to serve on the commission and the resources have turned into a passion for him and he will miss everyone very much.

Commissioner Klarr shared **Nyberg's** sentiments on the podcasts. She attended the MUCC policy meeting and will be attending the upcoming bear forum. **Klarr** also thanked **Richardson** for working beside her all of these years.

Commissioner Nyberg thanked **J.R.**, as he had the opportunity to work with him while he worked at MUCC, for the state, and now the commission. He said that there are very few people who work as hard and care as passionately for the resources as **J.R.** He has great affinity for getting kids involved in hunting and fishing. **Nyberg** also thanked **Drs. Straka** and **Mason** for the tours earlier in the day at the lab and Rose Lake. He also thanked the Wildlife division, **Hannah Schauer** and **Eric Hilliard** in particular, for their work on the wildlife podcasts, which he greatly enjoys. They do a really nice job in promoting Michigan's outdoors.

Commissioner Tracy thanked the department, the stakeholders and the hunters for all their extra efforts during this deer hunting season.

Chair Pontz recently attended the Eastern UP Citizens Advisory Council meeting and recommended that the other commissioners attend these meetings; it's great to see all the different groups working together. She also attended a Wildlife staff meeting while in the UP; it was a great timing for attending that meeting as staffers were reporting on deer numbers. **Pontz** also was the special guest on "Ask the DNR" in Marquette.

The chair added that if there were a model commissioner that would be **J.R.** He has spent a great part of his life giving to the UP and to the state, and she thanked him for that. Lastly, she welcomed **Creagh** in his new role as a commissioner beginning in 2019 and then thanked him for everything he's done over the years as the director to make it such a workable department.

Director Creagh thanked **J.R.** for making the UP a real hospitable place to go, and that he had much to do with the alignment of the department, stakeholders, commission and hunters. **Creagh** concluded by saying that it's been a great pleasure for him working for the department and he'll be back next month at the end of the table as a new commissioner.

Next Meeting

Chair Pontz announced that a NRC work session will be held on Wednesday, January 9, 2019 at the Ramada by Wyndham, 7501 West Saginaw Highway, Lansing.

The next meeting of the NRC is scheduled for Thursday, January 10, 2019 at the MSU Veterinary Diagnostic Laboratory, Lansing. The committee meeting that day will be the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

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



Vicki J. Pontz, NRC Chair



Daniel Eichinger, DNR Director

DATE: 1-10-2019