

MINUTES
NATURAL RESOURCES COMMISSION MEEING
May 9, 2019
Lansing Community College, Michigan Room
422 North Washington Square, Lansing, MI 48933

Present for the Natural Resources Commission

Vicki Pontz, chair
Rex Schlaybaugh
John Walters
Louise Klarr
Keith Creagh
David Nyberg
Chris Tracy

Present for Department Staff

Dan Bock, legal counsel, Office of the Attorney General
Dan Eichinger DNR director
Bill O'Neill, DNR deputy director
Shannon Hanna, incoming deputy director
Trevor VanDyke, DNR legal and 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 1:15 p.m.

Senator Ed McBroom was introduced to the commission and shared several baiting/feeding comments and indicated that he and several other legislators would like an official meeting in the Upper Peninsula (UP) before chronic wasting disease (CWD) regulations are put into effect, as they are regarding the disease in the UP.

Director's Report

Recognition of Natural Resources Deputy Bill O'Neill

Director Eichinger shared that natural resources deputy **Bill O'Neill** would be retiring at the end of the month after 34 years of service with the Department of Natural Resources (department). **Eichinger** noted the many national and local organizations that **O'Neill** has been active with that have benefited natural resources in Michigan.

Eichinger then introduced **Shannon Hanna**, who will become the natural resources deputy after **O'Neill's** retirement.

NRC Resolution of Appreciation for Deputy Director Bill O'Neill

Chair Pontz and the commission showed their appreciation for all that he has done for the commission and the department by presenting **O'Neill** with a resolution recognizing **O'Neill** for his dedicated service.

Wildlife Council Update

Jill Holden from GUD Marketing and **Jeff Poet**, chair of the Wildlife council, provided information on where the council's marketing campaign is for neutral and non-users of Michigan's out of doors and the council's mission; increasing the knowledge of those who don't hunt and fish. Every year a statewide survey is taken to measure the findings of research, neutral and moderate users were their focus. The universal message from that survey is that they cared most about that wildlife is managed for the use and enjoyment of future generations. Launching in May, they will be working on enforcing that angler and hunter fees pay for wildlife management, not state taxes.

Legislative Report

Craig Brunet, legislative liaison, provided a written report of legislation related to the department. In addition to the written report, **Brunet** provided information on recent legislative happenings related to the department.

Committee Reports

NRC Marketing, Partnership, Youth, and Outreach Advisory Committee

Commissioner Tracy shared that the committee received great reports on the sustainable forestry campaign, the new licensed sale system updates and a report on non-resident social media marketing.

NRC Policy Committee on Wildlife and Fisheries

Commissioner Schlaybaugh said that the committee received a report from Fisheries chief **Dexter** on two major ongoing fisheries capital improvement projects; at the Thompson state fish hatchery and Little Manistee River weir. **Dexter** also reported that at Oden state fish hatchery they would install an ultraviolet light system that will kill pathogens to ensure that fish from elsewhere do not introduce foreign pathogens into Michigan waters. Wildlife chief **Mason** shared information on the department's partnership with the Michigan Department of Agriculture and Rural Development (MDARD) working on CWD in captive cervid facilities. **Dr. Kelly Straka** reported on a memorandum of understanding between the U.S. Department of Agriculture, the department and MDARD which outlines responsibilities for managing bovine tuberculosis in the northeast portion of the Lower Peninsula. **Brian Frawley** provided the committee with the thumb area antler point restrictions (APR) survey results which indicated a 55 percent approval rating; 66 percent is the threshold needed to make

regulation changes. **Schlaybaugh** said that because the 66 percent threshold was not met, the committee would not be recommending changes to thumb area regarding APRs. Next, **Chad Stewart** presented the recommendations for antlerless quotas and CWD regulations for the 2019 deer seasons, which include increased antlerless license quotas in the UP, moving the Liberty hunt dates up one week, a redefinition of bait that will include all products intended for consumption, with the exclusion of scents. **Stewart** also said that following the commission's direction, the department is recommending an APR CWD core zone in Mecosta, Montcalm and Ionia counties to evaluate the impact of APRs on deer herd dynamics; this project will sunset in 2022. **Schlaybaugh** added that the committee asked the department to prepare an amendment to ban the use of dead cervids for bait for other species.

PUBLIC APPEARANCES BEFORE THE NRC

(**Stacy Welling-Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 2:23 p.m.)

Chris Martinelli gave a brief history in the thumb area beginning in the 70s. In 2001, he and several neighbors decided to only take deer with six points or more. That incentivized additional neighbors to voluntarily shoot eight point or better. **Martinelli** would like to see APRs implemented in the thumb area.

James St. John asked that fishing regulations be simplified and to decriminalize lower infractions, citing an incident with his son and a friend.

Tom Howe spoke about mountain biking issues at Cannonsburg state game area, which is open to bikers, during turkey hunting season. **Howe** would like to see a change in the dates on the sign and would like it closed to biking during turkey hunting season due to safety concerns.

Rory Mattson and **Jack Herrick**, representing the Delta Conservation District in the UP, spoke about CWD and baiting and feeding, saying that it is a very large issue to the private landowners in the UP and that they have no argument with disease issues. They spoke about social behavior, habitat and weather and that the real issue is baiting and feeding. **Mattson** said that the winter severity index is no longer being completed and that this year was the worst in recent years. **Chair Pontz** said that if she recalled correctly, the CWD task force supported a baiting ban in the CWD zone and asked if **Mattson** knew UPSEA's stance of which he was not aware but believes that they are also supporting the baiting ban.

Wayne Stec came before the commission to talk about APRs in the thumb area. He believes that APRs would help everyone enjoy hunting and bring a more balanced

healthy deer herd. **Stec** suggested that APRs be approved in the area and that a sunset be established if APRs do not get the intended results.

Elliot Hubbard and **Mark Lemke** suggested that even though the 66 percent survey threshold was not met, 55 percent of those surveyed in the thumb area, or the majority, are in favor of APRs. **Hubbard** said that APRs provide for a better opportunity for better quality deer, which is better for the future generations.

Jerry Keck a hunter of 70 years, thanked **Brian Frawley** for his work compiling the deer survey numbers. He does not want to see crossbows used during the regular deer archery season. **Keck** proposed a crossbow season that runs concurrently with the archery season.

Tom Blackford, a member of Let 'em Go, Let 'em Grow is concerned about the lack of mature bucks in Michigan. He would like to see statewide APRs.

Tom Witte's family owns a deer urine company which has been voluntarily submitting for CWD accreditation testing since 2002. They have spent over \$8000 for testing every deer that has died in their facility in the past 17 years. **Witte** explained the process to become ATA approved as an accredited deer urine manufacturer. **Witte** asked the commission to change the regulation to allow use of urine from CWD accredited farms.

Trevor St. John representing the Michigan Society of American Foresters spoke about deer-forest habitats and sustainability. He said that deer have a direct effect on forests, over-browsing degrades the forests. They would like to see deer populations manageable to within carrying capacity of the range to allow for regeneration of forests. **St. John** said that deer browse damage is significant in many parts of the state. Deer over-browse can affect forest certification status of both private and public lands in the state due to lack of regeneration and forest conversion. He asked that practices on deer population control methods be reviewed, the status-quo is not sustainable or desirable and should be a high priority to the department and the commission. Hunting is a tool, but innovative control methods should also be considered. **St. John** asked the commission take in consideration deer over-abundance and keep Michigan's forests healthy. He added that there has been positive movement by the department and the Michigan Society of American Foresters wants to be a part of that dialog as to what they can do on the ground.

Jim Sweeney from Concerned Sportsmen of Michigan commented on APRs in the CWD zone and transparency and the lack of initial opportunity for public input with regard to Resolution #2. **Sweeney** was appreciative that the opportunity for comment is now available. He would like to see more substantive answers to questions he had sent to the department and asked that the commission ask the director to make that information available prior to the June commission meeting. **Sweeney** concluded by

saying that getting this information is critical to both the concept of transparency and to the formulation of sound public policy.

Sam Morello, past president of Michigan Bow Hunters Association introduced **Gary Summers** as their new president. **Summers** talked about their primary functions; recruiting new hunters and retaining bow and arrow hunting in Michigan. **Morello** talked about bow-hunting challenges and why people bow hunt.

Erik Schnelle, Michigan president of QDMA said he was proud of the thumb area APR supporters and the 55 percent survey approval rate they achieved. **Schnelle** said that the next step would be for the commission to implement APRs in the thumb, 55 percent is the majority of hunters. He said that highly motivated and educated hunters want to practice APRs in the thumb to bring deer densities down. **Schnelle** asked that the commission support the will of the majority of the hunters in the thumb and pass APRs. He added that education is key along with the importance of harvesting does and habitat improvement. **Schnelle** concluded by offering the assistance of QDMA to work with the department and commission to achieve the necessary deer densities.

Bob Walker presenting the United Sportsmen's Alliance spoke about APRs in the thumb area and that the 55 percent survey approval rating did not meet the 66 percent threshold level and that certain groups already have a plan B in the works. He does not think that the rules should be changed just to suit someone's desired outcome. **Walker** was a part of the 2010 APR work group that set the 66 percent threshold and has heard that there will be a new APR work group formed with the goal of lowering the 66 percent survey threshold rate. **Walker** indicated that in August they were told by a commissioner that the commission would be paying for part the new five-county area survey; this goes against the rules and regulations for mandatory antler point restrictions. They do not want to see an APR put into place that does not follow the guidelines. **Walker** did thank **Tracy** for bringing forward his concerns with Resolution #2.

Bernie Shaver spoke about the CWD study in core CWD zone, calling it a deer density study and said that the thumb area would be the right place to conduct this study. **Shaver** would like to see the study done but does not think that it is sound biological science to do a population density study based on a CWD zone.

Millard Holton would like to see the starting day for the early turkey season, hunt unit ZZ, changed to a Saturday. **Holton** said that it would increase the available hunting days for students and working hunters by fifty percent with no adverse affect on the resource. He thinks that this would help draw our future hunters into the field.

Melvin Smith, a member of Let 'em Go, Let 'em Grow, said that he is in support of APRs in the thumb area and thinks that the 66 percent is not fair and should be refined. **Smith** would like to see a survey done in the CWD core zone in Montcalm county. With

regard to archery, he would like to see crossbow in October, long bow in November and compounds in December.

Amy Trotter, executive director of MUCC addressed CWD and MUCC's responses to several of the amendments; they support the use of food-scented lures with some added considerations, noting what other states have done, they support the ban on baiting and feeding in the UP due to disease concerns; they support the use of supplemental feeding with a permit with many conditions, they agree with the 10-mile radius; it is critical to do so at a minimum radius. They also want to have a plan for the UP, there will be additional positive deer found with the disease in the UP, planning and quick action should be taking place now. Some UP members question if the antlerless quotas along the Wisconsin border are enough. In closing, **Trotter** stated that MUCC has no position on moving the dates of the Liberty hunting season.

Nick Green, MUCC's public information officer, invited the commission to MUCC's annual convention, June 21-23, at Lakeside Resort and Conference Center in Houghton Lake. MUCC's policy regulation recommendations will be discussed and resolutions are created by the entire membership at their annual convention.

Commissioner Nyberg asked about utilizing antlerless tags and if **Trotter** had any idea on the demand, utilization of the tags and if the commission be offering more for management purposes. **Trotter's** response said that she thinks they are underutilized on private land; but she thought they were leaning toward having more available for management tools. **Trotter** said that they are available to educate and promote the availability. **Pontz** asked **Trotter** about what she thinks would be a better definition on food-scented lures, **Trotter's** response indicated that the word inaccessible is gray, it needed to be more specific, which would aid in providing better enforcement. **Schlaybaugh** asked **Trotter** to work with **Chad Stewart** on the antlerless issue to determine if the area could sustain more increased quota numbers.

Mike Harm told the commission that the 66 percent survey threshold needed to be changed, the majority numbers should be the determining factor. He said that because private landowners are implementing APRs in the thumb area if it really is necessary to have APRs on public land. **Harm** said that all game should be considered a trophy.

Clay Ottoni has a farm in the thumb area and is in favor of APRs. **Ottoni** said that it works in the northwest 12, why wouldn't it work in the thumb.

Ron Shaver is a member of the Mid-Michigan Sportsmen's Alliance and would like to see a moratorium on deer farms; specifically a facility in Hayes township in Clare county.

Rashel Titus spoke on the topic of APRs; she feels that they are not all about the antlers, that they are a good tool for resource management. **Titus** is in support of APRs in the thumb area.

Pam Katzinger, from Tuscola county said commissioner **Tracy's** integrity is admirable regarding his questioning of Resolution #2 validity. **Katzinger** is against APRs in the thumb area but is in favor of self-imposed APRs.

Bob Jones is against APRs in the thumb areas. He said that the NW12 has not been a huge success. The regulations are working the way it currently is.

Wayne Steerzer and **Mark Simmons** representing the Blue Water branch of QDMA said that they believe that antlerless harvest and APRs are very much needed in the thumb area. **Steerzer** suggested that the proposal have a five-year sunset. **Simmons** added that the thumb area has over 50,000 acres of state game area land in the thumb area.

Paul Plantinga from Huron county and president of thumb branch of QDMA told the commission that he is in support of APRs in the thumb area. **Plantinga** said that the 55 percent majority want APRs in that area and that implementing APRs would keep additional hunters in the state.

Josh Hillyard regional director for QDMA also told the commission that he is in support of thumb APRs, were the clear majority of 55 percent of the survey participants are in favor of APRs in that area. **Hillyard** invited the commission to the deer rendezvous at Rose Lake August 3 and 4. **Hillyard** also summarized the many advocacy projects that QDMA branches across the state participate in; military youth hunts, the Field to Fork program, youth small game hunts, seed programs, tree programs, along with fund-raising programs and habitat work. The QDMA offered to partner with the department more to participate in more programs on state land.

Tom Jeffrey is opposed to mandatory APRs in the thumb area.

Chair Vicki Pontz adjourned the public appearances portion of the meeting at 4:59 p.m. and called to order the regular meeting of the commission at 4:59 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

Antlerless Deer License Quotas in the Upper Peninsula, Wildlife Conservation Order Amendment No. 6 of 2019, FOR INFORMATION ONLY

Pontz asked for any discussion; **Nyberg** added that there was a productive discussion in the in the NRC Policy Committee on Wildlife and Fisheries and talked about the department's recommendations for antlerless quotas in the counties immediately surrounding the core CWD area. If there is room to increase those quotas, which the division seemed open to; MUCC also seemed open to promoting those opportunities and to consult with the division on that matter. **Schlaybaugh** suggested that MUCC and the department work together on this that would require an amendment at the June meeting.

Chronic Wasting Disease Regulations, Wildlife Conservation Order Amendment No. 7 of 2019, FOR INFORMATION ONLY

Pontz asked for any discussion. **Commissioner Tracy** had comments regarding the study area as indicated on pages 8 & 9 of the order; he does not see where the actual study area was spelled out. Wildlife division assistant chief **Steve Chadwick** said that the research project where actual study is happening will be in paired townships in each of the five counties, totaling eight townships. **Tracy** would like to see it spelled out which counties and townships are included, in the APR area and in the controlled area. **Eichinger** suggested a discussion on these items and come back with clarity and an accurate written description; noting that tracking where the commission is in the discussion was difficult at the time of the meeting. **Pontz** added that the boundaries need to be very clear to hunters as to where APRs are and are not in effect. **Tracy** said that the study needs to be articulated in the memo.

Commissioner Creagh asked **Mason** for clarification that if CWD were detected in the experimental design area that this information be brought back to the commission for a determination on the future of this study area; he would like to see that reflected in the memo. **Creagh** also asked if the CWD baiting proposal for the UP has been available for hunters to review; **Mason** said that this was the focus of discussion at the May 4 meeting will be at future meetings. **Schlaybaugh** and **Tracy** shared comments behind the rationale for design and data summary.

Pontz summarized the conversation and asked the department to add rationale behind the design and where study will be conducted. **Mason** added that this has been done, but they will include this information in the next for information edition of Wildlife Conservation Order Amendment No. 7 of 2019, Chronic Wasting Disease Regulations that will be brought to the June, 2019 meeting.

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, April 11, 2019, Natural Resources Commission Meeting

Commissioner Walters made a motion that the minutes of the April 11, 2019, 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.

Fall Turkey Regulations, Wildlife Conservation Order Amendment No. 5 of 2019

Commissioner Schlaybaugh made a motion that Wildlife Conservation Order Amendment No. 5 of 2019, Fall Turkey Regulations, be approved. **Commissioner Walters** seconded the motion. **Pontz** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Chair Pontz returned to **Senator McBroom's** request earlier in the day for the commission to hold a regular meeting in the UP before a decision is made on CWD regulations and asked for the commissioners' thoughts on **McBroom's** request. **Commissioner Klarr** expressed that there has been plenty of conversation throughout the UP, with **Creagh** adding that the department has done a large amount of outreach and asked for **Nyberg's** input on the possibility of having additional meetings with small subsets of commissioners and stakeholder groups. **Nyberg** said that there is a shared passion among hunters in the UP, noting that he greatly appreciated the work that was done compiling the information regarding when and where CWD has been on an agenda with the opportunity for public comment. He specifically noted the May 4 meeting, which was followed by a day-long meeting by UPSA, that was well-attended. The comments from those meetings were consistent with phone calls and outreach that he has received from hunters. **Nyberg** said that outside of **Senator McBroom**, the requests for additional meetings came from those serving on the CWD task force and he questioned the purpose for a UP meeting actually when there have been almost 60 meetings and opportunity for public comment. **Nyberg** would be happy to participate in meetings adding that he appreciates the leadership of UPSA and said that Wildlife Conservation Order Amendment No. 7 includes a recommendation from the UP CWD task force. **Pontz** added that were comments made earlier in the day that only one of those UP meetings referred to baiting and feeding; she asked for **Stacy Welling Haughey's** input. **Schlaybaugh** noted that baiting is a key part of CWD and feels that there has been much effort on the part of the department and commission to provide comment opportunities for over three years and does not feel that there is a need for a special meeting. **Walters** thanked **Senator McBroom** for sharing his concerns on the issue earlier, although he agrees with **Schlaybaugh** and **Nyberg's** positions. He noted the passion of all state hunters on CWD, APRs, and baiting. **Chair Pontz** asked if a formal resolution was passed by UPSA the previous weekend, **Welling Haughey** responded that she had not seen one, but had heard there had been discussion. **Pontz** also requested department staff input on what amount of the meeting was baiting and feeding discussed; did UP hunters feel they were not included in the discussion early on. **Eichinger** said that he believes that the UP has always been a part of the conversation on baiting and feeding as evidenced by the work the UP CWD task force has undertaken throughout its lifecycle. The question about what would happen when CWD arrives in the UP has always included the baiting and feeding discussion. **Welling Haughey** pointed out that the amendment went live on April 25; at that point they had made the handout provided to the commissioners at this meeting with the upcoming opportunities for public comment and brought 200 copies and set out at each table at the Safari Club banquet that evening, while commissioner **Nyberg** and **Welling Haughey** were available in the foyer before and after the banquet and provided attendees with the handout as well. This additional effort had not been pointed out earlier.

DIRECTOR – ACTION

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

COMMISSIONER REPORTS

Commissioner Schlaybaugh will be doing a lot of trout fishing over the next couple of weeks.

Commissioner Walters was able to fish head waters of the Potomac river during a vacation after the April meeting. He participated in the Lovells Museum's annual Leaky Wader 1K, finishing tenth for the tenth year in a row. On May 18 at Northland Sportsman's club, **Mrs. Walters** will be an instructor at the Women on Target Instructional Clinic.

Commissioner Klarr thanked all for sharing their public comments. She attended an NRA convention, will be participating in a Sharonville state game area workday later in the month, did some turkey hunting with a nephew who bagged his first turkey, and announce with pride that her son graduated from Northern Michigan University the previous week.

Commissioner Nyberg attended Safari Club Northwood's banquet, a very passionate group of sportsmen and women. **Nyberg** thanked **Stacy Welling Haughey**, **Terry Minzey** and **Dean Beyer** who also attended and provided CWD core surveillance area information for all in attendance. He attended the NRC Listening Session and UPSA on May 4. He thanked **Tony Demboski** and UPSA for their hospitality. **Nyberg** thanked **Trevor St. John**, **Rory Mattson** and **Jack Herrick** for making the trip from the UP and talking about what they are passionate about. **Nyberg** concluded by adding that he will be working on an MUCC on-the-ground habitat project in the Gwinn area state forest the following weekend.

Commissioner Creagh thanked **Bill O'Neill** for all that he has done for the department over the years, he has been a great problem solver. Over the past month he and **O'Neill** went walleye fishing in the Detroit river, and he went on a perch fishing trip on Higgins lake.

Commissioner Tracy noted that the department will be stocking steelhead on Gull lake the following day and thanked all for attending and commenting at the day's meeting.

Chair Pontz was honored to meet with the policy staffer from the department of Environment, Great Lakes and Energy, who she partnered up with people who do conservation policy on a daily basis. She met with **Dru Montri**, secretary of the Agriculture commission and was reminded that before the commission can make any decisions on baiting and feeding that they need to consult with the Agriculture commission; she and **Chad Stewart** will be attending their May 15 meeting. **Stewart** will be providing an update at that meeting where the department and commission are with CWD and they will be having a discussion on baiting and feeding. **Montri** also said that the Agriculture commission is interested in having a joint meeting in the future where they could have open discussion on CWD, baiting and feeding and captive cervids.

Next Meeting

Chair Pontz announced that the next meeting of the NRC is scheduled for Thursday, June 13, 2019 at the Detroit Zoology Society, 8450 West Ten Mile Road, Royal Oak. The committees meeting that day will be the Michigan State Parks Advisory Committee and the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

Commissioner Tracy made a motion to adjourn. **Commissioner Schlaybaugh** supported the motion and the meeting was adjourned at 5:44 p.m.



Vicki J. Pontz, Chair



Daniel Eichinger, Director

DATE: 6-13-2019