

MINUTES
NATURAL RESOURCES COMMISSION
October 11, 2018
MSU Veterinary Diagnostic Laboratory
4125 Beaumont Road
Lansing, MI 48910

Present for the Natural Resources Commission

Vicki Pontz, chair
Rex Schlaybaugh
John Walters
Dave Nyberg
Chris Tracy

Absent
J.R. Richardson, vice-chair
Louise Klarr

Present for DNR Staff

Peter Manning, legal counsel, Office of the Attorney General
Keith Creagh, director
Bill O'Neill, deputy director
Trevor VanDyke, legal/legislative 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 2:41 p.m.

Pontz introduced new commissioner **David Nyberg**, who was appointed to fill the spot vacated by commissioner **Crumbaugh's** resignation by **Governor Snyder**, this term will end on December 31, 2018, at which time **Nyberg** has been appointed to a four year term extending through December 31, 2022.

Director's Report:

Parks and Trails Update Ron Olson, Parks and Recreation division chief reported that the recreation passport revenue is up 12.8 percent, lodging reservations are up one percent, harbor nights are up 11.5 percent, ORV license sales are up 2.6 percent and trail use permits are up 1.4 percent. In camping nights nationally Michigan ranks second, behind only California. In early September the one millionth camp night was eclipsed at Ludington State Park with the **Shermer** family, who received a certificate for a free camping weekend. The department should end up with just under 1.2 million camp nights for 2018. **Olson** added that Upper Peninsula (UP) staff are continuing to make progress on repairing infrastructure, especially trails, damaged by storms in the western UP.

Office of the Great Lakes Update Director **Jon Allan** talked about the efforts to monitor the Clinton River-Lake St. Clair watershed through a first of its kind integrated, interactive model of the watershed by deploying a network of fifty water quality sensors. **Allan** also shared information on the economic impact study of money spent on Areas of Concern in the state. Lastly, **Allan** was proud to announce that **Rhonda Wuycheck** and her crew received the 2018 Planning Award for Best Practices.

Law Enforcement Division Introduction of New Assistant Chief Hagler introduced **Steve Burton**, who was chosen to fill the assistant chief position left vacant by the retirement of **Dean Molnar**. Assistant chief **Burton's** background includes time with the Michigan Army National Guard, Michigan State Police and twenty years with the department.

Law Enforcement Division Lifesaving Awards Chief **Hagler** shared the lifesaving efforts of Conservation Officer (CO) **Michael Evink** of Schoolcraft county who responded to a scene of kayakers in distress on Lake Michigan. Due to strong winds, the kayaks overturned and the kayakers were unable to return to shore in the 50 degree water. Neither subject was wearing a life jacket. Responding to the call, CO **Evink** jumped on a department-issued personal watercraft (PWC) to search for the victims. One was secured but was tired, cold and showed signs of shock and hypothermia. **Evink** then began to search for the second victim who was soon found at the bottom of the lake; **Evink** made several attempts to dive to reach him but was unable to do so. He remained at the area and assisted state police dive team members in recovering the victim.

The next lifesaving award went to CO **Jeff Panich**, who, while conducting a Great Lakes patrol noticed a PWC turning in circles while the wind kept pushing it away from shore. He noticed two people in the water about one-half mile away from the PWC. **Panich** made it to the passengers and had them swim to the ladder of his craft, one made it, the other was too fatigued and could only hang onto the platform. **Panich** placed them both on the ladder and got them on board, neither sought treatment and went back out on the PWC after **Panich** brought it back in to shore.

The final lifesaving award was presented to COs **Sam Koscinski** and **Scott MacNeill**; while conducting a marine patrol on July 5, 2018, they noticed a distressed female in the fast flowing water north of the Tippy dam, she was tangled in old fish lines and her arms were punctured by hooks. Battling the strong current, **Koscinski** controlled the department's boat while **MacNeill** secured her with a lifejacket and cut the fish lines attached to the hooks in her arms. With the strong current her legs became entangled in additional hooks and lines. **MacNeill** continued to hold on to the victim after handing her a knife to free her legs of the additional lines. The COs received a very heartfelt letter from the woman thanking them for saving her life.

Chair **Pontz** and director **Creagh** thanked all for a job well done.

Partners in Conservation Award – Huron Waterloo Pathway – Jeff Hardcastle

Director **Creagh** said that the Partner's in Conservation Awards are employee-nominated and are given by the department and commission to individuals, groups, organizations and units of government for their volunteer service. **Jeff Hardcastle** and his crew were chosen for their dedication and tireless effort to develop the border-to-border and Iron Belle trail in Washtenaw county. **Hardcastle** and members of the Huron Waterloo Pathway have raised over \$4 million in the past couple of years to make the Chelsea to Waterloo Recreation Area a safer and more

enjoyable trail. An upcoming project for **Hardcastle** is to put a tunnel under M52 to connect the Pinckney trail to the east; they already have a design team working on this. **Director Creagh** read the white pine plaque expressing the department's and commission's gratitude for their partnership.

Partners in Conservation Award – Safari Club International (SCI) Novi Chapter – Jon Gray

Marketing and Outreach division chief **Kristin Phillips** shared that **Jon Gray** has raised funds through SCI – Novi Chapter to offer scholarships to hundreds of educators to attend the department's Academy of Natural Resources (ANR); a professional development and training for educators to give them skills to engage their students in conservation, environmental and natural resources topics. To date, the funds have totaled \$90,000 in scholarships. **Gray** has also contributed hundreds of hours to help plan and facilitate the ANR, which has grown from 16 teachers in 2008 to 70 this past year. The department and commission were happy to recognize **Mr. Gray** for his long dedication to quality education and for the positive impacts he's made on hundreds of educators, thousands of students and the natural resources of Michigan.

SCI Michigan Involvement Committee Biologist of the Year The Michigan Involvement Committee of SCI presented the 2018 Biologist of the Year award to **John Niewoonder** of the Wildlife division. **Niewoonder**, a Greenville resident, is a highly respected biologist and manager. **John** was recognized for his outstanding contribution to wildlife management in Michigan.

SCI Survey Participation Awards – Bow & Rifle SCI Michigan Involvement Committee sponsors prizes for hunters who complete the annual deer harvest mail survey, ensuring that the department gets data needed to manage the deer herd. Each year the department randomly draws winners from a group of early responders to the survey. Presenting the gun to **Mr. Alan Lee** of Chesterfield was president of the SCI Involvement Committee, **Mr. Bob Taylor** and **Mr. Rich DeLisle** from the Southeast Bowhunters chapter of SCI presented the bow to **Mr. Brian Ballinger** of DeWitt.

Fisheries Division Grant Consolidation Chief **Dexter** announced that the Fisheries division will be integrating three current grant programs; the Aquatic Habitat grant program, the Dam Management grant program and the Habitat Improvement account grant program into one program which will increase efficiency and create a consistent application timeline. This format is expected to be in place in 2019.

Invasive Carp Update **Dr. Tammy Newcomb** provided a brief history on the efforts to stop invasive Asian carp from entering the Great Lakes at the Brandon Road Lock and Dam. There is still no evidence of carp, DNA or otherwise in the Great Lakes. **Mike Nowlin** and **Michelle Ntoko** from GUD Marketing, who are assisting the department's campaign to promote awareness and action at Brandon Road talked about how the campaign has brought attention to the issue and shared a recent video that has been shared multiple times on social media.

Chronic Wasting Disease (CWD) Update Deputy director **O'Neill**, deer specialist **Chad Stewart** and **Kristin Phillips** provided the latest happenings on CWD efforts. **Stewart** shared that the department's surveillance goals is to test over 15,500 deer in 20 Michigan counties and provided specific testing results to date. He added that public meetings were held in September on a proposed antler point restriction (APR) in the thumb area. **Stewart** also said that a survey will be sent to hunters in the area by January 2019, with results expected in April 2019.

As of the meeting's date, 4,092 of the goal of 15,635 have been tested. There was much discussion on what "bait" means; a substance composed of grains, minerals, salt, fruits, vegetables, hay or any other food materials, whether natural or manufactured, which may lure, entice or attract deer. Baiting means to place, deposit, tend, distribute or scatter bait to aid in the taking of a deer. The department has also received many questions on carcass transportation; there are movement restrictions for deer moving across areas, however, deer may be transported and registered at any location within 24 hours. **Stewart** provided photos of the new drop box locations.

The Association of Fish and Wildlife Agencies (AFWA) Fish and Health Committee has drafted the first-ever set of *Best Management Practices for the Prevention, Surveillance and Management of Chronic Wasting Disease.* They may be found at <https://www.fishwildlife.org/afwa-acts/afwa-committees/fish-wildlife-health-committee>

Phillips talked about communications efforts around CWD, which have focused on encouraging hunters to recognize that their actions matter in helping to manage CWD in the state. Brochures, cards and posters have been created by the department for distribution around the state. Radio time has been purchased along with a Facebook Live event featuring **Stewart** that allowed people to ask questions about CWD. **Phillips** added that the department is also working with non-hunters that recreationally feed deer and how the regulations may affect them. She also reported on what has been done to date including, partner tool kit, paid media, brochures, cards posters, developing materials for non-hunting audience

Legislative Report Anna Mooney, legislative liaison for the department, provided a written report of legislation related to the department. In addition to the written report, **Mooney** provided information on recent legislative highlights.

Committee Reports:

NRC Policy Committee on Wildlife & Fisheries: Commissioner Schlaybaugh indicated that the committee received information from chief **Dexter** about the year's strong salmon run and that the initiative to re-establish Arctic grayling in Michigan waters is moving forward. There was discussion on the list of streams with the 10-brook trout-a-day bag limit, an exception to the statewide bag limit of five per day. Fisheries identified seven additional streams to potentially be included in the 10 brook trout limit. **Dexter** suggested that an additional three years of study on the current waters with the additional bag limit be done before adding any more streams.

Seth Herbst reviewed the fish orders before the commission for information. The commission received a report from Wildlife division chief **Mason** on the wildlife habitat grant program and that the UP deer movement study confirms concerns that there is some risk of CWD entering the UP from Wisconsin because of deer movement. **Chad Stewart** reported on the results of the year's preliminary elk season; 69 elk were harvested; 28 bulls and 41 antlerless elk. Finally, **John Niewoonder** spoke about the department's efforts to expand opportunities for hunters to check and test deer in the 16-county CWD management zone. The department's goal is to test over 15,500 deer throughout the hunting seasons for 2018.

PUBLIC APPEARANCES BEFORE THE NRC

(**Brooke Parmalee** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 4:41 p.m.)

Terry Greiner, Great Lakes Council of Fly Fishers International testified that his group is against the expansion of the number of UP streams for the taking of brook trout, approving Fisheries order 210.19, would go against the sound science necessary to make changes.

Molly Tamulevich, Michigan director, HSUS spoke about Sandhill crane events in Michigan and the economic benefits these events bring to our state.

Amy Trotter, deputy director, MUCC said that the members of their fisheries committee agreed at their meeting last month that they are not in agreement with the increase in brook trout streams in the UP. Regarding perch, MUCC would like no more than five perch over twelve inches taken. **Trotter** added that when anglers come upon groups of larger fish they take more and that could be detrimental to age structure and size variation of the perch population. They do support the reduction in the bag limit. She appreciated the CWD website update and communications to date and the partner toolkit is great for them to use; it is very helpful for them to help spread the message to the hunting community.

Bryan Burroughs, executive director, Michigan Trout Unlimited (TU) said that TU is in opposition of 10 brook trout bag limit and expansion of the number of streams in the UP. **Burroughs** provided the commission with a handout detailing TU's reasons for opposition, he noted that TU is resolute in their opposition. He offered to be available to discuss any questions they may have after they review document.

Dan Kimmel, Michigan Bass Nation, shared his group's comments on the upcoming fish regulations. Their goal is to make it easier and more enjoyable for people to fish. They want to see dropshot legally allowable in Michigan.

Kimmel's comments on behalf of Michigan Bass Nation on upcoming regulations included:
206: They would like to see this change approved, removing scented material restriction from fishing will make it easier to fish.

250: They are glad to see the addition of walleye and musky tournaments.

200: They support removing scented material section, again, this would make it easier for people to fish.

202: They support removal of unnecessary restrictions on the three rivers.

Kimmel will be sending in written comments regarding perch, they are in opposition of the change.

Chauncy Moran addressed the commission on the long years of experience he has had with DNR staff who are very cooperative and engaged, he appreciated this very much. **Moran** then welcomed new commissioner **David Nyberg**. He also thanked **Schlaybaugh** for pushing for no additional 10 brook trout streams.

Chair Pontz adjourned the public appearances portion of the meeting at 4:59 p.m. and called to order the regular meeting of the NRC at 5:00 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.

Statewide Trout, Salmon, Whitefish, Lake Herring, and Smelt Regulations, Fisheries Order 200.19 FOR INFORMATION ONLY **Walters** requested the department to draft an amendment to remove the language in the order that adds seven streams to those that allow for the ten brook trout bag limit.

Pontz requested that the department draft a commission resolution requesting the department to collect data on the 33 streams currently under a ten brook trout bag limit to determine if there is any negative impact to the resource due to the ten brook trout bag limit. **CREAGH** said that the department will have both items prepared for commission consideration at the November commission meeting.

Special Hook Size Fishing Regulations, Fisheries Order 202.19, FOR INFORMATION ONLY

Statewide Warmwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes, and White Bass, Fisheries Order 215.19, FOR INFORMATION ONLY

Gear Restriction for Fishing, Fisheries Order 218.19, FOR INFORMATION ONLY

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, September 13, 2018, Natural Resources Commission Meeting

Commissioner Tracy made a motion that the minutes of the September 13, 2018 NRC meeting be approved. **Commissioner Walters** supported the motion. **Pontz** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Special Fishing Regulations for Warmwater Species on Select Waters, Fisheries Order 206.19

Commissioner Schlaybaugh made a motion that Fisheries Order 206.19, Special Fishing Regulations for Warmwater Species on Select Waters, be adopted. **Commissioner Walters** supported the motion. **Pontz** called for discussion, **Schlaybaugh** moved to amend under Gogebic and Ontonagon county remove the language “the daily possession limit for yellow perch is 25, with no more than five 12 inches or greater.” and the other regulation for Lake Gogebic will remain the same but moved to order 215.19 in November. **Walters** seconded the amendment. **Pontz** called for discussion on the amendment only, there being none, she called for a vote on the amendment only, a vote was taken and the amendment carried unanimously. **Pontz** then called for additional discussion on the order as amended, there being none, a vote was taken and the motion carried unanimously.

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Designated Trout Streams for Michigan, Fisheries Order 210.19

Commissioner Schlaybaugh made a motion that Fisheries Order 210.19, Designated Trout Streams for Michigan, be adopted. **Commissioner Walters** supported the motion. **Pontz** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Fishing Tournament Registration, Fisheries Order 250.19

Commissioner Schlaybaugh made a motion that Fisheries Order 250.19, Fishing Tournament Registration, be adopted. **Commissioner Walters** supported the motion. **Pontz** called for discussion, there being none, a vote was taken and the motion carried unanimously.

FOR INFORMATION ONLY – DIRECTOR

Chair Pontz listed the “director’s action” items on the agenda.

DIRECTOR - ACTION

Chair Pontz listed the director’s action items on the agenda and **Creagh** indicated he would approve all items.

COMMISSIONER REPORTS

Commissioner Schlaybaugh has BEEN catching up on grouse hunting and preparing for deer hunting.

Commissioner Walters revisited Porcupine Mountains Wilderness State Park. He attended a Coldwater committee meeting, was a guest on a radio program to talk about baiting and feeding and stopped by the Marquette fish hatchery and commended the staff on the remarkable work being done.

Commissioner Nyberg said that it was great to be a part of this commission and that he is looking forward to getting to know staff and stakeholders. He believes in the commission’s charge for the state of Michigan and will make sure he makes the best decisions on the orders based on sound science. Lastly, **Nyberg** sent kudos to the department staff in the UP on how they are working to get the parks back into shape after the recent storms.

Commissioner Pontz went to the forest fire experiment station. It is amazing, what they offer local units of government and what they offer to other fire-fighting agencies across the nation. **Pontz** asked if we could share it again at a future meeting. She spoke with many stakeholders and TU on the brook trout issue and appreciates the time spent with staff and stakeholders on this topic.

Director Creagh wanted to put on the radar; a priority is to increase tipping fees from \$.36 to \$4.44 to help pay for brownfield redevelopment, cleaning up these areas will help natural resources long-term. Also, infrastructure support and the department will work for the opt out for the recreation passport. He believes there will be a constitutional amendment to fix a

problem in the trust fund; now only 25% on development to minimum 25% acquisition and 25% development and allow the board to make those decisions while tying up oil and gas and mineral revenue in perpetuity. **Creagh** said that anything people could do to support this would be greatly appreciated. Once \$800 million cap hit in the state park endowment fund, the rest would be dedicated for natural resources in the state.

Next Meeting

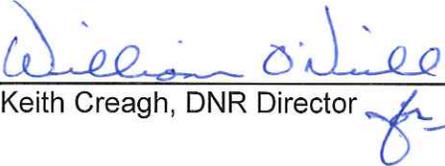
Chair Pontz announced that the next meeting of the NRC is scheduled for Thursday, November 8, 2018, at the Outdoor Adventure Center, 1801 Atwater Street, Detroit. Committees meeting that day will be NRC Marketing, Partnership, Youth and Outreach Advisory Committee in a joint meeting with Michigan's Travel Commission, and the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

Commissioner Nyberg made a motion to adjourn. **Commissioner Walters** supported the motion and the meeting was adjourned at 5:26 p.m.



Vicki J. Pontz, NRC Chair



Keith Creagh, DNR Director

11-8-2018

DATE