

OFFICIAL MINUTES
PIGEON RIVER COUNTRY ADVISORY COUNCIL
Pigeon River Country Headquarters, Vanderbilt, MI
Thursday, April 20, 2017

A meeting of the Pigeon River Country Advisory Council (PRCAC) was held on Thursday, April 20, 2017 at the Pigeon River County Headquarters, Vanderbilt, Michigan. Chairman John Walters called the meeting to order at 5:45 p.m. followed by the Pledge of Allegiance and introductions.

MEMBERS PRESENT: Don Horrocks, Rique Campa, Paul Beachnau, Peter Gustafson, Brad Garmon, Drew YoungeDyke, Chuck Fanslow, Randy Keen, Lisha Ramsdell, Paul Rose, Bill Loney, Heather Shaw, Dave Smethurst, Brian McPhail, and John Walters.

MEMBERS ABSENT: Sandy Franz, Tom Deans, Brent Shank.

EX-OFFICIO & DEPARTMENT STAFF PRESENT: Andy Stempky, Scott Whitcomb, Nick Torsky, Kelly Kinser.

EX-OFFICIO & DEPARTMENT STAFF ABSENT: Tim Cwalinski, Brian Mastenbrook, Steve Milford.

OTHERS PRESENT: Tara Buehler, Roxanne Merrick, Stewart Smith, Joe Jarecki, Judi Jarecki, Eugene Horan, Lindsey Henski.

OPENING REMARKS – JOHN WALTERS:

Chair John Walters apologized for being tardy and thanked everyone for their patience. His dog was ill, and he had to spend some time at the veterinary clinic. John also commented that as members, it is important to keep in mind your role on the council. Department leaders and the Director take the council seriously. Walters reminded members that you are representing the council first, followed by your individual interests.

AGENDA:

Chair John Walters asked for any additions to the agenda, none given. Dave Smethurst motioned to approve the agenda, Rique Campa seconded, motion carried; agenda approved.

MINUTES:

Upon review of the previous meeting minutes Don Horrocks motioned to approve the minutes, Paul Rose seconded, motion carried; minutes approved.

PUBLIC COMMENT:

Chair John Walters commented on the Discovery Center and the great job they are doing. The Discovery Center has a lot planned, so let's all keep our eyes on that!

WILDLIFE COMMITTEE - FRANZ:

Sandy Franz could not make tonight's meeting. Pete Gustafson provided copies of the minutes and summarized the Wildlife Committee April 11, 2017 meeting report. The April meeting focused on reviewing road access issues from a wildlife perspective at Brian Mastenbrook's request from the last council meeting. It is specified in the Concept of Management Plan that roads in annexed areas of the forest need review (Vehicle Access Plan). Sandy, as chair, met with Brian Mastenbrook, Scott Whitcomb and Tara Buehler on April 6th. Tara gave an informative presentation on bird species of interest that might be affected by roads. No

definitive conclusion was reached, but they discussed situations in the legislature; what balances should be struck, the roads update taking up significant time and the inventory of roads mandated by PA 288. The statewide roads inventory will provide information to review the PRC roads in a more focused way; showing us what's passable, useable, and therefore providing a rational Vehicle Access Plan. Brian had asked about the ½ mile standard for assessing vehicle access - is that a defensible standard or realistic? The Wildlife Committee will meet again after reviewing the completed roads inventory. Chair John Walters thanked the Wildlife Committee for taking on this task.

Scott Whitcomb – All roads have been inventoried and mapped. If a road is shown on the vehicle access map, the road is considered open. The Vehicle Access Plan should not necessarily take place at the same time as the roads inventory for PA 288. There are two different processes.

PRC EQUESTRIAN COMMITTEE - FANSLOW:

Chuck Fanslow – Volunteers have accomplished 17 of 22 requests for maintenance, including a re-route and a new trail loop by the campground. Over the summer, Ranger Scott Thompson developed a number system on horse trails that worked really well. Volunteers have also cut trees in the campgrounds, installed fire rings, placed fill under tether lines and installed new picnic tables. The Director allowed us to turn in a comprehensive list of outcomes: 11 out of 15 outcomes have been achieved by the department. Some of the proposals regarding Stoney Creek have also been achieved, which should take some pressure off of the PRC. Dick Kleinhardt has resigned as PRCEC committee chair. He remains on the committee, with Barb Curtis as the new committee chair. There is a Facebook page for equestrian use in the PRC, check it out. The spring work bee is tentatively scheduled for May 19-21, with May 12-14 as a back-up date.

Questions

Dave Smethurst – Have the improvements lessened the equestrian user's angst, and do you think users will slow down in their requests? Chuck replied, yes, there has been significant improvement, and the riders are no longer riding in circles - most users are pretty content.

UPDATE ON MEETING WITH DIRECTOR – ROSE/GARMON:

Chair John Walters summarized a visit to Lansing to meet with Director Creagh and Deputy Director Moritz regarding PA 288 and the retrieval of game via horseback and/or ORV. Director Creagh indicated that both would be allowed in the PRC. The council felt that the current Land Use Order of the Director (LUOD) prohibited such open riding (cross country) in the PRC. The meeting produced a less than united decision. We don't agree with them, and they don't agree with us.

Paul Rose commented that there appears to be confusion on the interpretation, even between DNR Executive staff. He had thought the Director committed to provide clarification to LED or other divisions; however, no direction has been provided. Paul commented on the number of letters sent to the Director that have not gotten a response. It would appear the council is on a permanent ignore right now, and that's problematic.

Brad Garmon agrees there is ambiguity in PA 288 on how the LUOD would be carried forward. Brad's interpretation of the Director is that the legislature's idea is to open more areas to ORV's, and the Director was not going to do anything to thwart that.

Chair John Walters did write Director Creagh a letter thanking him for his time and asking for more clarification; there has been no return communication.

Lisha Ramsdell asked when this will take effect. Council members answered it is currently in effect. However, no hunting seasons are taking place. Lisha asked about killing an animal a mile off the trail. Can you take your horse or ORV that far cross country? Scott Whitcomb replied “yes”. The current interpretation is that the PRC is not exempt from the retrieval portion of PA 288. Scott Whitcomb also corrected the effective date; this would take effect on January 1, 2018. Lisha asked what the next steps are if the meeting with the Director was vague. Chair John Walters replied that a letter campaign on behalf of the organizations you represent could be beneficial, along with a letter to the editor, or outdoor news articles.

Chair John Walters is still pursuing a discussion with Trevor VanDyke and Director Creagh for clarity. If they say the current LUOD does not prevail, we’ll accept that. There is a small window of time for discussion; by 2018 there shouldn’t be any uncertainty.

Dave Smethurst inquired about an opportunity to go before the NRC. If citizens don’t know the 2018 rules, it will put undue pressure on our conservation officers. Paul Rose was thinking a similar thought, regarding the general lack of response. If the council decides to approach the NRC, we should give the Director one last notice/opportunity to maintain/develop a responsive relationship.

2017 HURON PINES AMERICORPS UPDATE - BUEHLER:

Tara Buehler, AmeriCorps Member serving in the PRC shared a presentation on AmeriCorps and projects within the PRC. AmeriCorps is a national service program designed to strengthen citizenship. AmeriCorps members are volunteers, not employees. Huron Pines has 30 AmeriCorps members this year, with a focus on conservation work. This is the 4th year the PRC has had an AmeriCorps member. Tara will be working within the PRC until November 1.

AmeriCorps projects within the PRC for 2017

Forest Use – Conducting traffic monitoring at 8 different locations. Surveys will also be distributed to campsites and other stations. Similar surveys have been conducted, but not in the past 20 years.

Oil and Gas Well Pad Restoration – Working on Hunter Fodor’s data, and still collecting well pad site information in order to compose a how-to packet regarding restoration. Restoration at these sites is very difficult. The sites are extremely compacted and soil composition is poor. Lisha Ramsdell commented on various test plots that are in different stages of restoration currently. Don Horrocks asked what an ‘inactive’ site means? Tara replied that the equipment was removed from the surface. Rique Campa asked if there are goals of restoration? Tara replied that would depend on location, surrounding area, etc. Rique Campa summarized a project completed by MSU to spread non-industrial municipal sewer sludge at well sites. If applied in the spring, these sites saw dramatic wildlife benefits. The sewer sludge provides organic matter to jump start plant growth. Potentially, the PRC could utilize this option if the goal was an opening. Tara will stay in touch with Rique and consider this option.

Wildlife and Roads – Conducted research on how different species are affected by roads (wood thrush, elk, black throated blue warbler, etc). Other projects include coordinating volunteer activities, eBird, invasive species control, Adopt-a-Forest (Cheboygan and Otsego counties), Owl Prowl, jack pine thinning, presentations, prescribed burns and more.

Dave Smethurst commented that with the New Zealand Mud Snail present in some of our rivers, perhaps something could be displayed in the Discovery Center, or perhaps a wash station? Scott Whitcomb commented that signs are out. Lisha Ramsdell said Huron Pines is also working on a program to train volunteers to identify, prevent, and sample for New Zealand Mud Snails.

SENATE BILL 280 - RAMSDELL:

SB 280 was introduced by Senator Booher, which makes changes to the Michigan Natural Resources Trust Fund. The Trust Fund was born out of conversations over what to do and how to use the resources extracted from public land and reinvest into the State of Michigan. The Trust Fund has been in existence since 1970 and is constitutionally protected. This is the fund that the state and local municipalities can use to purchase/develop recreational land. The Trust Fund reached a billion dollar investment in the State of Michigan last year!

On page 9 of the bill, there is discussion about using the Trust Fund to re-purchase existing public lands purchased by other funds in order to change the regulations tied to funding. Drew YoungeDyke stated that similar provisions have been introduced before and removed because it is a waste of resources since the state already owns the land. A question was asked how our state funded lands could be tied to federal funds? Scott Whitcomb explained assent legislation as it relates to federal Pittman-Robertson funding.

Lisha Ramsdell discussed the Walled Lake purchase. The Advisory Council wrote a letter of support. The legislation introduced would require all new purchases to seek approval through the Trust Fund first. If the Trust Fund declines, then the state can pursue other means of purchase. This would create a multi-year process, discouraging private sellers to sell land to the state. The legislation also provides the opportunity for legislators to allocate funding to projects not allocated by the Trust Fund Board. There is currently a two-step process where scoring is completed by staff and ranked according to score. The new legislation would set a precedent that legislators could manipulate the scoring process and set appropriations as they see fit. The DNR and Trust Fund Board are saying this is not constitutional. Whether the legislation succeeds or not, it keeps coming back in different forms. Huron Pines has developed talking points on this and has shared these talking points openly with the DNR, Trust Fund Board, and legislators.

UPDATE ON PA 288 WITH RESPECT TO PRC - WHITCOMB:

Cheboygan County, several years ago, made ORV use legal on county roads. Otsego County chose not to within the PRC, and differed from the rest of the county to the townships. There is a skeleton framework of county roads in the PRC that the state has no authority on. Branching off of those roads are state forest roads (two-tracks) under state jurisdiction. The PRC is the only state forest with a vehicle access plan and a LUOD restricting vehicle operation. PA 288 passed last fall. The intent was to allow ORV use on state forest roads in Lower Peninsula as they have been in Upper Peninsula. The Upper Peninsula forest roads are open unless posted close. The Lower Peninsula forest roads have been closed unless posted open. This law changes that; state forest roads will be opened up January 1, 2018. The State of Michigan has to complete a roads inventory with the intent to open most of them up next year. To complete the inventory, the DNR built a new classification system reporting on condition, development, etc. The PRC, Deward Tract, Jordan Valley, etc have existing LUODs; however, as part of this review, all LUODs are up for review. We are currently in the process of working through evaluation of where LUODs should remain or not. To accomplish this, we put it out to field staff to begin classification work (Scott Whitcomb shared DNR online State Forest Roads viewer). We are completing a road by road review. Staff will make an initial recommendation, this recommendation will get reviewed for consistency, and then in June, public input will be solicited to gather recommendations/comments through a web viewer. A stakeholder meeting will take place June 13 & 14 in Lansing, followed by 3 public meetings (Gaylord, West Branch, and Cadillac). Those comments will again be reviewed by staff, and a final recommendation will be presented to the Director. DNR staff has recommended that all state forest roads within the PRC to be closed to ORV use. We want to keep the status quo within the PRC given the Concept of Management.

This is different than the cross country retrieval of big game that was discussed earlier. These are open forest roads that we could drive a two wheel drive conventional vehicle on right now today. The recommendation in the PRC is that they will remain closed to ORV use.

Dave Smethurst commented that citizens often assume county roads are wide and graded. A lot of county roads are indistinguishable from forest roads. Scott Whitcomb replied that is why this legislation was introduced; since the average citizen wouldn't recognize the difference that is why they are all proposed open through PA 288. All closed segments will be posted as closed. Rupert Cutler's paper goes to the heart of this. The paper is approaching 100 years old, but the key values of the PRC remain the same; quiet and solitude.

Bard Garmon asked if there is an option to sign an entire area or if every single road will need to be posted? Scott Whitcomb said that interpretation is still needed on that.

Don Horrocks suggested the Council make a recommendation to Cheboygan County to potentially close their county roads within the PRC. Cheboygan County will be coming under new management, and although, this process doesn't affect county roads, the county may be willing to close some roads that are currently open. Linda Soche, Chair at the County Commission at the time, was totally against opening county roads but recognized the value in tourism and felt she had no choice.

Paul Rose asked how the roads recommendation gets judged and juried? Who decides what recommendations we follow and which ones we don't? Scott Whitcomb replied it is at the Directors discretion. Paul asked if it would be appropriate for the Advisory Council to write the Director stating that public comment may not be the best voice for the PRC? Scott Whitcomb stated there is value to the Advisory Council making a recommendation that the status quo remain within the PRC.

Randy Keen suggested a resolution to keep the existing LUOD within the PRC. Randy Keen officially motioned, Paul Rose seconded, all in favor, motion carried unanimously.

Brad Garmon stated there doesn't seem to be much discretion available. Closing a road due to 'potential' damage is not allowed. Scott Whitcomb replied that we used the current management plan and up to 15 other areas of consideration to justify closure of the PRC. There are things that allow us to close roads. The Departments overall recommendation, however, is that most roads are being recommended as open.

Pete Gustafson stated he is glad we adopted our resolution and tied it to the Concept of Management. He suggested it would help for those of us who represent organizations, to review what value ORV use would bring. How is your particular organization affected? As he hears comments about vehicles, for the most part, automobiles are to get us from point A to B, they are not advertised as a recreational activity. ORV's are advertised and developed for recreation. What communication would you make on behalf of your organization to protect the Concept of Management?

Chair John Walters thanked Scott Whitcomb for laying the framework on this very important issue.

UPDATE ON MERIT ENERGY OPERATIONS - LONEY:

Bill Loney discussed Merit's plan to exit the state of Michigan by the end of 2017. Merit wants a very transparent transaction. Wells Fargo will be the brokerage firm and Merit plans to have the company's Michigan holdings on the market by June 1. Listing will be closed by July 1, and a decision on the successful bidder(s) should be made by August 1, with a close date by September or later. Merit has been in Michigan

since 2000, and in the PRC since 2003. As information develops, Bill will share details with Scott Whitcomb. Chair John Walters asked for a contact name and address. The Advisory Council would like to express their thanks to Merit, Gustafson seconded, all in favor, motion carried.

Dave Smethurst asked if the operation within PRC would be sold as one entity. Bill replied probably not. There are three business units. If the sale is divided, the separate units could be sold independently.

Paul Rose asked if the successor needs to honor current agreements. Will the Department have a review process? Andy Stempky answered, yes, there is a vetting process. The Department cannot pick and choose, but there are criteria that need to be met. It is a private transaction overall; however, and the state cannot say who they can sell to if the criteria are met.

EX-OFFICIO REPORTS

OIL AND GAS UPDATE – ANDY STEMPKY:

Things are business as usual regarding the PRC. Andy met with Merit yesterday for their annual review, recommendations were made to plug inactive wells. It was a good meeting. Cleanups were also discussed. Cleanups in the PRC are progressing nicely. It was asked if contaminated sites will be disclosed to a new purchaser. Andy replied, yes, all aspects of purchase are disclosed including production, reserves, liability, etc.

FISHERIES DIVISION REPORT – TIM CWALINSKI, FISHERIES BIOLOGIST:

No Report.

WILDLIFE DIVISION REPORT – BRIAN MASTENBROOK, WILDLIFE SUPERVISOR:

No Report.

RECREATION REPORT – KELLY KINSER, OTSEGO LAKE STATE PARK:

Scott Thompson is back to work at the PRC along with two STW's who will begin in a few weeks. Their first priority is to keep facilities safe and clean (hazard free, etc) followed by trail work. We are applying for an AmeriCorps group to come out to the PRC the last couple weeks of July with a focus on trail work. Equestrian Trail Committee has requested a work bee; hopefully, that will be approved in the next couple of days. The Recreation Plan background research is wrapping up. A DRAFT of the supporting analysis was provided to the council. Submit any comments to Kelly no later than June 1. This DRAFT is not to be shared with the public yet. This is not the completed Recreation Plan, this is the supporting analysis.

John Walters will share this with the Standards and Limitations Committee. If you would like to provide a comment, send it to Pete Gustafson, so a cleaner more organized response can be submitted to Kelly.

LAW ENFORCEMENT UPDATE – NICK TORSKY, C.O.:

Nick noted that he is an Ex-Officio member of most or all subcommittees. With that said, he can't make time in his schedule to attend all the meetings. However, if you have a specific need, don't hesitate to contact Nick ahead of time and he'll plan to attend or provide a response. Keep in mind that provided cell phones are antiquated, please do NOT text.

District 3 has a new Sergeant. Conservation Officer Mark Depew has accepted that promotion. Sgt. Depew will be supervising Cheboygan and Otsego counties. With that, Otsego County is one officer short. That position will be filled potentially in the fall with a transfer or a new recruit.

The budget also provided for 5 new positions in our Special Investigation Unit and 5 positions for our Great Lakes Enforcement unit. This means there will be many more transfers before things settle out.

Chair John Walters provided some questions ahead of time:

‘What are your prioritize for the year?’

Nick - Can’t say there is any one higher priority than another. It’s seasonal. There is a snowmobile focus in the winter. This spring we will concentrate on equestrian patrols. Outside of the norm, there is no real priority. We are trying to organize some group patrols.

‘Do you focus on educational opportunities vs. enforcement opportunities?’

Nick - AIS awareness is starting to grow. We are taking some active steps regarding invasives. Plus, I am a little stricter on people in the PRC due to the Concept of Management. Ignorance of the law is not an excuse. I also focus on ‘intent’. What is the individuals intent? Would my uncle make this mistake? In regards to ORV’s, a county road looks just like a forest road. So if there is no sign, and the fork is unclear, we have to consider the users intent. If it’s confusing to staff, it’s confusing to the public.

‘Are there certain locations within the forest where you focus violations?’

Certain times of the year, we focus on different areas. There are seasonal changes. Snowmobile, Cornwall, Inspiration Point, etc.

Rique Campa asked how many citations are written in the PRC in a year. Nick responded that a new system is in development and hopefully next year that data can be queried. Anecdotally, last calendar year, Nick ballparked it at 30 citations.

John Walters asked Nick to also reach out to the subcommittee members.

FOREST RESOURCES DIVISION – STEVE MILFORD, DISTRICT SUPERVISOR:

No Report.

PRC UNIT REPORT – SCOTT WHITCOMB, UNIT MANAGER:

In early November, Scott and his daughter took a last minute back pack trip on the High Country Pathway. Approximately a mile off the road, there was a constructed deer blind. Scott took a picture and sent it to Office Eric Bottorff. Eric staked it out and got the guy! Piece by piece, the violator hauled out the blind; over a mile!

Scott mentioned that he has been preoccupied with the Roads Inventory (90% of his time). He is also working on acquisitions (Storey Lake, Walled Lake) and other projects.

We have conducted interviews for a summer intern. However, both candidates turned the position down.

OTHER COMMENTS:

Roxanne Merrick, DNR Land Use Specialist, covering Gaylord, Grayling, Atlanta, and the PRC was introduced. She covers areas such as trespass, public engagement for land acquisition, oil and gas, and land use.

FUTURE AGENDA ITEMS:

2017 PRCAC Meeting Dates:

Thursday, July 20 at 5:30 pm – PRC HQ

Thursday, October 19 at 5:30 pm – PRC HQ

ADJOURN:

Meeting adjourned 9:05 p.m.