

Eastern Upper Peninsula Citizen Advisory Council (EUPCAC)

Meeting Minutes

Wednesday, December 6, 2017

6:30-8:30pm Eastern

LMAS Health Department Conference Room, Newberry, MI

Chair: Dick Pershinske Vice-Chair: Glenn Moll Secretary: Tom Buckingham

Council Members Present

Tom Buckingham
Ivan Darling
Grant Dewitt
Al Garavaglia

Gary Gorniak
Tim Hass
Jim Hoy
Bernie Hubbard

Travis Kangas
Glenn Moll
Dick Pershinske
Russell Utych

Council Members Excused/Absent

Keith Aldrich
Allan Augustyn
Kristy Beyer
Jim Duke

Hawk Erickson
Jason Garvon
Tom Paquin
Mark Spencer

Department of Natural Resources (DNR) Staff Liaisons

Randall Claramunt, Fisheries Division, Lansing (via conference call)
Kristi Dahlstrom, Executive Assistant, Marquette
Amy Douglass, Forest Resources Division, Newberry
Paul Gaberdiel, Parks & Recreation Division-Trails, Newberry
Lt. Skip Hagy, Law Enforcement Division, Newberry
Stacy Haughey, UP Regional Coordinator, Marquette
Ernie Houghton, Forest Resources Division, Escanaba
Patrick Lederle, Wildlife Division, Lansing
Marc Miller, Deputy Director of Regional Initiatives, Lansing
Terry Minzey, Wildlife Division, Marquette
Kristie Sitar, Wildlife Division, Newberry
Michelle Zellar, Facilities & Operations, Newberry

Call to Order

The Eastern Upper Peninsula Citizen Advisory Council (EUPCAC) meeting was called to order at 6:32pm Eastern by **Chair Pershinske**, who welcomed everyone to the meeting. Council members introduced themselves and cited the groups they represent.

Adoption of Agenda

Chair Pershinske asked if there were any additions to the agenda; there were no further additions or revisions suggested. **Mr. Buckingham motioned to adopt the agenda as presented; Mr. Garavaglia seconded the motion. Ayes: All. Nays: None. Absent: Mr. Aldrich, Mr. Augustyn, Ms. Beyer, Mr. Duke, Mr. Erickson, Dr. Garvon, Mr. Paquin, Mr. Spencer. Motion carried.**

Approval of Previous Meeting Minutes

Chair Pershinske asked the Council if there were any corrections to the October 19th EUPCAC minutes, which were emailed to the Council previously. **Mr. Hass motioned to approve the minutes as submitted; Mr. Moll seconded the motion. Ayes: All. Nays: None. Absent: Mr. Aldrich, Mr. Augustyn, Ms. Beyer, Mr. Duke, Mr. Erickson, Dr. Garvon, Mr. Paquin, Mr. Spencer. Motion carried.**

Chair Comments

Chair Pershinske commented that the Council collectively does good things; however, he highlighted a few members who have done an exceptional job with a few issues that have made a difference. He mentioned **Mr. Hoy's** concerns with the movement of firewood, which has resulted in the DNR looking into the public impact of the situation before moving forward with any plan; **Mr. Hass'** email about Enbridge which highlighted the impact on the DNR, and **Mr. Gorniak's** work with the cormorant situation that will hopefully bring some resolve. He noted the upcoming Bear Forum Meeting, being held on December 16th at the Little Bear Arena in St. Ignace.

DNR Reports from Division Staff

Written staff reports were provided via email to Council members on November 29, 2017. The following were verbal additions to those reports:

1. Stacy Haughey, UP Regional Coordinator: **Ms. Haughey** introduced and welcomed Mr. Marc Miller and Mr. Pat Lederle both from Lansing to the meeting. She mentioned a press release about Enbridge was forwarded via email to Council members earlier today. Although the DNR does not have an authoritative role, Director Creagh wanted to be involved. She indicated the Natural Resources Trust Fund Board met and reviewed 132 applications received for the current round of funding; only 17 of those were from the UP (Dickinson, Schoolcraft, Houghton, Marquette and Baraga Counties). These funds are available for all counties and she encouraged others to apply. Mr. Miller added grant workshops are held in January/February and he encouraged local officials to attend as they are very helpful; the details will be forwarded as soon as they are made available. Applications are due April 1.
2. Amy Douglass, Forest Resources Division: **Ms. Douglass**, who was on attending on behalf of Mr. Stampfly, indicated she did not have anything to add to the written report. **Mr. Gorniak** asked about the testing of timber sites in the eastern UP. **Ms. Douglass** stated the DNR's Forestry and Wildlife Divisions are working with Michigan State University on state and private lands to study regeneration, different types of harvest and deer browse issues by trying a variety of different treatments in 30-acre blocks. She is not sure how long the study is being conducted but the treatments are different than what they normally do. **Mr. Gorniak** asked why so much timber is being left on the ground; **Mr. Minzey** replied there is interest in how to regenerate more hemlock and pine versus sugar maples, or rather how to get the structure back in the forest. **Mr. Lederle** added there are 140 sites across the state forest with at least 12 different treatments being studied.
3. Terry Minzey, Wildlife Division: **Mr. Minzey** provided the following additions to his report:
 - Early deer season reports indicate check station data is up 27% across the UP and bridge traffic was up 51%. Deer are looking very healthy.
 - The wolf survey will be occurring in the next few months and the team will be meeting next week to get the process moving.
 - Staff are also moving forward with the deer movement study; it will start in the western UP.
 - The UP Wildlife Habitat Workgroup will be meeting next week; Mr. Hubbard is a member of that group.
 - He and Mr. Lederle participated in a meeting with Heritage Wind Energy; the DNR has no authoritative role, but they shared their thoughts and concerns. The group is looking to put another 26 windmills on the Garden peninsula. **Mr. Garavaglia** asked if an additional 26 will be supported; **Mr. Minzey** replied they plan to build another substation. **Chair Pershinske** asked if

they will be located in the same area; **Mr. Minzey** stated they will be placed to the south and leases have already been obtained. A brief discussion ensued.

- A wildlife tech position resulting from a retirement is still open in the Soo. The division is going through a minor realignment with CWD and disease issues being so prominent; however, it is still hoped the position will be filled.
4. Paul Gaberdiel, Parks and Recreation Division-Trails: **Mr. Gaberdiel** mentioned snowmobile trails are starting to ramp up and sponsors are getting trails ready. The Snowmobile Advisory Workgroup meeting will be held in Christmas, MI at Foggy's at 10am tomorrow. Permit details were released this week: for the first three months of this year, permits are up about 1,200 from last year, with about 6,000 total. ORV permits are equal as last year at about 11,000 and approximately 67% of those buy trail permits.
 5. Marc Miller, Regional Initiatives: **Mr. Miller** introduced himself and explained that his role is to improve relationships with local officials and communities and to work collaboratively with counties on their public land assets. **Chair Pershinske** suggested one way to improve relationships would be to implement a citizen's advisory council in the lower peninsula. **Mr. Miller** stated he has heard that suggestion and stated the UP CAC's are a model for that kind of collaboration. He indicated he will also be working on outdoor recreation economics and how to build upon what the DNR already has and further discussed the statewide outdoor recreation plan and the related survey. He mentioned he spent time today with the Newberry village manager as well as with Alger County officials yesterday which provided good conversation on outdoor economic possibilities. **Mr. Buckingham** shared a success story regarding the leasing of state lands in Luce County; **Mr. Miller** stated there is added benefit to working collaboratively without legislation. **Mr. Moll** asked about the phone surveys and how one would know it was a DNR survey and not a telemarketer; **Mr. Miller** explained.
 6. Lt. Skip Hagy, Law Enforcement Division(LED): **Lt. Hagy** stated recruit school graduation is coming up on December 21st with a class of 22. One officer each will be assigned to Luce and Delta Counties. He provided an update of current officer staffing in the eastern UP. He noted deer season was very busy with a fair share of violations. **Mr. Gorniak** asked if there were any hunting injuries; **Lt. Hagy** stated there were a few across the state, but it has been pretty safe in the UP. He also mentioned there will be a new episode of *The Wardens* coming out soon.

Public Comments

Chair Pershinske opened the floor for public comments.

- Ms. Sylvia Robinson discussed her concerns with loud snowmobiles on the trails near her home. She stated she has been writing letters to make others aware of her situation but hasn't seen any resolution. **Lt. Hagy** described the increased patrol efforts on trails that are being conducted and provided her with his information to call him so that he can provide assistance. It was noted that trail speeds are not reduced if more than 100 feet from a residence.

Old Business

1. Cormorant Management Update: **Chair Pershinske** introduced Mr. Pat Lederle from the Wildlife Division in Lansing. He described his involvement with Mr. Lederle through the Wolf Roundtable and welcomed him back to the UP. **Mr. Lederle** noted the Council has been discussing cormorants for quite some time in past meetings and referenced Mr. Gorniak being active in getting legislation in place. He provided a historical perspective of the management of cormorants since 2003 when the

public resource depredation order (PRDO) was initiated to when the PRDO was rescinded in 2016 by court order, which caused the loss of ability to do lethal control activities. Since then, only non-lethal control, such as harassment, has been allowed. The USFWS has rejected two depredation permits submitted by the DNR in 2016 and 2017. As a result, the number of cormorants has begun to rise. The most visible area is the Les Cheneaux Islands. There has been legislation introduced at the federal level (since the birds are covered under the migratory treaty act) to allow depredation permits to be issued at aquaculture sites down south, but there has been no movement on them. In November, legislation was introduced by Rep. Bergman that would direct the Secretary of Interior to issue another similar depredation order to allow lethal control; it moved to committee right way, but there has been no action taken yet. Discussion ensued regarding upcoming listening sessions which may not result in a depredation order. **Mr. Lederle** opened the floor for questions.

- **Chair Pershinske** stated it doesn't seem optimistic in doing anything to change the scenario. The Council has no position they can take since it's at the federal level, but individuals and groups can put tremendous pressure on legislators.
- **Mr. Gorniak** stated he doesn't understand why the USFWS repeatedly indicates there isn't enough documentation; he's been involved in this issue since 2003 and there is a large amount of information and documentation available.
- **Mr. Hoy** asked about the next step. **Mr. Lederle** stated they will continue discussions with USFWS, continue to ask the right questions of them, continue to make the DNR's position known, and continue to work with them as best they can, while at the same time trying to promote non-lethal activities where it will work.
- **Mr. Moll** and **Chair Pershinske** asked additional questions. **Mr. Lederle** indicated the DNR is working with the Tribes together on this issue.
- **Mr. Claramunt** (via conference call) provided a few closing marks.

Chair Pershinske thanked Mr. Lederle for coming (and Mr. Claramunt for calling in) to the meeting and **Mr. Gorniak** thanked him for providing an excellent explanation of the situation.

2. Information and Outreach Subcommittee Report: **Chair Pershinske** stated there is no report in the absence of Dr. Garvon, lead for the subcommittee. There will be a report at the next meeting.
3. Chronic Wasting Disease (CWD) Ongoing Update: **Mr. Minzey** stated 800 deer have been tested in the UP (mostly the western UP) for CWD and all have been negative. Four tickets have been written by CO's for carcasses brought in to the UP from Wisconsin. A segment on Media Meet (WNMU TV 13) was done on CWD and was pretty well received. Deer season started with 12 confirmed cases, all in the lower peninsula. A press release came out today indicating there are up to 18 new suspect cases, which could bring the total up to 30. He discussed the backlog of deer heads waiting to be tested because the test kits are backordered (a national issue) while awaiting USDA approval. He stated they are moving out of surveillance stage in the lower peninsula (Montcalm, Kent & Mecosta Counties) and into the management phase. He indicated other than the state of New York, CWD was did not originate where the first animals were found indicating by the time it's located, it's been there for several years and this may probably be the case for Michigan, sighting that older bucks are most likely to be infected. He further discussed the implications of current hunting practices in the UP, deer movement patterns, and the potential spread of the disease. **Chair Pershinske** asked how feed is going to be addressed; **Mr. Minzey** stated there is not a clear answer. Discussion ensued regarding the potential effect of the disease on license sales which affects the DNR's bottom line. At this time, **Mr. Minzey** indicated 25% of the Wildlife Division's budget is being spent on disease and they are looking into federal funds. Montana has now been added to the list of infected states, and Wyoming

is seeing population declines in mule deer. Discussion ensued regarding test kits, which France is the only location with USDA approved kits; there are no suppliers in the US.

Ms. Haughey added the recommendations from the UP CWD Taskforce are being followed through, such as messaging at the Mackinac Bridge. **Chair Pershinske** stated there is a great need to take a leading role in reaching out to the consuming fraternity. **Mr. Minzey** indicated there may be a field disease unit developed within the division to deal with these issues. He stated there are people who are still not getting the message despite TV and radio spots, billboards, meeting notes, handouts, etc. The statewide CWD taskforce is meeting on December 14 to finalize their recommendations and present them to the January NRC meeting. It was noted there is still tremendous denial of the information and social media would be paramount in getting the information to the public. Discussion about transmission to humans and related studies in progress, food plots, as well as the disease infecting corn, tomatoes, wheat, alfalfa, rye and even a possible milk transmission. **Lt. Hagy** noted that contact has been made with meat processors statewide and there has been great cooperation and feedback from them.

4. Movement of Firewood Update/Implementation of Subcommittee: **Chair Pershinske** stated he would like to formalize a subcommittee on this issue and will be speaking to a Council member to chair the group.

New Business

1. Review of the Commercial Forest (CF) Program: **Mr. Houghton** introduced himself as a DNR service forester specializing in CF properties and covers Marquette and Dickinson Counties as well as counties to the east of those. He reference three handouts in the meeting packets, which provide detailed information about the CF program.
- CF is a tax act; it classifies private forestlands for the purposes of taxation.
 - The CF program is a property tax incentive in support of the timber industry.
 - Landowners pay a specific tax of \$1.30/ac/year. The State of Michigan also pays \$1.30/ac/year on behalf of the landowner. The rate increases 5 cents every 5 years.
 - Currently over 1800 landowners are enrolled in CF, with about 100 to 150 new owners annually.
 - Approximately 2,219,000 acres are enrolled in 56 counties, with about 49,000 acres in the Lower Peninsula.
 - Eligibility requirements:
 - Must be at least 40 contiguous acres (*must meet at one point*).
 - Capable of growing at least 20 cubic feet/acre/year.
 - Capable of producing trees of economic or commercial value.
 - Capable of producing a commercial stand of timber within a reasonable amount of time.
 - CF land must be managed for commercial timber production in accordance with a written forest management plan. The DNR does not control timber management decision (*must include a schedule of harvest, can grow whatever the owner wants*).
 - Noncommercial uses compatible with good forest management and full productivity of the land are permitted.
 - There are land use restrictions including structures.
 - Public access:
 - Owners may not deny the general public the privilege of hunting and fishing on listed lands. Set traps may be left on CF land, bait and blinds may not be left. (*A map is available on the DNR's website for CF properties and it is kept updated. The public will need to know where*

they are. Trapping is included in the definition of "hunting". Scouting is not hunting and landowner permission is needed.)

- Arcadian Orchards v. Department of Natural Resources, Manistee County Circuit Court, 1993:
 - Established the concept of reasonable access.
 - Access by boat is not considered reasonable.
 - Providing access via a reasonable corridor across non-CF land is acceptable.
- Goodall v. Whitefish Hunting Club, Michigan Court of Appeals, 1995 (*in the UP*):
 - Enrollment in CF does not establish a prescriptive easement across the listed land.
 - Establishes foot access for hunting and fishing.
 - Distinguishes the acts of hunting and fishing from those activities directly or indirectly related to hunting and fishing.
- Public use of CF land is subject to trespass and littering laws.

Mr. Houghton opened the floor for questions. **Mr. Moll** asked about lands in Part 512; **Mr. Houghton** stated once land is in CF, the landowner can then apply for Part 512. There is no camping on these lands unless with landowner permission. **Mr. Gorniak** asked about land-locked CF parcels. **Mr. Houghton** stated there are land-locked CF parcels that do exist. An amendment was passed in 2013 stating anything land-locked at that time could remain so. If those lands get sold, they may be required to remove CF status. An audience member asked about wheelchair access on CF land; **Mr. Houghton** stated he will have to respond back with specific details. **Chair Pershinske** thanked Mr. Houghton for the valuable information.

2. Depredation Process 101: **Ms. Sitar** indicated she was asked to talk about the depredation process as it pertains to conducting livestock and dog depredation investigations. She reviewed the steps that take place for a livestock depredation from the initial call to the DNR or RAP line, meeting with the farmer, paperwork, gathering relevant details, carcass disposal, overview of the animal and site area, making a determination on what killed (if killed) the animal, to the submission of the paperwork post-investigation. The wildlife staff do not have an agenda, and no one gets reimbursed any differently no matter what killed the animal. Reimbursement for depredations comes from the Department of Agriculture, not the DNR, and the amount depends on species, sex, and age of the animal. Staff do not know how much the reimbursement is or averages. She stated they may make suggestions to prevent further depredation as well, which some people can do and some cannot. For dog depredation, the same paperwork is utilized and the biologist does need to see the dog. There is no reimbursement for dogs killed by wolves. She added they will always share locations where these occur for other hunters to be aware. **Mr. Gorniak** asked if there are trends in the UP; **Ms. Sitar** stated there were hardly any in the UP last year but it changes from year to year. **Mr. Hoy** asked how the method of kill (coyote, wolf, or dog) is determined; **Ms. Sitar** explained that wolves and coyotes kill things similarly; however, tracks, tooth holes, and patterns are different, and bite marks from dogs are different. A member of the audience asked about cougar populations in the UP; **Ms. Sitar** stated there is no established population in the UP. DNA from the cougars found in the UP have matched the South Dakota population.
3. Additional Agenda Items Added by Council: There were no added items of New Business.

Next Meeting

1. Approval of 2018 Meeting Dates: **Chair Pershinske** asked the Council for approval of the 2018 meeting dates listed on the back of the agenda. **Mr. Buckingham** motioned to approve the meeting

dates for 2018 as listed; Mr. Garavaglia seconded the motion. Ayes: All. Nays: None. Absent: Mr. Aldrich, Mr. Augustyn, Ms. Beyer, Mr. Duke, Mr. Erickson, Dr. Garvon, Mr. Paquin, Mr. Spencer. Motion carried.

2. *Next EUPCAC Meeting:* **Chair Pershinske** indicated the next regular meeting of the EUPCAC will be on Thursday, February 15 at the LMAS Health Department, lower level conference room, in Newberry beginning at 6:30pm.
3. *Items for Next EUPCAC Meeting Agenda:* **Chair Pershinske** indicated he would like to hear a presentation of the West Nile Virus in ruffed grouse at the next meeting. **Mr. Kangas** suggested an update on Asian carp in the Great Lakes; **Ms. Haughey** stated there has been a lot of action on this subject and she can provide an update at the next meeting. **Mr. Hoy** suggested a deer camp survey report.

Public Comments

Chair Pershinske opened the floor for additional public comments.

1. Mr. Stephen King of Newberry stated he has not seen an agenda for the Bear Forum; **Ms. Haughey** stated she will obtain one for him.

Closing Comments from the Council

1. **Mr. Hubbard** stated CWD in the deer herd is a perfect analogy to what occurred with Emerald Ash Borer, which will wipe out trees in North America.

Adjourn

There being no further business, **Chair Pershinske** thanked everyone for attending and adjourned the meeting at 8:54pm EST.

Approved 2/15/18