

MINUTES
NATURAL RESOURCES COMMISSION MEETING
June 13, 2019
Detroit Zoological Society, Ford Education Center
8450 West 10 Mile Road, Royal Oak, Michigan 49067

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

Peter Manning, legal counsel, Office of the Attorney General
Dan Eichinger DNR director
Shannon Hanna, 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 1:03 p.m.

Cub Scout Pack 1070 from Mt. Clemens Montessori Academy began the meeting with an opening flag ceremony.

Director's Report

Recognition of the Detroit Zoological Society (DZS), Chief Executive Officer and Staff

Director Eichinger invited DZS's chief operating officer **Ron Kagan**, along with special events planners **Megan Gregg** and **Alicia Cunningham** to share a few comments about the DZS and the zoo. **Kagan** welcomed the commission and audience to the meeting and noted that there are more than 1,100 volunteers who contribute more than 100,000 hours per year all in celebrating and saving wildlife. They have projects going on in all seven of the continents and are committed to helping in the protection of wildlife in the state and around the world. **Chair Pontz** then read and shared a resolution of appreciation to **Kagan** and staff for assisting with the planning and success of the June 12-13, 2019, commission meeting and events.

Law Enforcement Division Lifesaving Award

Law Enforcement division chief **Gary Hagler** presented a lifesaving award to Conservation Officer (CO) **Nicholas Ingersoll** for his response which saved an overturned kayaker who was walleye fishing in Lake Erie. **Hagler** thanked both CO Ingersoll and his family for their sacrifices for the department and the citizens of Michigan.

Wildlife Division Lifesaving Awards

Wildlife division chief **Russ Mason** presented lifesaving awards to Wildlife assistants **Ron Sting** and **Rob Hamilton** for their response which saved an elderly ice fisherman who had fallen through the ice in Saginaw Bay. He also presented a lifesaving award to Wildlife biologist **Jeremiah Heise** for his response in saving a woman from going into a diabetic coma. **Mason** also thanked **Hamilton, Heise, Sting** and their families for their sacrifices for the department and the citizens of Michigan.

North Country Trail's Vanguard Award

Parks and Recreation division (PRD) chief **Ron Olson** presented the North Country Trail's Vanguard award to the Iron Belle trail coordinator, **Dakota Hewlett**, for his dedicated support in assisting not only the North Country National Scenic Trail Association, but the many Michigan trail chapters along the way. **Hewlett** went out of his way to prepare grant applications for planning, engineering and development funding for the trail.

Legislative Report

Director Eichinger indicated that legislative liaison **Craig Brunet** provided a written report with legislation related to department happenings that could be found in the commissioners' binders.

Committee Reports

Michigan State Parks Advisory Committee:

Commissioner Louise Klarr reported that they had several people provide public comment in opposition of holding the Grand Prix on Belle Isle. The committee also heard a report on the joint effort ORV park in Oakland County between the department and Oakland county parks and recreation. **Ann Conklin** provided an update on the finance subcommittee, and **Jason Fleming** gave updates on the stewardship program and the Hemlock woolly adelgid.

NRC Policy Committee on Wildlife and Fisheries:

Commissioner Schlaybaugh said that the committee received a report from Fisheries chief **Dexter** on the Michigan fishing tournament information system, which has more than 6,500 registered fishing tournaments in the state with Lake St. Clair being number one with 230 events. **Dexter** also reported that walleye rearing was being put on hold near Selfridge National Guard base because of high levels of PFAS. He also noted that there is much interest in the trophy trout potential in the Au Sable river below the Mio dam and that the department is performing additional testing. **Dr. Seth Herbst** provided

information to the committee on the Fisheries order proposal process noting that there will be 26 proposals affecting seven Fisheries orders that will be presented to the commission beginning in August. Wildlife division chief **Mason** provided updates on the Shiawassee river state game area infrastructure projects and the Michigan Birds Program. **Mason** added that the wildlife habitat grant application period is now open and that **Amy Derosier** is the division's new Planning and Adaptation section supervisor. **Brian Frawley** presented the 2018 deer harvest survey results noting that there was a three percent decline in licenses purchased over 2017. **Frawley** also shared the results of the APR study survey in the core chronic wasting disease (CWD) area. **Chad Stewart** provided a recap of the proposed CWD regulations noting two recommended changes; to redefine the definition of bait to allow scented materials and to prohibit movement of all roadkill for consumption.

PUBLIC APPEARANCES BEFORE THE NRC

(**Stacy Welling-Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 1:41 p.m.)

Leonard Pizzuti came before the commission to talk about how deer hunting is not like it was when he used to hunt with his grandfather. He is not in agreement with a statewide baiting ban but agrees that it should be in the areas affected by CWD. **Pizzuti** feels that new baiting restrictions will have a negative effect on the state financially.

Erik Schnelle, president, MI QDMA, talked about high deer density in the thumb area and said that process does not require the commission to follow the survey threshold amount. This could help bring deer numbers down and is what the majority of thumb area hunters want. **Schnelle** added that population numbers are high in the TB zone as well and APRs should be considered there as soon as possible. **Schnelle** also encouraged the commission to move forward on the Upper Peninsula (UP) CWD task force recommendation.

Mike Taylor, a member of UP Whitetails Marquette and the UP CWD task force presented some recommendations on behalf of the task force for the UP CWD regulations which include: amending the proposed CWD core zone to remove three townships; Breiting, Sagola and Felch. They would like to see a sunset of any baiting/feeding ban if no additional CWD positive cases are found in the core, if one more is found they would like to see that sunset increased to two years; to see this sunset tied to a testing goal of 1,000, they feel that the department proposed goal of 2,600 is too high and unattainable; and would like to see twenty percent more antlerless tags in deer management units 022, 055, 121, 122, 155 and 255 (public land).

George Lindquist said that collectively we need to do what we can to reduce the herd in this area, and noted that Wisconsin has only tested six deer, whereas Michigan has tested 1,000 within the ten-mile radius. He would like to see an increase in the number of antlerless tags to help reduce the herd.

George Lindquist, president, MUCC, spoke on the topic of deer wintering complexes saying that he would like to see more assistance in helping deer survive in the UP. **Lindquist** was concerned about what would happen should CWD get to the Lake Superior watershed. **Lindquist** shared several ideas on improving the wintering deer complexes that would help prevent deer from congregating.

Bob Walker representing United Sportsmen's Alliance (UPSA) shared the group's thoughts about mandatory APRs and the thumb area survey not meeting the 66 percent threshold that has been in place for years; they have heard of an alternate plan that will try to get the commission to lower that threshold. **Walker** shared a little of the history of how the threshold percentage came to be and the groups involved in creating that guideline. They do not want to see the 66 percent threshold changed.

Elliott Hubbard spoke about the need for change in the antlerless harvest rate and thinks that APRs are the way to go. **Hubbard** is confident APRs will work to reduce antlerless densities and shared details from Pennsylvania and the northwest 12's increase in antlerless harvest numbers because they have APRs. He is disappointed that the thumb APR recommendation will be turned down. **Hubbard** asked the commission to be proactive and give APRs to the majority in the thumb area.

Aalden Guilmette talked about a baiting ban adding that it will affect the people who hunt on state land the most. **Guilmette** feels that the ban is discrimination morally and ethically against public land hunters. **Guilmette** also added that there should not be APRs on the first harvest on the combo tag in the UP. He said that the commission also represents the non-hunting public and also that many of the hunters of public lands can't afford to take off work to attend these meetings, there needs to be a way to make the meetings more inclusive for these groups.

Dave Johnson, president, UPSA, said that he would like to see Breiting, Sagola and Felch townships removed from the UP CWD area because they are such a short distance from being outside of the ten-mile radius where the CWD positive deer was found (9.97 miles). With regard to baiting, **Johnson** said that baiting affects two to four families of deer, whereas cuttings can concentrate upwards of 400 deer. **Johnson** did say that he would like to see Breiting township stay in the surveillance area, just not impose a baiting ban in the three townships mentioned above.

Mark Janeczko gave his opinion on the hunting of sandhill cranes, he does not want to see them put on the game species list. He also asked the commission to reconsider the trapping of fishers in the UP, their numbers are dropping and the population needs to return to previous numbers.

Tom Jeffrey from UPSA talked about the 55 percent threshold, stating that he doesn't think APRs should be allowed unless the 66 percent threshold is met.

Mike Girdley shared that he is for voluntary APRs only, not mandatory APRs. He also suggested that a survey should be included when a hunter gets their license. The director thanked **Mr. Girdley** and the cub scout pack for presenting the colors at the beginning of the meeting.

Mark J. Lemke, QDMA thumb branch president said that he represents the majority of hunters from that area and said that APRs are necessary. **Lemke** said deer numbers in the thumb will go up and hunter numbers will go down if APRs are not approved.

Josh Hillyard, region 3 director for QDMA presented the commission with a formal invitation for Fifth Annual Deer Rendezvous on August 3 and 4 in Bath.

Chauncey Moran thanked all for their passion and asked that they remember that this is the time of the year that deer are moving around a lot, be safe and be aware.

Chair Vicki Pontz adjourned the public appearances portion of the meeting at 2:58 p.m. and called to order the regular meeting of the commission at 2:59 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

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

Commissioner Tracy requested that the department prepare the following amendments:

- To allow hunters with disabilities the exception to bait not only during Liberty/Independence hunts, but all deer hunting seasons.
- In reference to the CWD study area regarding APRs;
 - remove all mandatory APRs from study area
 - remove mandatory APRs from just Montcalm county
 - for study area, flip the counties for mandatory APRs and the control area
 - Newaygo/Kent would be mandatory APR study area
 - Mecosta/Montcalm/Ionia to be in the control study area
- In reference to baiting ban in the UP; allow single bite baits in the CWD area (**Schlaybaugh** would like to hear more from the department, there is no sign of risk reduction).
- Remove APRs from deer management unit 122 (**Nyberg** added that this recommendation had been discussed by the UP CWD task force;

information on dispersal of yearling bucks could increase spread, what would department have to change to control spread)

- Remove APRs on first tag of combo tag for entire UP.

Commissioner Nyberg also presented an amendment for the department to prepare:

- Section 3.100, subsection (5), add a sunset period for core CWD surveillance area tied to the surveillance goal determined by the department on prevalence and spread
 - if achieved, ban would sunset if no additional CWD positive deer were found, the CWD action plan would be followed if any additional deer tested positive and the ten-mile radius would be reinstated.

Commissioner Schlaybaugh asked the department to move forward with changing the language on baiting with scented materials as discussed in the earlier NRC Policy Committee on Wildlife and Fisheries.

Commissioner comments included:

Commissioner Creagh: regarding the study, he would like it to state that mandatory APRs be explicitly tied to achieving antlerless harvest goals. Part of the study early on was to look at age/sex ratio along with doe and buck harvest; spread on the buck side. **Creagh** said that specific doe harvest numbers need to be established to reach the goals.

Regarding carcass transportation across the bridge; carcass transportation restrictions are established out of the CWD core areas and restricting carcass transportation across the bridge 24/7 would be an inefficient use of resources, as carcasses are already contained in high-risk areas.

Commissioner Nyberg: to have additional tools for harvest in the core areas, he thought it would be helpful to have information on if using a crossbow during late archery season in the UP CWD core area might be helpful for achieving those surveillance goals.

NATURAL RESOURCES COMMISSION ACTION ITEMS

Approval of Minutes, May 9, 2019, Natural Resources Commission Meeting

Commissioner Creagh made a motion that the minutes of the May 9, 2019, 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.

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

Commissioner Schlaybaugh made a motion that Wildlife Conservation Order Amendment No. 6 of 2019, Antlerless Deer License Quotas in the Upper Peninsula, be adopted. **Commissioner Walters** seconded the motion. **Pontz** called for discussion, **Nyberg** would like to know if a twenty percent increase in antlerless harvest for public land would be a detriment for the department's management goals. The director responded that the proposed baseline on antlerless harvest in that area can be gradually escalated upward, and therefore would not be a detriment, there would be room to grow into the goals. **Nyberg** added that if we are going to maintain aggressive management goals, why does the memo give direction for modest goals; **Mason** responded that the department is doing surveillance in the western UP at this point, not management. Should the department find evidence of additional CWD-positive deer, the perspectives would change accordingly.

Creagh added that private land antlerless tags aren't fully utilized, is there a way to determine if private land tags are not used in that area could they be used on public lands. **Eichinger** said it would be hard to do, at what point are we under-subscribed and at what point could you go back.

Commissioner Nyberg proposed a motion to amend Wildlife Conservation Order Amendment No. 6 of 2019 to increase license quotas twenty percent for public land antlerless licenses only in DMUs 022, 055, 121, 122, 155, and 255. **Commissioner Tracy** seconded the motion to amend. **Pontz** called for discussion on the amendment only. **Schlaybaugh** added that it is difficult to second guess what local biologists have presented as quotas for public and private land and he will support the department's recommendation. **Nyberg** agreed with **Schlaybaugh**, adding that he has had much conversation with biologists, retired biologists, citizens, etc., he is trying to find a balance to give aggressive surveillance in the CWD zone. **Walters** asked if this is an achievable goal or out of reach based on past history, will the tags be used. **Stewart** said they currently sell out in those five DMUs, he anticipates increased demand. **Pontz** added that our objective would be to take as many antlerless deer as possible, this is moving in the right direction. **Creagh** said that **George Lindquist's** comments about Minnesota being very aggressive with Wisconsin deer going into the state; increasing the antlerless harvest would kill deer also coming out of Wisconsin. **Pontz** called for any additional discussion on the amendment only, there being none, a vote was taken; with commissioners **Walters, Klarr, Nyberg** and **Creagh** voting yes and commissioners **Schlaybaugh** and **Tracy** voting no. The amendment to increase antlerless harvest by twenty percent in above-noted DMUs passed. **Pontz** asked for any other conversation on Wildlife Conservation Order Amendment No. 6, Antlerless Deer License Quotas in the Upper Peninsula, as amended, there being none, a vote was taken and the motion carried unanimously.

Pontz asked **Schlaybaugh** if he would like to add the NRC Policy Committee on Wildlife and Fisheries recommendation on implementing a proposal for APRs in the thumb area; **Schlaybaugh** said the committee recommended to the full commission not to implement a proposal for APRs in the thumb area as it did not meet 66 percent approval threshold to bring forward. **Commissioner Tracy** motioned to accept the committee's recommendation. **Commissioner Klarr** seconded the motion. **Pontz** asked for discussion, there being none, a vote was taken with all commissioners voting to accept the recommendation with the exception of commissioner **Walters**. The recommendation was accepted.

Creagh said that he appreciated the engagement from the thumb area hunters and the passion and commitment they brought before the commission; he mentioned earlier correspondence with QDMA that there are a number of items that the department, commission and QDMA could collaborate and cooperate on including habitat improvement and how to improve size of cooperative if it is contiguous or adjacent to state land. There are some enforcement challenges to that, but there are some ways that some objectives could be met without mandatory APRs that could satisfy a number of the issues brought up by the thumb QDMA chapter. **Creagh** encouraged the department to find areas where they could collaborate more fully based on past conversations. **Chair Pontz** thanked all for their frank and open discussion, this is getting closer to the commission's and department's goal of complete transparency on how these decisions are discussed and what is behind those decisions.

FOR INFORMATION ONLY – DIRECTOR

Chair Pontz read the items up for information only.

Order to Regulate Target Shooting on State Forest Lands in Grand Traverse County, Land Use Order of the Director Amendment No. 3 of 2019, FOR INFORMATION ONLY

Designated Campsites on Beaver Island State Wildlife Research Area: Charlevoix County – Technical Change, Land Use Order of the Director Amendment No. 4 of 2019, FOR INFORMATION ONLY

DIRECTOR – ACTION

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

COMMISSIONER REPORTS

Commissioner Walters shared that he fished earlier in the month and the weather was soggy and he went trout fishing on the Au Sable river.

Commissioner Schlaybaugh also got some fishing in and attended the Lovell's Trout Fishing Historical Museum's dedication of the **Art Newman** room. **Newman** was the first executive director of Trout Unlimited. This room was created to celebrate **Newman's** history and trout fishing in Michigan. They replicated his famous rod-building room, which did include original machinery. The previous Tuesday, **Schlaybaugh** gave remarks at Miller-VanWinkle Trout Unlimited chapter in Petoskey.

Chair Pontz shared that she and **Chad Stewart** spoke with the Michigan Department of Agriculture and Rural Development commission about CWD and proposed regulations on baiting and feeding. She also met with the department's diversity officer; **Alexis Horton** to get some ideas on partnering. She attended a CWD listening session in Houghton and also attended a UP CWD task force meeting via teleconferencing. **Pontz** also said that she would like to speak with Fisheries and Wildlife regarding the Pere Marquette river degradation project she became aware of.

Commissioner Klarr said that she appreciated the views and passion of both sides of hunters on the thumb area APR issue.

Commissioner Nyberg also said that he appreciated both sides of thumb APR issue. He hopes they don't lose that passion and they continue to work with department. He gave a shout out to the mid-UP chapter of the Ruffed Grouse Society and MUCC for a great kick-off for the 2019 on-the-ground program for grouse habitat. **Nyberg** commented on the fantastic turnout of volunteers and youth. He participated in the CWD listening session in Harris, which is directly in the core surveillance area; they heard approximately 27 public comments with good views on both sides of the issue. He did get the opportunity to go trout fishing, where he encountered a steelhead and landed it. That moment reminded him why it's great to be out doing what he loves to do in the outdoors.

Commissioner Creagh said that he had done some traveling, fishing. He would like the department to visit the correspondence from **Jerry Keck** regarding crossbows and timelines.

Commissioner Tracy said that he has been riding a fat tire bike and said that the department and volunteers have done a great job with the trails around his area of the state.

Director Eichinger said that he appreciated that public takes time off of work to comment and share their thoughts. He also expressed his gratitude to the staff for all the work that they put into these meetings. He did get to introduce **Mrs. Eichinger** into fly-fishing. The director worked at the Plainwell customer service center on Monday and said that he greatly appreciated the staff there and at other customer service centers that answer the phones and greets the public. They truly tackle the tough and unusual questions.

For the record **Eichinger**, clarified commissioner **Nyberg's** amendment to Wildlife Conservation Order Amendment No.6, Antlerless Deer License Quotas in the Upper Peninsula, that **Nyberg's** amendment was for *public land antlerless licenses only in DMUs 022, 055, 121, 122, 155, and 255.*

Next Meeting

Chair Pontz announced that the next meeting of the NRC is scheduled for Thursday, July 11, 2019, at MSU's Veterinary Diagnostic Laboratory, 4125 Beaumont Road, Lansing.

The committee meeting that day will be the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

Commissioner Tracy made a motion to adjourn. **Commissioner Walters** supported the motion and the meeting was adjourned at 3:47 p.m.



Vicki J. Pontz, Chair



Daniel Eichinger, Director

DATE: 7-11-2019