

MINUTES
NATURAL RESOURCES COMMISSION
January 10, 2019
MSU Veterinary Diagnostic Laboratory
4125 Beaumont Road
Lansing, Michigan 48910

Present for the Natural Resources Commission

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

Absent

Louise Klarr

Present for DNR Staff

Daniel Bock, legal counsel, Office of the Attorney General
Dan Eichinger, DNR director
Bill O'Neill, DNR deputy director
Trevor VanDyke, DNR legal/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 2:20 p.m. At that time, she introduced new Department of Natural of Resources director **Dan Eichinger** and welcomed **Keith Creagh** as the newest member of the commission.

Director's Report

Director Eichinger spoke about a failure in the process regarding Fisheries Order 200.19, Statewide Trout, Salmon, Whitefish, Lake Herring, and Smelt Regulations, and the department and Governor's standards of providing honest, transparent information.

Parks and Trails Update: Parks and Recreation division (PRD) assistant chief **Jackie Blodgett** provided an update on the snowmobile program. Currently permit sales are down approximately 50% from 2018 at this time. She added that the Upper Peninsula has good snow and the trails are busy, especially in the Munising area. The division has implemented the national Ride Right safety program which encourages riders to ride on the right side of the trail for safety purposes and also implemented the Tread Lightly program which encourages snowmobilers and ORV users to stay on the trails They will be working on this more in 2019. **Blodgett** said that PRD is working collaboratively with Pure Michigan on a winter promotion that

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is being seen in adjoining states that is highlighting Michigan's snowmobile trails. The Marketing and Outreach division and PRD are working on a short video which outlines where license fees are going. She also reported that the January 1, first-day hike program participation was down; there were 444 participants who hiked in the three participating parks which covered about 740 miles. The division is working with the Waterways commission on a statewide infrastructure assessment through a resolution that the Waterways commission passed last April. Bids for a statewide waterways infrastructure assessment were due January 11 for the state's 80 harbor of refuge sites and all boat access sites, which also includes state harbors and grant and aid partners. Some of the focus will be on boater trends and how they may be affecting the facilities and if changes need to be made to help meet those trends. A consultant to provide the statewide infrastructure assessment should be in place beginning in February.

The division has also been working on aquatic invasive species program in the Higgins Lake area; a task force is working to develop an enhanced education program encouraging boaters to clean, dry and drain their boats to slow the spread of invasive species. They will be partnering with the Law Enforcement division to do spot inspections at boating access sites.

Blodgett provided reservation numbers, which are down 9%; but explained that they are actually up 9%, due to the new cancellation policy that went into effect in October. Recreation passport revenue is up 7.5% over this same period in 2018; actual park sales are down which is a reflection of the policy change which adds a convenience fee of \$5.00 for on-site purchases, more people are purchasing their recreation passports at Secretary of State offices.

Public Act 288 (PA 288) Northern Lower Peninsula Update: **Scott Whitcomb** provided the latest status information of PA 288 which included that there are over 56 miles of road open in the UP where ORV use is appropriate, the northern Lower Peninsula has over 7,500 and the southern Lower Peninsula has 368 miles mapped. **Whitcomb** added that ed maps will be updated/published every April.

Chronic Wasting Disease (CWD) Survey Update: Wildlife division survey specialist **Brian Frawley** presented his report on the CWD survey. Frawley included objectives to describe current hunting practices, survey methods, impacts on CWD management, DNR's ability to manage the disease, deer processing and carcass movement, urine based scents, use of bait-success significantly higher in UP and NLP, not much difference in SLP. The questionnaires also asked about urine-based scents, not many hunters knew what they were made of. The use of bait was also a question, 52% use bait. In UP 81%, NLP-55%, SLP-43%. Success for the use of bait was significantly higher in the UP and NLP, not much difference in the SLP. There is an advantage to using bait in the UP and NLP. He does not know if we will have a harder time with hunters with the absence of bait. Disbursement and movement will change and **Frawley** is uncertain of harvest success. Hunter confidence in the department to manage the disease is under 60%. **Frawley** added that confidence in the department was generally similar among regions, except among hunters in the core CWD area and CWD management zone. Hunters in these areas were less confident that the department would make good deer management decisions and were less confident that the department would properly address CWD in Michigan. The director would like to better understand the timescale associated with what acceptable outcomes are; it would be interesting to see if the acceptability of the outcome changes based on a given set of time; an example would be what changes would be seen if less male deer would be seen for a period of zero to three years. That would be more helpful to



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understand and possibly become more acceptable to see fewer deer on the landscape and good to know at what point there are major changes on a timescale.

CWD Surveillance Update: **Dr. Kelly Straka** provided a summary of the 2018 CWD surveillance; these numbers and additional specific information on the disease surveillance since the disease was found in Michigan in 2015 in a captive cervid facility and since 2018 in the free-ranging deer population may be found at www.michigan.gov/cwd.

Straka thanked all who assisted with the testing in the disease lab from staff, to veterinary students to visiting international scholars, physicians and medical researchers. She also thanked various partners including MSU and the University of Wisconsin. All surveillance goals were met with the exception of zone 56 townships – goal of 8475, only tested 5243. The total positives found to date include 57 in 2018 and for the years of 2015-2018 is 111. **Straka** shared the next steps that include disease lab meetings to help access what worked, what didn't, and what can they tell about confidence in disease distribution. Division discussions will follow through the end of the month. **Schlaybaugh** shared kudos for the work and the information that they received. **Tracy** thanked the team and the field. **Commissioner Schlaybaugh** would like some thoughts about doing the same number of heads in 2019, costs benefit pieces within the cost and asked **Straka** to report in a subsequent meeting.

Legislative/Budget Report: **Trevor VanDyke**, director of the legal and legislative section provided a written report of legislation related to the department. In addition to the written report, **VanDyke** provided information on recent legislative highlights. The commission also received a copy of the fiscal year Supplemental Appropriations Public Act 618 of 2018.

Pontz asked about **Casperson** package; **VanDyke** said that to implement **Casperson's** package it would have to go before a general election. **Nyberg** asked for information on the funding for the Buffalo Reef/Gay Stamp Sands. **VanDyke** will provide more specifics on the final needs that will be covered by the \$3 million in funding.

Committee Report:

NRC Policy Committee on Wildlife and Fisheries: **Commissioner Rex Schlaybaugh** stated that the committee received a report from Fisheries division chief **Jim Dexter** indicating what types of work is covered during winter months, including equipment maintenance, fish aging, report writing, work planning, management prescriptions, regulations and meetings. Since 2008, Fisheries orders have been scaled down from 50 to around 30. **Dexter** also updated the committee on MH-2 and what is being done in the Lake Huron district. The commission will continue to work with staff and Citizen's Advisory Committees on this issue. Wildlife division chief **Mason** reviewed the fall 2018 hunting seasons and provided an update on the thumb-area antler point restrictions survey. **Chad Stewart** provided elk harvest season summary, noting that department objectives were met. **Stewart** also provided information on the Beaver Island Wildlife Club who are asking for an exception to the baiting ban to allow for supplemental feeding on the island.

Commissioner **John Walters** informed the Commission that Michigan attorney **Joe Hemming**, president of Anglers of the Au Sable, was named National Conservationist of the Year by Fly Fisherman magazine.

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PUBLIC APPEARANCES BEFORE THE NRC

(**Stacy Welling-Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 3:15 p.m.)

Jeremy Applekamp came before the commission to thank the residents of the UP for proving that they are ethical conservationists when it comes to the state. He also thanked the commissioners and the staff for their work done in providing the data needed to show that Michigan has done what is needed to recover over the number of wolves required to have in the state. **Applekamp** added that Michigan studies show that the state has reached the maximum capacity that the habitat can support. He would like to see monies spent on wolves currently be put to better use towards other species. **Applekamp** offered his help moving forward and would like to see more education and funding in managing Michigan wolf populations into the future. **Commissioner Nyberg** thanked him for taking the time to come to Lansing to speak about his passion. He also added information regarding the North American Model for managing wolves, and the Michigan population greatly exceeding numbers, but the department's hands are tied due to current Federal constraints.

Erik Schnelle, president, Michigan QDMA thanked several staffers for work and for assisting setting up recent meetings with their members. **Schnelle** said that the turn-around time for testing results was fantastic. He is getting good feedback on those working on the thumb APR process; it highlights the need that QDMA asked for in August. The QDMA is also looking forward to information from the CWD research as they want to inform hunters as soon as possible of any changes so we can all better manage deer.

Greg Peter, vice president, MUCC, said that the CWD effort by the department has been phenomenal. **Peter** also said that MUCC is against the baiting and/or feeding of deer but would like discussion on how to feed other wildlife without spreading disease. MUCC stands firmly behind a baiting and/or feeding ban.

Tom Jeffrey spoke about antler point restrictions (APRs) in the thumb; as a long-time hunter he believes in self-imposed antler point restrictions.

Tim Lintz is against mandatory APRs and has not seen any sound science on how this would be beneficial for the overall health of the herd. Antlers shouldn't be more important than meat. Trophy QDMA is not quality deer management.

Bob Walker from United Sportsmen's Alliance, noted that the group has been actively involved with the department for 17 years including membership in the APR workgroup that was chaired by commissioner **Richardson** in 2010. In December of 2011, their recommendations were approved by the commission. **Chief Mason** was instructed to immediately implement those recommendations. **Walker** added that the sponsoring group from 2010 paid for that survey and he feels that the department and commission are not following their own policy. In August 2018, the group was informed another APR workgroup would be formed. They will be closely monitoring this workgroup, but **Walker** had questions concerning why the recommendations from 2010 would not be followed for the thumb area.

Taylor Phillips is a Cass county resident, as well as an instructor for CPL course. He would like to see muzzle loading season deregulated and updating the title to suggest it be renamed "general" or "open" season; meaning any desired legal pistol may be used for hunting.

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Jerry Keck thanked **Brian Frawley** and **Kelly Straka** for the information they compiled and shared at the day's meeting. As a long-time archer and hunter safety instructor, he does not want to see mandatory APRs in the thumb area; the 66% survey approval rating must be followed.

Mark Eschtruch shared that deer hunting is a family sport and the person who harvested the meat was the honored person. He does not want to see mandatory APRs.

Mike Girdley spoke about APRs, CWD, and deer management. He is looking out for his children's future and said that CWD scares him. Children are the future stakeholders and should be taught the correct way to hunt. **Girdley** does not want to tell his children they have to be trophy hunters.

Dave Buikema thinks that APRs are a deer management tool and likes shooting big bucks. **Buikema** looks forward to working with the commission on deer disease management. He added that he has been working with co-ops on this partnership with the commission and department and wants to do what is best for the deer herd.

Mike Riepen of the Michigan Deer Tracking Houndsmen/Michigan Deer Trackers would like the commission's support and assistance for ethically using dogs to recover wounded animals. They believe it is their duty to do better if they can, whatever they can do to help hunters recover deer within the law. **Riepen** also commended the Law Enforcement officers out in the field for the great job they do out in the field.

John Stears talked about forest road closures and how difficult it is to get on an advisory group. **Stears** commented on Public Act 288, saying that he was unable to navigate the webpage successfully. He is concerned that the trail groups are not working together and offered several solutions concerning communications. **Stears** would like more transparency for the average person to see what's going on in the ORV community.

Bernie Shaver spoke about CWD/APRs and does not think the department and commission have reached out to all the schools, township offices, and sportsmen's clubs. **Shaver** is also concerned about the loss of meat processors in the CWD areas. **Shaver** said that the department should offer DNR drop boxes at more processors. He also commended lab staff, adding that the average time to get CWD test results back was five days.

Aalden Guilmette is a 25 year UP deer hunter and feels that forced APRs are a disaster. **Guilmette** added that QDMA does not represent all hunters. He spoke of the long-time hunting traditions that are being lost. He does not want to see a decision on baiting too quickly because it may alienate hunters. **Guilmette** also spoke about the difficulty for hunters to comprehend the hunting laws.

Bob Jones, a long-time archer said that the rules are pushing hunters out of the woods. He does not agree with having APRs.

Pam Katzinger, an average Michigan hunter, spoke regarding APRs in the thumb; she and many hunters in her area have never been surveyed and pondered over what would happen if the hunter makes an error and shoots a deer without four-on-a-side. **Katzinger** received an answer earlier in the afternoon from a conservation officer on the costs, loss of hunting license

and possible jail time. If mandatory APRs are passed in the thumb area she may no longer purchase licenses or hunt in Michigan.

Ron Shaver does not agree with mandatory APRs in the thumb area. **Mr. Shaver** would like a better explanation and see credible evidence in light of what CWD presents and letting young bucks walk.

Rashel Titus also spoke about APRs; hunting older bucks with bigger antlers is not what the sport of deer hunting is all about. **Titus** said that you buy the tag for the opportunity to pursue game; hunters can still practice APRs without having them be mandatory.

Greg McDonald spoke to the commission about youth hunt; he said that they are usually the bigger bucks and letting youth shoot them doesn't make a lot of sense to him. He added that only antlerless deer are allowed to be taken during the youth hunt in other states. In **McDonald's** opinion that banning baiting and APRs make it more difficult for the hunter and it won't be long before hunting is a thing of the past.

Dale Hendershot welcomed both **Creagh** and **Eichinger** to their new positions and wanted to give thanks to the Law Enforcement division's trapper's education officers, they are a big plus to the school and the department.

Chair Pontz adjourned the public appearances portion of the meeting at 5:35 p.m. and called to order the regular meeting of the NRC at 5:40 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

NATURAL RESOURCES COMMISSION – ACTION

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

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

Pure Michigan Hunt Name Change, Wildlife Conservation Order Amendment No. 1 of 2019

Commissioner Tracy made the motion to delay Wildlife Conservation Order Amendment No. 1 of 2019, Pure Michigan Hunt Name Change 30 days. **Commissioner Schlaybaugh** supported the motion. **Pontz** called for discussion, **Creagh** said that a delay is needed to see if there is a marketing advantage to a name change and does not think that 30 days would be long enough to make that determination. **Director Eichinger** appreciated the motion made and he would like to move in this direction. **Tracy** motioned to table the amendment with **Schlaybaugh** supporting the motion. **Pontz** called for additional discussion, there being none, a vote was taken to table Wildlife Conservation Order Amendment No. 1 of 2019, Pure Michigan Hunt Name Change, the motion passed unanimously.

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Deer Feeding Exception on Beaver Island, Wildlife Conservation Order Amendment No. 2 of 2019

Commissioner Schlaybaugh made the motion to table Wildlife Conservation Order Amendment No. 2 of 2019, Deer Feeding Exception on Beaver Island. **Commissioner Nyberg** supported the motion. **Pontz** called for discussion, **Schlaybaugh** added there is a lot of work the department will be doing to access CWD information and to provide better direction, and he would like to take the time to make this decision with more research and assessment. **Tracy** added about the possibility to sue the department or commission related to the baiting ban and on exceptions made, the department and commission need more information on the science behind exceptions. **Pontz** called for additional discussion, there being none, a vote to table Wildlife Conservation Order Amendment No. 2 of 2019; Deer Feeding Exception on Beaver Island, and the motion passed unanimously. **Pontz** asked if there were any information they would like the department to provide on Wildlife Conservation Order Amendments Nos. 1 and 2; **Nyberg** got some feedback from hunters and that the Pure Michigan brand is national and that is an advantage for the Pure Michigan Hunt; it would be interesting to know what data is on out-of-state hunters about how they learned about the Pure Michigan Hunt.

FOR INFORMATION ONLY – DIRECTOR

Chair Pontz read the item up for information;

Public Act 288 of 2016, Forest Road Inventory Proposed Changes in the Northern Lower Peninsula, Land Use Order of the Director Amendment No. 1 of 2019.

DIRECTOR – ACTION

Chair Pontz listed the director's action items on the agenda, director **Eichinger** indicated that he would approve the land transaction.

COMMISSIONER REPORTS

Schlaybaugh: spent time out in the woods during the black powder season. He attended the Hammond Bay Anglers Director's meeting with commissioner **Walters** last week and had some good discussions on MH-1 and MH-2 and possible concerns with the upcoming Consent Decree. He also attended the Fly Fisherman Magazine banquet in Grayling that **Walters** mentioned in the NRC Policy Committee on Wildlife and Fisheries.

Walters: He and **Schlaybaugh** gained knowledge with Hammond Bay Anglers group, will be participating in conference call to get better dialog and make better decisions in MH-1 & MH-2. He went fly-fishing on New Year's Day, an annual tradition.

Nyberg: It was encouraging to see how well the department transition is working; adding that it is good to work with both **Eichinger** and **Creagh**. He shared that former Senator **Mike Prusi** was appointed by **Governor Whitmer** as director of Northern Michigan/Upper Peninsula Office. Earlier in the day, **Nyberg** met with **Senator Sarah Cambensy** seeking to be appointed to natural resources committee in the house. **Nyberg** also noted that the director, deputy director,

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UP regional coordinator, former commissioner **Richardson**, along with him would be attending the UP Whitetails banquet on February 9.

Creagh: said that he is glad to be a part of the commission and is looking forward to working with the new director.

Tracy: said that everyone is passionate and loves the natural resources and hopes that we all don't lose track of what we have in common.

Pontz: attended her first bear forum and was grateful to learn more about the issues related to bear hunting. **Chair Pontz** also noted that we are entering into meeting season with stakeholders; she thanked the commissioners in advance for participating in those banquets and meetings and asked department staff to make commissioners aware of any upcoming meetings, banquets or events. The commission is very interested in participating with stakeholders in their territories.

Eichinger: will be attending UPSA and UP Whitetails meetings and banquets as earlier noted on February 9. He maintains that working the DNR and in natural resources is the best job in the world.

Next Meeting

Chair Pontz announced that the next regular meeting of the Natural Resources Commission will be on Thursday, February 14, 2019 at the Lansing Center, 333 E. Michigan Ave., Lansing. Committees meeting that day will be the Michigan State Parks Advisory Committee and the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

Commissioner Tracy made a motion to adjourn. **Commissioner Schlaybaugh** supported the motion and the meeting was adjourned at 5:57 p.m.



Vicki J. Pontz, NRC Chair



Daniel Eichinger, DNR Director

DATE: 2/14/2019