

**MINUTES**  
**NATURAL RESOURCES COMMISSION MEETING**  
**March 14, 2019**  
**Shanty Creek Resort**  
**5780 Shanty Creek Road**  
**Parlor Room A**  
**Bellaire, MI 49615**

**Present for the Natural Resources Commission**

Chris Tracy, acting chair  
Rex Schlaybaugh  
John Walters  
Keith Creagh  
Dave Nyberg  
Louise Klarr

**Absent**

Vicki Pontz

**Present for DNR Staff**

Peter Manning, legal counsel, Office of the Attorney General  
Dan Eichinger, DNR director  
Bill O'Neill, DNR deputy director  
Stacy Welling Haughey, UP coordinator  
Brooke Parmalee, DNR legislative assistant  
Cheryl Nelson, NRC executive assistant

**COMMITTEE OF THE WHOLE**

Acting chair **Chris Tracy** called the Natural Resources Commission (commission) meeting to order at 12:31 p.m.

**Director's Report**

**Wildlife Conservation Order Amendment No. 4 of 2019 Ashley Autenrieth** was asked by director **Eichinger** to share language that will be used in Wildlife Conservation Order Amendment No. 4 of 2019, Bear Regulations and License Quotas memo. This will include; bait barrel lids shall have a mechanically-attached, securely-affixed lid. Regarding the removal of barrels as described in subsection (j); barrels shall be removed no later than five (5) days after the close of the bear season on department-owned land. This is also a bait station therefore, bait must also be removed, including all items affixed to barrel.

**Ranger of the Year Award** Each year, ServiceWear Apparel, a nationwide provider of uniforms accepts nominations for the company's park ranger of the year award which honors a park ranger who shows exemplary service in preserving and protecting the nation's scenic, historic and natural splendor for the benefit of citizens and future generations. **Mr. Jim Burnett**, ServiceWear's executive vice president presented the 2018 Ranger of the Year award to Ludington state park's **Paul Kline**. Parks and Recreation division (PRD) chief **Ron Olson** said

that **Kline** takes on several roles for PRD including serving as the park's safety officer and licensed herbicide applicator. He is an accomplished sawyer and has used his woodworking skills to create many custom items for the park, is responsible for routine maintenance, customer service, is a certified playground safety inspector, and performs law enforcement duties. He has a positive influence on his co-workers. **Mr. Burnett** presented **Kline** with the award along with a check for \$1,000 to the Friends of Ludington State Park along with an additional \$1,000 for Ludington state park for work apparel. **Kline** thanked **Mr. Burnett** and ServiceWear, his fellow-employees, his wife and family, the community of Ludington and the supervisors who nominated him for this award. He said that his accomplishments came because of the excellent leadership and help he has received over the years.

**Parks and Recreation Division's 100<sup>th</sup> Centennial Celebration** Chief **Olson** shared that on May 12, 1919, Interlochen state park became the first park dedicated in the new Michigan state park commission. **Olson** spoke about several of the upcoming events including the May 18 special centennial summer fun day at Interlochen state park with the theme to celebrate access to the outdoors where a legacy project will be installed which will include an accessible fishing and kayak launch, along with other infrastructure updates. Area youth have been invited to attend and engage in many activities and **Governor Whitmer** will be in attendance to mark this time in history.

In other news, **Olson** noted that the Michigan Snowmobile Association is in the process of creating an expansion to be called the Michigan Snowmobile and Off-Road Vehicle Association.

**Chronic Wasting Disease (CWD) Update** Wildlife division assistant chief **Steve Chadwick** began by reporting that a four and one-half year old antlerless deer was taken in Jackson county and tested positive for CWD. It was taken in a joint surveillance effort with Wildlife Services in an area within a mile and one-half of where a previously-identified positive deer was taken. **Chadwick** talked about the antler point restriction (APR) experimental design's objective of evaluating if APRs within a five-county CWD core will impact deer abundance and sex and age composition, with the deliverables being to provide estimates on abundance, sex and age ratio changes, deer harvest, hunter numbers, and hunter perceptions to APRs. The experiment cannot provide estimates on prevalence and the spread of CWD. **Chadwick** provided Wildlife division's status with regard to the experiment; including the hiring process, bids for cameras and the division's next steps. Four thousand surveys were being delivered during the week of the commission meeting that will allow for smaller margins of error between treatment and control areas and greater opportunity to observe difference between areas.

**Commissioner Tracy** began conversation with regard to the hiring of staff, purchasing of equipment; inquiring if the commission made a decision to opt out of this work, can that staff be used for other work in the department. **Chadwick** said that this could not happen as funding was held tight to this project. **Director Eichinger** said that the department is working on the fulfillment of the commission's intent to move forward with respect to their August resolution. **Commissioner Schlaybaugh** added that the commission approved a five-county project with details to be worked out by the Wildlife division. The department and division are relying on the terms of the resolution to move forward. **Tracy** doesn't think that an experiment has been created, is in place or moving forward with the specific items of the prevalence and spread of CWD. He believes that what is being done is that the commission is burdening field and lab staff in a tremendous way with respect to other items the commission has asked them to do. **Tracy** is concerned that the commission resolution directed the department and division to do something they should not have to move forward with. The department and division are



cooperating and moving forward but not dealing with the number one item in resolution number 2 on the prevalence and spread of CWD. **Eichinger** stated that the explicit outcome of the research is not a way to evaluate the prevalence and spread but is to give a better understating of prevalence and spread. Many factors contribute to the prevalence and spread of CWD, knowing this information is important intelligence moving forward. **Eichinger** added that this will inform how the department would make estimations on how they would undertake actions to measure prevalence and spread. The research will not conclusively determine the velocity of the spread.

Marketing and Outreach division chief **Kristin Phillips** filled the commission in on the department's communication efforts; the nature summit held in February proceeded with the goal to share information regarding CWD with nature centers, zoos and other organizations, stakeholder meetings, and responses to recent media CWD stories. **Phillips** provided information about the partnership between the department and Michigan State University (MSU) to advance research, education and technical assistance on wildlife disease. A \$4.7 million competitive grant program has been developed that will be implemented through MSU.

**Eichinger** shared that there will be a proposed rule published to delist wolves on March 15 by the United States Fish and Wildlife Service (FWS) in the lower 48 states. When the FWS publishes this rule, there will be a 60-day public comment period that will close on May 14.

**Legislative Report:** **Craig Brunet**, legislative liaison, provided the commissioners with a written report of recent legislative happenings related to the department.

#### **Committee Reports:**

##### ***Outdoor Recreation Advisory Council (ORAC)/NRC Marketing, Partnership, Youth and Outreach Advisory Committee***

**Commissioner Tracy** shared a few highlights of the morning's joint meeting with ORAC and the commission. The ORAC was formed in 2018 to improve the outdoor recreation economy, employment and consumer spending, and support public recreation in Michigan. Discussion centered around outdoor recreation and various marketing opportunities.

##### ***NRC Policy Committee on Wildlife and Fisheries***

**Commissioner Schlaybaugh** reported that Fisheries division chief **Dexter** talked about several upcoming construction projects, the present issue regarding MM-4 Lake Trout regulations in Grand Traverse Bay in relation to the Consent Decree and presented regulation options.

**Dexter** informed the commission that the division is holding eleven conversations and coffee sessions throughout the state to garner public thoughts that will help with upcoming fishing regulations.

Wildlife division chief **Mason** provided a brief update on the North American Wildlife and Natural Resources conference recently held in Colorado, where it was announced that director **Eichinger** would be appointed as the Mississippi Flyway council representative to the North American Wetlands Conservation Act council. **Tom Cooley**, Wildlife division pathologist of over 40 years recently received MSU's Outstanding Alumni award from their college of Agriculture and Natural Resources. Next, **Mason** said that the western Upper Peninsula's (UP) moose abundance survey had been completed with indicators that there are approximately 509 animals growing at an average rate of two percent each year. **Mason** concluded by sharing that supplemental feeding of deer will be allowed in the southern portion of the UP. It will not be



allowed in the core and expanded CWD monitoring zones in the UP where the disease has been found.

### **PUBLIC APPEARANCES BEFORE THE NRC**

(**Stacy Welling-Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 1:26 p.m.)

**Jim Sweeney**, Concerned Sportsmen of Michigan, spoke to the commission about his concerns with the experiment on the effect of APRs in the CWD zone. **Sweeney** said that the proposed APRs will have a demonstrable negative impact on efforts to control and contain CWD in Michigan. **Sweeney** suggested several alternatives for spending the \$250,000 set aside for this experiment; increased sampling levels, increasing the number of self-service sample dumpsters available to hunters and increased utilization of Wildlife Services to remove animals in the immediate vicinity of identified positives. **Tracy** asked if **Sweeney** thought the experiment should be moved outside of the CWD zone, and where that area should be. **Sweeney** suggested Barry county, as it does not have CWD but is close to the zone.

**Mark Spencer**, vice president of the Michigan Trappers & Predator Callers Association (MTPCA) talked about fisher/marten survey that they previously requested from the Wildlife division as they were not happy with 2018's decreased bag limit. **Spencer** said that the fisher have moved towards barns where food is prevalent. He suggested that more people be involved in the survey and they should be checking around farms/barns. He also suggested a fur buyer survey that is reported on every few months.

**Eichinger** suggested to **Schlaybaugh** that this be a topic in NRC Policy Committee on Wildlife and Fisheries in an upcoming month.

**Mark McKellar**, Brook Trout Coalition (BTC) of Michigan, shared the group's history along with their position statements on the Boardman river; they support the dam removal, fish passage and a 10-year hold for scientific study and research from the opening date of the dam. The BTC is in support of the reintroduction of the Arctic Graying in Michigan and the Boardman river. They are in opposition of having steelhead above the Union street dam.

**Bryan Burroughs**, executive director, Michigan Trout Unlimited (MITU) said that the organization is opposed to 200.19A, which places a ten brook trout limit on 33 streams in the UP. **Burroughs** provided numerous summary points and a handout that MITU believe indicates the bag limit needs to be decreased and the 33 streams need to be removed from the fish order. He added that MITU and the department have much work ahead of them to ensure healthy, resilient, productive and desirable fisheries in the state. Trout Unlimited will continue to be good partners with the department in achieving those goals for the common good. **Burroughs** asked the commission to review all of the information MITU has presented on this issue, move forward and get back to focusing on the work MITU and the department must do to ensure the future of Michigan's trout fisheries. **Eichinger** asked questions on **Burroughs'** comments where it is indicated that interest is tied to the abundance of fish. **Burroughs** responded that there have been several social studies which documented four Michigan waters that proved the five brook trout bag limit, the department did not provide any scientific data for an increased bag limit to ten brook trout. He added that anglers will go to where the highest perceived abundance of brook trout; they want to be assured of success and catch them.



**Mike Riepen** from Michigan Deer Trackers and Michigan Deer Tracking Hounds came before the commission to inform them of their efforts to promote changes in the laws regarding the use of tracking dogs to locate wounded deer by a registered tracker. **Riepen** said that the group would continue to educate the commission on safety concerns and moral and ethical issues. **Riepen** said that there need to be several regulation amendments to allow for the tracking and ethical dispatch of wounded deer.

**Mike Thorman** shared his comments on Wildlife Conservation Order Amendment No. 4, Bear Regulations and License Quotas. **Thorman** said that he was pleased with the outcome of the bear forum meeting and how well the various groups worked together. He is in favor of the amendment as written but added that if it does not work the commission can change it in the next two-year cycle.

**Tim Dusterwinkle**, president, Michigan Bear Hunters Association (MBHA) shared that this year MBHA is building two live bear traps at Ferris State University that will be donated to the department. They support expanding the bear population in the Lower Peninsula, would like to see earlier baiting, support use of barrels, and support moving the Liberty Hunt to a different weekend to avoid conflict with other hunters. They support all quota recommendations with the exception of the Newberry unit, where they would like to see a reduction. They also support allowing Wisconsin hunters with dogs be allowed to train in the western UP; they would like to see this along with the use of barrels for a two-year trial period. **Dusterwinkle** closed by saying that MBHA are proud to partner with the department, MUCC and many other stakeholder groups.

**Nancy Hudson** UP Bear Houndsmen, said the group is in favor of the department's bear and license quotas amendment with the addition of removing barrels and making sure that the lids are secure. **Mr. Hudson** talked about the bear model and how it is set up and what also needs to occur with that model. He would like to see dog training for non-residents be approved.

**Jeff Tropf**, a charter boat captain with a degree in conservation, who has also worked with and written grants for the Tribes shared his comments regarding MM-4. **Tropf** read a statement regarding the catch and release of Lake Trout and their mortality rate in Grand Traverse Bay. He felt that the intentional omission of conversation on the intentional overharvesting by catch and release of Lake Trout should have been discussed at a recent department-held meeting. **Tropf** would like to see a resolution based on science, and education of the professional and recreational angler that would be in line with the new boating law effective in 2019 making intentional targeting of catch and release of Lake Trout in Michigan illegal.

**Tony Radjenovich** spoke to the commission about setting the appropriate fishing regulations for MM-4. His sport fishing group, the Coalition to Protect Michigan Resources (CPMR) feels that a more appropriate bag limit regulation would include a season from January 1 to September 30, a one fish bag limit from January through May 31, and from July 16 through September 30, with a two fish bag limit from June 1 to July 15. **Radjenovich** urged the commission to consider publications, education, among other actions to educate the sport fishing community that catch and release is prohibited in the Consent Decree management units to avoid similar overharvests and to consider review of the study establishing a 41% mortality rate and determine whether the number is appropriate under all surface water conditions, management units, all fishing depths and all gear choices.



**Amy Trotter**, executive director, MUCC, commented on the bear regulations and bait barrels; she appreciated the commission's, director's, and staff's quick clarifications on barrel and lids issues. **Trotter** also spoke regarding the brook trout issue on 10-bag limit and their disappointment in the deletion of the streams and urges careful review of what materials are before them.

**Acting Chair Tracy** adjourned the public appearances portion of the meeting at 2:25 p.m. and called to order the regular meeting of the NRC at 2:26 p.m. He 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

#### *Statewide Trout Salmon, Whitefish, Lake Herring, and Smelt Regulations, Fisheries Order 200.19A, FOR INFORMATION ONLY*

**Acting Chair Tracy** reviewed the item and asked if there was any discussion. **Commissioner Walters** wanted the following added to the minutes for the record: when the commissioners were asked to vote on Fisheries Order 200.19 in December, he clearly saw that the posted version had no reference to the thirty-three trout streams with the 10 brook trout bag limit. He took into account testimony from Michigan Trout Unlimited, Anglers of the Au Sable, Fly Fishers International and many others who played a key role in this opposition. He supported the language that was in Fish Order 200.19 and that is why he supported this order. He thinks it is important that whenever the commission has an order that all commissioners read and understand its contents or ask questions. **Walters** went on to say that he did not see an error in the vote but recognizes that others do. He thinks that this is a great opportunity to fix fish order 200.19, not from the vote taken in December 2018, but from the vote taken in November 2017 on Fisheries order 200.18. He encouraged the commissioners to review the three items prior to voting on Fisheries Order 200.19A, Statewide Trout, Salmon, Whitefish, Lake Herring, and Smelt Regulations in April:

The PowerPoint presented by the Fisheries division during the October 2016 meeting, which was shared with all commissioners per **Walters'** request.

The written testimony provided by Trout Unlimited.

Public Act 377 of 1996, which gave the commission exclusive authority to regulate the taking of game and requires the commission to use principles of sound scientific management to the greatest extent practicable.

**Walters** requested that the department prepare an amendment for the April 11, 2019, meeting to remove the original 33 UP 10-brook trout waters that were reinstated in the current version of Fisheries order 200.19A for information before the commission on March 14, 2019.

**Tracy** asked for additional discussion noting that chair **Pontz** might say that this was a typographical fix. Speaking for himself, **Tracy** added for transparency, the addition should have been brought forward as a normal wildlife conservation order amendment. **Commissioner Nyberg** said now is a good time to talk about the order process and in the spirit of



**Governor Whitmer's** desire to improve transparency in state government, and to make sure that our customers, and hunters and anglers in Michigan have a better process for tracking changes and amendments, suggested a process similar to the legislative process. He agrees with **Tracy** on the process moving forward on this issue. **Nyberg** said that possibly looking at this order with fresh eyes may change the outcome of the streams and creel limits.

**Tracy** asked for additional comments, **Schlaybaugh** asked for a motion to Fisheries Order 200.19A by asking the Fisheries division to bring a revised order for action in April to include a regulation proposal for MM-4 lake trout regulations that maintain the current season and minimum size limit but reduce the daily bag limit to one fish. **Tracy** called for a vote of this motion, which passed unanimously.

**Tracy** asked for further discussion and information on Resolution No. 2 from August 2018; to have the experiment take place in counties other than a CWD area. He would like to have both in the NRC Policy Committee on Wildlife and Fisheries and in the Committee of the Whole. **Schlaybaugh** added that it would be important for Wildlife to give the commission their views on the practicality if the commission should make an amendment to the resolution. **Tracy** added that Wildlife could factor in receiving a study in 2020 so they don't have to rush in to creating a response. He would also like to know if there are any other states doing something relative to APRs in a CWD zone.

#### **NATURAL RESOURCES COMMISSION ACTION ITEMS**

##### **Approval of Minutes, February 14, 2019, Natural Resources Commission Meeting**

**Commissioner Klarr** made a motion that the minutes of the February 14, 2019, NRC meeting be approved. **Commissioner Creagh** supported the motion. **Tracy** called for discussion, there being none, a vote was taken and the motion carried unanimously.

##### **Migratory Game Bird Hunting Seasons, Wildlife Conservation Order Amendment No. 3 of 2019**

**Commissioner Schlaybaugh** made a motion that Wildlife Conservation Order Amendment No. 3 of 2019, Migratory Game Bird Hunting Seasons be adopted. **Commissioner Walters** supported the motion. **Tracy** called for discussion, there being none, a vote was taken and the motion carried unanimously.

##### **Bear Regulations and License Quotas, Wildlife Conservation Order Amendment No. 4 of 2019**

**Commissioner Schlaybaugh** made a motion that Wildlife Conservation Order Amendment No. 4 of 2019, Bear Regulations and License Quotas be adopted. **Commissioner Creagh** supported the motion. **Tracy** called for discussion, **Walters** moved to amend the order by prohibiting the use of bait barrels on department-managed lands in the LP. **Commissioner Schlaybaugh** supported the motion. **Tracy** called for additional discussion. **Walters** said he was making the motion due to recent conversations in the past 30 days due to the use of barrels on department-owned lands in the LP because of concerns for the health and safety of bears. He thinks there should be a control area with similar demographics for use of bait barrels for two years. **Walters** noted the different uses of department-owned lands in the very busy use month of September. **Tracy** asked for any additional discussion, there being none, he called for a vote



on **Walters'** motion only. A role call vote was taken; commissioners **Nyberg, Creagh, Klarr, Schlaybaugh** and **Tracy** all voting no, **Walters** was the only yes vote, motion to amend does not pass. **Commissioner Creagh** made a motion to amend the order by limiting bait barrel locations to only within 100 yards of a state forest road or a roadway as defined in MCL 324.81101. **Commissioner Schlaybaugh** supported the motion. **Tracy** called for discussion, there being none he called for a vote, the motion passed unanimously.

**Commissioner Creagh** then made a motion to amend the order by requiring barrels that are described in section 3.205, subsection 14, subsection (j), be removed from department-managed lands no later than five (5) days after the close of the bear season; clarify that a barrel as described in subsection (j), and all materials used be considered a bait station, and to require bait barrels, as described in subsection (j), to have a mechanically-attached, securely-affixed lids. **Commissioner Schlaybaugh** supported the motion. **Tracy** asked if there were any other discussion for this proposed amendment, there being none, a vote was taken and the motion to amend passed unanimously. **Tracy** asked if there were any additional proposed amendments or discussion, **Schlaybaugh** requested that during the NRC Policy Committee on Wildlife and Fisheries the Wildlife division was asked to look further into alternative types of barrels with research attached that could be made available to hunters be reflected in the minutes. **Nyberg** also made mention of the proposal brought up at a recent commission meeting and at the bear forum by hunter safety instructor **Dean Dallavalle** regarding having one bear tag reserved for each UP county for a youth currently in the hunter's safety program. **Nyberg** added that although this item is not ready to be presented, he would like to see if it could be brought forward for the future, noting that it is broadly supported by the UP Sportsmen's Alliance. **Nyberg** added that this would be a great way of promoting bear hunting to Michigan's youth. **Tracy** called for any additional discussion, There being none, a vote was taken and Wildlife Conservation Order Amendment No. 4 of 2019 carried unanimously.

#### **DIRECTOR – ACTION**

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

#### **COMMISSIONER REPORTS**

**Commissioner Schlaybaugh** shared that he was heading out after the meeting to do some steelhead fishing.

**Commissioner Walters** said he is back cross-country skiing and snow-shoeing and is enjoying those sports with four feet of snow currently on the ground. He attended the Mid-West Fly-Fishing Expo on March 9 in Warren.

**Commissioner Klarr** attended the Jackson College sportsmen's banquet. She also participated in fly fishing in Cuba, went quail hunting and did some ice fishing. She appreciates the commission and the transparency that is practiced and appreciates all that come to be a part of this process.

**Commissioner Nyberg** attended the UPSA meeting in February with good discussion on the bear regulations. That meeting reminded him how dedicated our sportsmen and women are in Michigan and how much they look forward to carrying forward traditions for future generations. **Nyberg** complimented department staff who have been able to work with and answer all of his questions.



March 14, 2019

**Director Eichinger** thanked all for their attendance at the day's meeting and that have done so regularly. He appreciates their input and views. **Eichinger** added that he will be staying on in Bellaire to attend the bear meeting and banquet and tomorrow will be attending the sixth all-employee meeting out of seven. He has had good conversation with staff during these meetings, which are very beneficial for him. The previous week he was in Washington, D.C. meeting with the Congressional Delegation on a host of issues, in particular, he noted the good talks with Illinois on the Asian invasive carp.

**Commissioner Tracy** thanked all for attending and participating in the day's meeting.

#### Next Meeting

**Acting Tracy** announced that the next meeting of the NRC is scheduled for Thursday, April 11 at the MSU Veterinary Diagnostic Research Laboratory at 4125 Beaumont Road, Lansing. Committees meeting that day will include the Michigan State Parks Advisory Committee and the NRC Policy Committee on Wildlife and Fisheries.

#### Adjournment

**Commissioner Schlaybaugh** made a motion to adjourn. **Commissioner Klarr** supported the motion and the meeting was adjourned at 2:58 p.m.

  
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Vicki J. Pontz, Chair

  
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Daniel Eichinger, DNR Director

DATE: 4/11/19