

MINUTES

NATURAL RESOURCES COMMISSION

November 4, 2010

Diagnostic Center for Population and Animal Health
4125 Beaumont Road
Lansing

PRESENT FOR THE NRC

Tim Nichols, Chair
Frank Wheatlake, Vice-Chair
Mary Brown
John Madigan
John Matonich
J.R. Richardson

ABSENT FOR THE NRC

Hurley J. Coleman

PRESENT FOR STAFF

Peter Manning, Legal Counsel, Office of the Attorney General
Rebecca Humphries, Director, Department of Natural Resources and Environment
Frank Ruswick, Deputy Director, Stewardship
Stacy Welling, Regional Director, Upper Peninsula Region
Rodney Stokes, Chief, Office of Science and Policy
Gary Owen, Legislative Liaison
Debbie Whipple, Assistant to the Natural Resources Commission
Other Staff

COMMITTEE OF THE WHOLE

Natural Resources Commission (NRC) Chairman Nichols called the Committee of the Whole meeting to order at 3:00 p.m.

ASIAN CARP SUMMIT

Director Humphries announced that the Asian Carp Summit would be held on November 22 to offer an awareness and understanding of the status of the Asian carp and the Great Lakes issue.

DIRECTOR ACTION ITEMS DISCUSSION

Director Humphries reported that after further discussion and review, she signed the Order to Regulate the Use of Lands, Houghton County Land Use Order of the Director Amendment No. 07 of 2010 on October 21, 2010.

FERAL SWINE WORKGROUP RECOMMENDATIONS

Russ Mason, Chief, Wildlife Division, reported on the recommendations of the Feral Swine Workgroup as follows:

At the August 12, 2010, joint meeting of the Natural Resources Commission and the Commission of Agriculture in Escanaba, Michigan, the Wildlife Division of the Department of Natural Resources and Environment presented Invasive Species Order Amendment 1 of 2010. The Amendment was offered as an informational item for potential action at the September meeting of the Natural Resources Commission. In accordance with Part 4133 of the Natural Resources and Environment Protection Act, 1994 PA 451, as amended, the Wildlife Division reported that:

- Feral swine are not native to the state of Michigan;
- Feral swine are not naturalized in this state;
- Feral swine have demonstrated the potential to harm human health and severely harm natural, agricultural, and silvicultural resources;
- There are no effective management or control techniques available to eradicate feral swine once they become established.

Accordingly, the Division concluded that on the basis of the best available science, feral swine are an invasive species in Michigan and, therefore, recommended that the possession or introduction of wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, Eurasian wild boar, Russian wild boar, including any hybrids or genetic variants of the species should be prohibited, as a matter of law, by an Order signed by the Director of the Department of Natural Resources and Environment.

Following this presentation, the Natural Resources Commission directed the Wildlife Division to convene a work group to determine whether a regulatory framework could be established as an alternative to Invasive Species Order Amendment 1 of 2010. A work group was convened with representatives from the Wildlife Division, Michigan Department of Agriculture, Michigan Pork Producers Association, Michigan Animal Farmers Association, Farm Bureau, The Nature Conservancy, Michigan Audubon Society, and Michigan United Conservation Clubs.

The mission of the work group was to: *develop recommendations for the regulation of sporting swine facilities to prevent disease transmission, natural resource degradation, and to protect the health of the commercial swine industry.* The stated aim was to return recommendations to both the Natural Resource Commission and the Commission of Agriculture no later than November 2010.

The work group met on September 10 and September 24, 2010. At the September 10 meeting, a staff member from Representative Bolger's office attended. At the September 24 meeting, a representative from Michigan United Deer Farmers was added as a formal member of the work group.

At the outset, the work group consensually agreed that:

- There should be a moratorium on the establishment of any new breeding or shooting facilities;
- Breeding and shooting swine facilities must be licensed/registered as such with the state;
- Licenses/registrations should include mandatory requirements for disease sample collection and submission;
- Existing facilities can transfer licenses with the approval of the state;
- A license cannot be transferred to a convicted felon or to an individual or corporation that has had a breeding or shooting swine license/registration revoked;
- An existing facility must be in compliance at the time a license/registration is transferred.

Specific issues considered by the work group were:

1. Containment
2. Other biosecurity measures
3. Methods of inventory
4. Liability for escaped animals
5. Indemnity
6. Fees to support regulation
7. Penalties for violation

Recommendations from the group on each of these issues are presented below. All recommendations were by consensus unless otherwise noted.

Containment: The discussion centered on fencing standards. The work group agreed that fencing must be part of an agency approved business plan and that business plans would be submitted as a requirement for state registration of a facility.

Shooting facilities were discussed separately from breeding facilities. Shooting facilities are those where shooting occurs either (a) in the absence of breeding or (b) in the presence of some unknown amount of breeding among free-ranging captive animals. Breeding facilities are those where swine are raised for shooting facilities and where no shooting occurs.

The group agreed that no live swine can leave shooting facilities. If operators of a shooting facility choose to breed and sell swine (in addition to their shooting operation), then they would be required to: (a) physically separate breeder and shooting swine facility locations and (b) register each facility separately. If a shooting facility has a breeding pen inside the shooting facility premise (e.g., to produce animals for use on the premises) or if uncontrolled breeding is occurring among free-ranging animals prior to harvest, then the facility could not qualify as disease free and would necessarily become subject to more stringent animal testing requirements.

Fence Standards: The group agreed that shooting facilities must have, at a minimum, 10-foot high fences with a minimum of 5 feet cleared ground on either side around the perimeter of the facility. The actual fence height would be determined by state inspection on the basis of topography, geology, and snow depth. All fences would be constructed from certified game fence materials, and the bottom 3 feet of all fencing would have a wire mesh size no greater than 2 inches. Fences would be secured to the ground by buried skirting, cement, or staking (again determined on the basis of topography and geology by state inspection). Staking would be allowed only for existing fences, with stakes driven at least 3 feet deep at no more than 5-foot intervals. In some instances (again determined by state inspection), hot (electric livestock) wire could be an acceptable alternative to staking, skirting, or cement but would not be considered under any circumstance as an acceptable primary fence. Construction of facilities for animal handling and other purposes would be included as part of the business plan submitted for facility registration.

Agreement could not be reached on fencing standards for breeder facilities. All members but the Michigan Animal Farmers Association agreed that fence standards for breeder facilities should be identical to those for shooter facilities. Michigan Animal Farmers Association representatives argued that breeding facility fences need to be only 5 feet high, with a minimum of 5 feet clear fence space around the perimeter of the facility, with double returns on the top of the fence and a top hot wire.

The group agreed that if breeding does not occur within a bam, then fencing must be buried to a minimum depth of 1 foot. The group also agreed that if farrowing (breeding) does occur in a bam, then the standards for securing fences to the ground at shooting facilities would apply. Bam construction and the construction of other facilities for containment and animal handling would be included as part of the business plan submitted for facility registration. Breeding or farrowing barns were defined as permanent enclosed structures on concrete.

Other Biosecurity Measures. *Biological Testing:* The work group agreed that operators and employees of breeding and shooting facilities should be required to attend Department of Agriculture training to improve biological sample collection techniques. These trainings would include instruction on blood sampling methods and slaughter surveillance. The work group members agreed that licensure/registration should mandate disease sample collection and that disease testing requirements should meet federal and state standards.

More specifically, however, work group testing requirement recommendations differed between breeding and shooting facilities. For breeding facilities, the work group agreed that operators had two options: (a) qualified negative testing or (b) testing of all swine leaving the facility premises. For shooting facilities without breeding pens, the group recommended slaughter surveillance (i.e., the testing of all animals harvested in the facility) as well as the testing of all animals entering the facility unless the animals are transported directly from disease free (pseudorabies and brucellosis free) breeding facilities. For shooting facilities with breeding pens, the work group agreed that breeding facility test standards should be applied.

Inspections: The work group agreed that reporting requirements should include weekly reports of animals bought/sold, shot, fence inspections, etc. (analogous to weekly cervid inspections). In addition, the work group agreed that there should be physical inspections of facility premises by agency personnel at least twice a year (reflecting the fact that swine pose greater risks than captive cervids to both agricultural enterprises and the environment). The work group agreed that if a facility raises or shoots swine and cervids, then cervid and swine inspections could occur concurrently.

As is currently the case with captive cervid facilities, more than 2 annual inspections of noncompliant facilities may occur. The work group agreed that if a facility is found to be noncompliant, then enforcement action should be taken criminally and/or administratively pursuant to PA 306 of 1969.

Methods of Inventory. The work group agreed that both shooting facilities and breeding facilities should conduct whole herd inventories annually and submit the inventory records to the state. The work group agreed that records should be

kept to document all animals entering/leaving a facility, dead or alive. The work group agreed that all swine must be identified with official electronic (RFID) ear tags and a unique tattoo at or before reaching 50 pounds live weight.

Liability for Escaped Animals. The work group agreed that facility owners are entirely responsible for costs associated with damages caused by escaped animals, unless the owner can prove malicious release or an act of God. The group agreed that facilities should carry a minimum of \$1 million of liability insurance or be required to provide annual indication of the economic wherewithal to pay for at least \$1 million in damage.

Indemnity for Depopulation. The work group agreed that there should be no requirement that indemnity be paid in the event that a facility is depopulated. In extraordinary situations where the Director of the Department of Agriculture might choose to pay indemnity (pursuant to PA 466, payment or not is the regulatory prerogative of the Department of Agriculture), then that payment would be no more than the cull slaughter value of swine at the time of depopulation.

Fees to Support Regulation. Except for the United Deer Farmers, the work group agreed that a fee structure should be developed to support the full regulatory costs associated with the shooting/breeding swine industry. At present and over the past decade, the captive cervid industry has paid only 7 percent of their regulatory cost. The remainder has been covered by the General Fund, resulting in significant program impacts at the Department of Agriculture and concerns at the Department of Natural Resource and Environment both because of the small amount of General Funds received and because other fund sources are inappropriate/illegal for support of this regulatory activity.

Using existing records as a guide, the Department of Natural Resources and Environment and the Department of Agriculture selected 65 facilities as a practical, albeit likely, conservative guess at the current number of swine shooting facilities and swine breeding facilities in Michigan. Based on this conservative number, the combined cost estimated to be incurred for the regulation of shooting and breeding swine facilities by the two agencies is \$693,400. This includes \$265,000 for the Department of Natural Resources and Environment Wildlife Division, \$57,400 for the Department of Natural Resources and Environment Law Division, and \$371,000 for the Department of Agriculture.

Fee Proposal: There was general agreement that fees associated with the raising, selling, and buying of swine by these facilities need to be clearly defined in law so that there are no impacts on traditional agricultural practices. Excepting objection from the United Cervid Farmers representative, the work group agreed that new license categories should be established to offset or cover the costs of regulation (in the event of offset, shortfalls to be covered by appropriations from the General Fund). These would include facilities licenses similar to those issued to captive cervid facilities as well as the establishment of shooting licenses to be purchased by clients of swine shooting facilities. The work group recommends that shooting licenses include both 4-day and season licenses.

In the absence of licensure, the work group recommends General Fund support for the full regulatory cost of \$693,400. This recommendation is, of course, contrary to the stated objective of the work group.

Penalties for violation. The work group agreed that the following penalties should apply. (After 2 offenses, license revocation at the discretion of either Department.)

Misdemeanor penalties

- Fencing non-compliance - \$1,000
- Escaped animals - \$1,000/animal (Escaped animal refers to any swine without direct supervision for 48 hours or longer after the initial escape report is filed.)
- Records violations - \$1,000 Unreported escaped animal - \$1,000/animal
- Shooter (shooting facility customer) without shooting license - \$1,000

Felony penalties

- Intentional release - \$10,000
- Unregistered facility - \$10,000
- Intentional capture of feral swine and release into a facility - \$10,000
- Intentional sale to unlicensed dealer - \$10,000 (Any dealer – buyer or seller – must be appropriately licensed.)
- Sale of swine by unlicensed seller - \$10,000
- Releasing 'slaughter only' swine into hunting facility - \$10,000 (Any released animal must be destroyed/disposed of immediately, regardless of whether the release was intentional or unintentional.)
- Releasing 'slaughter only' swine into the wild - \$10,000

LEGISLATIVE REPORT

Gary Owen, DNRE Legislative Liaison, said, due to the statewide general elections, the Legislature has met only periodically since the last NRC meeting, and, therefore, there are no pertinent bills to bring to the attention of the Commission. **Owen** provided a list of the November 2, 2010, preliminary state-wide election results.

OTSEGO COUNTY DEER FEEDING CASE

Sharon Hanshue, Legal Services Coordinator in the DNRE Office of Science and Policy, reported that the State of Michigan successfully appealed an Otsego county district court's decision to dismiss an illegal deer feeding case against a

Gaylord man (*People v Borton*). **Hanshue** said that the 46th Circuit Court vacated the district court's April 2010 opinion that the state's deer feeding ban in the Lower Peninsula was "unconstitutionally vague," ruling that the district court came to that conclusion incorrectly by failing to examine the facts specific to the case. However, after the circuit court ruling, the Otsego County prosecutor dismissed the case.

Peter Manning, Assistant Attorney General, confirmed that the district court erred when dismissing the criminal charges against the defendant. **Manning** said Assistant Attorney General John Leoni did a good job in the appeal.

GENERALLY ACCEPTED OPERATION PRACTICES (GAOP) FOR SPORT SHOOTING RANGES UPDATE RECOMMENDATIONS

Dennis Fox, DNRE Recruitment and Retention Section, gave a brief background on the Generally Accepted Operation Practices (GAOP) for Sport Shooting Ranges. **Fox** reported that the last review of the GAOPs by the NRC occurred in 1997 and was based upon the operating specifications outlined in the *National Rifle Association Range Manual, A Guide to Planning and Construction, 1988*. **Fox** said the National Rifle Association (NRA) released an updated edition of the manual in 1999, which is almost

identical to the 1988 edition, and is in the process of updating the 1999 edition, which it plans to release in 2011. DNRE staff recommends that the NRC adopt the following portions of *The NRA Range Source Book* and that the NRC review the GAOPs after the NRA has completed its update and then adopt new GAOPS based upon the updated edition.

Section I, General Information

Chapter 1, General Information

- Article 1, Introduction
- Article 2, Planning Overview
- Article 3, Outdoor Ranges
- Article 4, Indoor Ranges

Chapter 2, Safety Plan

- Article 1, General
- Article 2, Safety Planning
- Article 3, General Administrative Regulations
- Article 4, General Range Commands

Chapter 5, Operations and Maintenance

- Article 1, General
- Article 2, Operations Management
- Article 3, Range Operations
- Article 4, Maintenance Management
- Article 5, Appendix

Chapter 6, Sound Abatement on Shooting Ranges

- Article 1, General
- Article 2, Definitions
- Article 3, Concepts and Methodology

Section II, Outdoor Ranges

Chapter 1, General Outdoor Range Information

- Article 1, General
- Article 2, Safety and Personal Health

Chapter 2, Outdoor Range Design Criteria

- Article 1, Introduction
- Article 2, Range Facility Components
- Article 4, Miscellaneous Items
- Article 5, Utilities

Chapter 3, Outdoor Range Operation and Maintenance

Article 1, General
Article 2, Operations
Article 3, Maintenance

Chapter 14, Outdoor Informal Training

Article 1, General
Article 2, Safety
Article 4, Operations and Maintenance

Chapter 16, Outdoor Archery

Article 1, General
Article 2, Safety

Chapter 17, Outdoor Hunting Simulation

Article 1, Introduction
Article 2, Safety
Article 4, Equipment Operation and Maintenance

Section III, Indoor Ranges

Chapter 1, General Indoor Range Information

Article 1, General
Article 2, General Indoor Information
Article 3, Safety

Chapter 2, Indoor Range Design Criteria

Article 4, Appendix

Chapter 3, Indoor Range Operations and Maintenance

Article 1, General
Article 2, Operations
Article 3, Maintenance

Chapter 9, Indoor Informal Training

Article 1, General
Article 2, Safety
Article 3, Equipment Operations and Maintenance

Chapter 11, Indoor Archery

Article 1, General
Article 2, Safety

The remaining portions of *The NRA Range Source Book* are to be considered informational to the named Sections, Chapters and Articles.

OIL AND GAS LEASE AUCTION UPDATE

Lynne Boyd, Chief, DNRE Forest Management, reported that the October 26-27 oil and gas lease auction generated the 4th highest revenue and highest ever acreage of all time. **Boyd** congratulated staff for their hard work.

NATIONAL WILD TURKEY FEDERATION 2011 TURKEY PATCH PRESENTATION

Director Humphries introduced **Steve Sharp, regional director of the National Wild Turkey Federation**, to announce the winner of the annual Wild Turkey Patch. The Director reported that during the past ten years, the DNRE has joined with the National Wild Turkey Federation and Michigan State University in a program to award the annual patch.

Steve Sharp called on **Tony Snyder, Michigan State Chapter President of the National Wild Turkey Federation**, who offered his appreciation for the opportunity to recognize the 2011 turkey patch winner, 12-year-old **Madison Warner of Memphis Junior High School** in Memphis, Michigan, a city on the line between Macomb and St. Clair counties.

Snyder explained that each year, K-12 students are given the opportunity to submit their designs for the turkey patch, and that the winning entry becomes the design for the next year's patch. Madison was also presented a turkey call that was custom made by Snyder. NRC Chairman Nichols offered his congratulations as did Russ Mason and Al Stewart of the DNRE Wildlife Division.

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The Committee of the Whole meeting adjourned at 4:00 p.m., and NRC Chairman Nichols reconvened the regular meeting of the NRC at 4:30 p.m.

PUBLIC APPEARANCES

Denny Grinold, Lake Michigan Fisheries Citizens Advisory Committee – Lake Trout season

Don Wright, Petoskey – fishing gear regulations

Dr. Bryan Burroughs, Michigan Trout Unlimited – gear restrictions

Dr. Paul Haduck, Clarkston – early doe hunt

Jim Fenner, Ludington Charter Boat Association – Lake Trout season

John Abel, Traverse City – fishing gear regulations

Kevin Morlock, Indigo Guide Service – Pere Marquette fishing gear regulations

Paul Rose, Hillman – Fisheries special regulation proposal

Ray Danders – gear restrictions

Ray Richardson – gear restrictions

Robert L.Grooters, Empire – oil and gas leasing

Steven Hutchins, The Michigan River Anglers Association – fishing gear regulations
Thomas Buhr, Au Sable Big Water Preservation Assoc. – special regs for trout
Thomas Funke, Michigan Audubon – feral swine

Steven Hutchins of The Michigan River Anglers Association said he voiced his opposition to the fishing gear restrictions in the spring. He stated that since that time, he was asked by the DNRE to join the Coldwater Regulations Steering Committee and even though he is still opposed to the gear restrictions, he believes that, in the spirit of compromise, the proposal for the Pere Marquette is the best middle ground, and he can live with the compromise. **Hutchins** said the proposal is still very controversial and there are going to be winners and there are going to be losers. He hopes in the end the proposal will be pulled from the table and things will be left “as is.”

Paul Rose of Hillman offered his support of the proposed fishing gear restrictions and commended Chief of DNRE Fisheries Division Dr. Kelley Smith and his staff for their hard work on the issue. **Rose** urges implementation of the proposal and said he believes Mio will receive a significant “shot in the arm” if the proposal is adopted.

Thomas Buhr, President of the Au Sable Big Water Preservation Association and a member of the DNRE’s Coldwater Regulations Steering Committee, presented “An Annotated Bibliography of Research on the Biological and Economic Effects of Special Regulations” document, which indicated that by recommending only five percent of the 1,300 miles nominated for gear restrictions, the DNRE Fisheries Division and the Coldwater Regulations Steering Committee have been judicial in their task and mirrored the guidelines set forth in FO-213 as well as information gleaned through the existing scientific data.

Thomas Funke of Michigan Audubon spoke on swine regulations. He said he raised pigs as a child and knows the destruction they can cause and is concerned about the bird habitat and direct mortality connected to swine. He believes there should be consequences to the owners of swine that cause damage. **Funke** feels strongly about fencing standards and supports a comprehensive identification program in order to locate owners and hold them responsible for any damage.

Robert L. Grooters of Empire, near Grand Rapids, spoke on maintaining a balance of oil and gas leased land; he believes the state is leasing way too many acres of land to companies that pay only \$37 per acre; and that Michigan should up the royalties. **Grooters** also believes open space should be maintained for people living in cities.

Dr. Paul Haduck of Clarkston asked the Commission to reconsider the early deer hunt and said that people are abusing the “5-per-day” limit. **Haduck** said that, speaking as a biologist, the early deer hunt doesn’t make sense. He believes deer herds will decline because of the early hunt and is concerned of what will be left in 20 years for our children and grandchildren. He also believes property values will decrease because of no or very small numbers of deer.

Don Wright of Petoskey thanked Kelley Smith and Jim Dexter of the DNRE Fisheries Division for the time they spent since the October NRC meeting in considering different viewpoints on fishing gear restrictions. **Wright** said he was very thankful for the opportunity to participate on the Coldwater Regulations Steering Committee and is looking forward to working with the DNRE. He related that in October he expressed his opposition to gear restrictions in general, but especially those proposed for the Pere Marquette, but now would like to go on record that he is officially neutral on the new proposal. He believes all parties recognize that the issue is controversial and can have a polarizing effect on the state's anglers. **Wright** believes the topic needs to be considered carefully and that regulations can be written that will please all parties.

John Abel of Traverse City presented photos of fish caught during a recent fishing trip and said there is no reason any piece of water should be designated flies only.

Kevin Morlock of Indigo Guide Service presented a packet of letters from organizations representing numerous businesses and individuals fully supporting fishing gear restrictions on the Pere Marquette River.

Dr. Bryan Burroughs of Michigan Trout Unlimited supports amendments to the fishing gear restrictions. He would like to see no mortality on Brown Trout until they recover.

Ray Danders, a fisherman who lives on a flies-only section of the Little Manistee River, opposes gear restrictions and sees no scientific reason why he can't fish without a federal permit. He said the rules are not for the average fisherman.

Ray Richardson of Muskegon provided a packet of supporting documents opposing fishing gear restrictions. He believes that too many regulations have a negative impact on participation and economics of a fishery and that regulations need to be simplified so that focus can be spent on more important issues, such as habitat and erosion, that have major impacts on our fisheries.

Denny Grinold of Lake Michigan Fisheries Citizens Advisory Committee commented on the recommended changes in Lake Trout regulations on Lake Michigan, asking the Director to consider extending the recommended closure one month, from September 30 to October 31 in Lake Michigan management units 6 through 8. **Grinold** said it would provide some additional opportunities for boat, pier and shore anglers to keep Lake Trout rather than release them. He believes there is no biological reason or threat to total allowable catch if the season is extended.

Jim Fenner of Ludington Area Charterboat Association said he sees no biological reason to close the Lake Trout season in October and was there to encourage the extension of the season. He said extending the season for another month would allow additional recreational fishing opportunities for those who are able to benefit from them.

Sam Hines from the Michigan Pork Producers Association, representing 21,000 pork producers, spoke in support of declaring wild hogs an invasive species, saying he couldn't understate the seriousness of the threat of swine.

Linn Duling, Fisheries Policy Advisor representing the Michigan United Conservation Clubs (MUCC), spoke in support of amendments to fishing gear restrictions. He commended the DNRE Fisheries Division for including group of unrepresented anglers on the Coldwater Regulations Steering Committee.

Dennis Eade, Executive Director of Michigan Steelhead and Salmon Fishermen's Association (MSSFA), said although the MSSFA supports the revised fishing gear proposal, they would have difficulty supporting any additional gear restrictions in the future without solid scientific or biological reasons. He said the typical fisherman feels he should be able to catch fish by using any legal method.

Amy Trotter of Michigan United Conservation Clubs (MUCC), spoke in favor of the proposed regulatory program recommendations to manage feral and wild swine if the budgetary burden of the recommended regulatory framework can be wholly sustained by the wild boar shooting and breeding facilities without the aid of general or restricted funds. She added that if the Michigan Legislature fails to act on the recommendations, MUCC would again support listing wild boar/feral swine on the prohibited and restricted invasive species list.

Jim Schramm, President of the Great Lakes Council of the Federation of Fly Fishers, speaking in favor of fishing gear restrictions, said that a Blue Ribbon Trout Stream must meet certain standards or criteria, one of those being it must permit fly casting. He said there is a lot of good water in Michigan that can't be waded and cast. He went on to say that over the past 30 years, thousands of dollars have been spent to maintain and enhance trout habitat and the natural stream environment.

Steve Martinez of Branch, Michigan, spoke in support of fishing gear restrictions. He said he is a life-long resident and business owner in Mason County and has seen an increase in the number of fishermen and a decrease in the number of fish.

Walter Grau, Spey Rod Outfitters and Guide Service in Branch, Michigan, supports fishing gear restrictions. He said that since 1985, he has eked out a living on the Pere Marquette River and supports enforcing a yearly limit on trout and Steelhead. He believes they are being wiped out.

Matt Dunn, fishing guide in Ludington, spoke in support of fishing gear restrictions.

Patrick Ruzs, Director of Wildlife Programs, Michigan Wildlife Conservancy, favors classifying feral swine/wild hogs as invasive species. He provided photos of five wild hogs that were trapped one night in September 2010. He believes legislative action takes too much time and the Director is obligated to act.

John Randall of Rodney, Michigan, is opposed to gear restrictions on the Pere Marquette River. He met with Kelley Smith and Jim Dexter of the DNRE Fisheries Division and believes it was a good meeting. The compromise on gear restrictions that was discussed is something he can live with – it’s not perfect, but he can tolerate it.

John Bebow, Vice President of the Anglers of the Au Sable, supports proposed fishing gear restrictions and provided a hand-out of gear restrictions trends in Michigan and peer states for the summer of 2010. He thanked the DNRE Fisheries Division staff and Lynn Boyd of the DNRE Forest Management Division for the great job they are doing and for the tremendous amount of civility shown.

PARTNERS IN CONSERVATION AWARD PRESENTATION

Director Humphries presented the Partners in Conservation Award to **Gordon (Butch) Boivin of St. Charles**, who has volunteered for more than 20 years at the Shiawassee River State Game Area.

Director Humphries said, “Butch Boivin has been volunteering at Shiawassee for decades and had taken a keen interest in helping the department with wetland wildlife conservation. His dedication to Shiawassee is exemplary, and we are honored to name him a Partner in Conservation. Through Butch’s support and efforts, Shiawassee is home now to more ducks, geese, muskrats, minks, herons, egrets and other wetland-dependent wildlife. He has increased opportunity for all hunters through his volunteerism, and many of his projects go above and beyond the call of duty. He is a true champion of conservation and an ambassador for Shiawassee.”

Director Humphries asked **NRC Chairman Tim Nichols**, and **Russ Mason** and **Doug Reeves** from the DNRE Wildlife Division to join her in presenting Butch with a white pine plaque award. Russ Mason also presented Butch with a specially made call.

Butch offered his appreciation for the recognition and thanked others who have helped over the years, saying he is not alone in his efforts.

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Chairman Nichols adjourned the public appearances portion of the meeting at 6:25 p.m. and called the regular meeting to order at 6:25 p.m.

APPROVAL OF MINUTES, OCTOBER 7, 2010 NRC MEETING

Commissioner Madigan made a motion, supported by Commissioner Matonich, that the October 7 NRC minutes be approved. Motion unanimously carried.

APPROVED:

Date: _____

Timothy Nichols, Chair

Rebecca Humphries, Director

DIRECTOR'S ACTION ITEMS

Director Humphries signed all Director's Action items.

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COMMITTEE AND WORK GROUP REPORTS

Antler Point Restriction Work Group: See minutes below.

NRC Policy Committee on Wildlife and Fisheries

Meeting convened at 1:15 p.m. Commissioners Madigan, Matonich and Richardson were present from the committee.

Fisheries Division Update

Kelley Smith, Chief of Fisheries Division, outlined the proposed Gear Restriction Regulations for the Black, Manistee, Pigeon, and Pere Marquette Rivers.

Black River Recommendation: The possession season for brown trout would remain open for the entire year. Fisheries recommended leaving upstream boundary at CR-612 for the Manistee River.

Pigeon River Recommendation: Change minimum size limit to 12 inches for brown trout and change daily possession limit to one for brown trout.

Pere Marquette River Recommendation: Remove flies-only, extending gear restriction section, and split the season into artificial lures and bait. Also, allow harvest during the gear restricted season, two fish: one rainbow trout and one brown trout at least 18 inches in length.

A total of 687 public responses to gear restriction regulations since September show 640 support, 9 mixed, 38 opposed. Of the comments received, 395 were from Michigan, 110 from out of state, 4 from out of the country, and 178 unknown.

Fisheries Order (FO)215, Statewide Coolwater Regulations

Todd Grishke, Fisheries Division, discussed the “new” concept for Lake Erie Walleye regulations using real-time regulatory response to data and also laid the framework for harvest limit changes. Lake Erie’s Walleye population since 2005, when it was in “high quality” status, has dropped drastically since then. In 2010 the population numbers reached “rehabilitation” need, and it’s predicted for 2011 to be nearing “crisis fishery” status. Management for these Walleye has been under the same quota system since

the 1980s, with Michigan harvesting only six percent of this shared resource. The Lake Erie Technical Committee, consisting of Michigan, Ohio, and Ontario, analyzes data and recommends harvest level. In March 2010, the Lake Erie Committee found that the total allowable catch of 2010 was 2.2 million Walleye. In 2011, the total allowable catch is projected to be 1.14 million Walleye, which would mean 66,000 Walleye for Michigan's quota. In 2009, Michigan harvested 90,000 Walleye. Lake Erie/Lake St. Clair Citizens Advisory Committee evaluated the bag limit, size limit, and season changes and agreed on a quota/bag limit system. FO-240 had proposed statewide Lake Sturgeon regulations for Sturgeon on Black Lake.

Wildlife Division Update

Russ Mason, Chief of Wildlife Division, gave an update on the Wildlife Strategic Plan (GPS) and presented the plan to the Director for signature. Mason also thanked the Commissioners for their input on the plan and hoped for their resolution of support.

The Commercial Use workgroup is working on receiving public input regarding the fee structure for guides on public lands. The meetings will begin in January.

White-Nosed Bat Syndrome Update

Chris Hoving, Wildlife Division, reported that White-Nose Bat Syndrome is a new disease to hibernating bats. Their mortality and reproductive rates are naturally very low. When they are infected, their fat reserves are exhausted by February/March and they emerge from hibernation looking for food and eventually die from hypothermia. The annual mortality rates are 50-80 percent. With the mortality rates so high, this poses a 99 percent chance of extinction in 16 years. There is an 80 percent chance even if the mortality rate drops to five percent. Michigan has developed a response plan to this disease that includes two approaches: delaying the introduction of the disease and conserving the bat populations that survive. Key to either plan is good communication.

Wildlife Risk Mitigation

James Averil, Michigan Department of Agriculture, said that, in the TB area, 700 farms are part of the Wildlife Risk Mitigation Program. Ideally, there would be over 1,000 farms. **Randy Melborne** talked about cost-sharing benefits for cattle producers. Of the cattle operators, 32 percent are beef farmers and 68 percent are dairy. Of the farmers who have or are building the secure food structures, 26 percent have completed the building, 22 percent will be finished by the end of the year, and 44 percent are pending funding, which is difficult to come by for most producers.

Bovine Tuberculosis Education Update

Kelly Siciliano Carter and Steve Schmitt, Wildlife Division, provided an update on the new bovine TB educational products, which include special educational and slogan posters, window clings, pencils, business cards, and informational pamphlets for the TB zone. In addition, resources for teachers were sent to the schools in the TB area. Approximately \$80,000 was spent on this effort, which produced about 500,000 items.

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COMMISSIONER REPORTS

Commissioner Brown reported that a resolution was passed in the Michigan State Parks Advisory Committee to dedicate and name a 291-acre natural area at Saugatuck Dunes State Park the “Patricia Birkholz Natural Area.”

Commissioner Madigan made a resolution that supports and endorses recommendations of the Strategic Plan.

Commissioner Matonich commended the Wildlife Division on the Strategic Plan. He said it will be a wonderful guide in the future. **Commissioner Brown** said she is looking forward to see how it works.

Commissioner Richardson reported that there was a lot of progress at the second meeting of the Antler Point Restrictions (APR) Workgroup meeting.

Commissioner Wheatlake said he would like to schedule a meeting of the NRC Committee on Finance and Administration regarding the next fiscal year.

Commissioner Madigan made a motion to adjourn, seconded by Commissioner Matonich. Motion passed and the regular meeting of the NRC was adjourned at 6:40 p.m.

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Natural Resources Commission (NRC)
Antler Point Restrictions (APR) Workgroup Minutes
November 4, 2010, 9 a.m.-12 p.m. - Lansing Center

Attendees:

NRC Commissioner J.R. Richardson, Chair
NRC Commissioner John Madigan
NRC Commissioner John Matonich
Al Almy – Michigan Farm Bureau
Jason Blitchok – MI Hunters Alliance
Jim DeClerck – Saginaw Field and Stream Club
Craig Dicus
Al Ettenhoffer – via phone
Aaron Fulton – via phone
Lynn Gould – Mid Michigan Sportmen’s Alliance
Ron Lanford – Lansing Area Chapter of Safari Club
Brent Rudolph – DNRE
Curtis Stone
Jim Sweeney
Rich Taylor – via phone
Bob Walker – United Sportsmen’s Alliance
John - QDMA

Minutes:

Commissioner Richardson called the meeting to order at 9 a.m.

Curtis asked about the NRC imposed the regulations on the UP, how did that come about?

Brent said the NRC has the authority to put them in place or not put them in place. The process provides a more organized way.

Curtis asked is there a background on that?

Brent said the proposal was put forward by the UP Whitetails.

JR said he went around to see what kind of support there was around the UP. NRC can look at any proposal at any time.

Brent said they went through the current proposal process.

Phone said the proposal was put before the DNR and the NRC just went right over that. What is the purpose of the process if we aren’t going to follow the process?

Brent said that there was a moratorium on the process currently and was brought before the commission. We have experimented with that for the 3 years and should we start considering the unit by unit proposals again.

JR said from an NRC standpoint, to be transparent to the sportsman. If an area wants point restrictions it is a mechanism to get it on the table.

Bob said the DNR's opinion at the time was that there was no sound scientific evidence to support it. And that was passed over and the NRC decided on it.

Brent said the process is not a rule and regulation it is not in the wildlife conservation order.

Bob said if we are going to do this process again, the recommendations are not law and the NRC will decide what they want.

Phone asked if someone should have raised money for the DMU.

Jim said he brings to the field information what the procedure and when the NRC doesn't do what they are going to do, this makes a trust issue, there are repercussions and it is hard to support the DNR and NRC.

Lynn said this really hurts the credibility.

Curtis asked what was the vote on this?

JR said it was unanimous.

Bob said he assumed it was a done deal the month before, the next month it passed unanimously.

Brent said this is a point for another area of recommendation. If the group wants to make sure the process is followed.

JR said the people who go through the effort to go through this meeting.

Phone said that if the DNR found some sound scientific reason to change it that would make more sense.

Brent said the survey and letter of support and how people can be part of this meeting. There will be a report on the current UP regulations. Evaluation on what deer harvest has been.

Curtis cautioned on using the clubs for this information. These clubs have agendas.

Brent said the survey is part of annual hunt survey on how it has or hasn't affected their hunting satisfaction.

Jim said this is not a scientific issue but a social issue. Part of study should be on the license sales impacted and number of hunters.

John (QDMA) said he was on the strategic planning committee and we throw out this term science, it also includes social science, economic science? Not just simply biology?

Brent said yes, they all fall into a tier, we cannot recommend something that is going to be detrimental to the perceived value. There might not be a huge imperative then usually defer to the social aspect.

Jim said that was not the intent of proposal.

Brent said we aren't doing something detrimental to the resource

Curtis asked if there is any way to separate the species management and hunter management.

JR said back in 2005 a one buck rule was defeated.

Mike said it was brought up for discussion for about 3 months, it was a 4 to 3 vote at that time. Succeeding hunter surveys the desire was shown that the UP buck hunters wanted the regular regulations.

Craig asked if he could read a document.

JR said to read it when we are done. Writes down what was agreed upon last time. 66% approval rate, look at the questions on how they are written.

Brent said last time the issue was yes, no, no opinion, don't care. Indicates how the statistics are used. No and no opinion is not support and yes is support. The sense I got was it seemed to be just yes or no, we made indication there was some value in don't include me in the evaluation but we want to get that survey back. If there is a chance for them to say they don't care we can still get the surveys returned.

John (QDMA) asked what is with the 66% approval? QDMA was totally opposed to that rate. We need to revisit it.

JR said we spent 2 hours on it last meeting.

John said on behalf of our organization, this is a super majority, we think 60% is a number that is workable that would reflect the majority of hunters. But to try and reach 66% of people voting and some of it comes down to how you count the votes it makes it very restrictive.

Curtis asked are you against the mandatory restrictions?

John said no we are not.

Bob asked if QDMA was originally proposed the 66%. The 66% has always agreed upon.

JR said the QDMA doesn't agree

Curtis said if you don't have the super majority then hunters will not comply.

Lynn said it failed in Claire county, the organization is still active and we would fight for 66% and we had a real problem and brother against brother and the problem has not been solved. But we recognize the value of QDM but you need at least 66% to make it successful. Not an expert in survey, we spend a lot of time talking about that should be on the survey, options for answering questions, and we have an excellent staff, we need to respect the opinion of what we have come up with in the survey and unless there are ample information showing otherwise, we should respect the questions on the surveys.

Craig said the misconception of the QMDA is about making trophy bucks. DNR and QDMA does not do it right. Supposed to be working for the hunters and should tell the truth that they are not managing for trophy bucks, just to graduate bucks to the next age class. What the DNR needs to use is sound science and management

Ron said problem I have with the approval rating is there are people who don't care. 34% or less rejections, thinks it is backwards.

Brent said there has been multiple surveys and areas that have been resurveyed and there is just small margins in it.

John asked is there a counting of no responses?

Phone asked is the purpose of the group to make it easier to get APR restrictions. From the QDMA that sounds like where they might be going. The support isn't as wide spread as some might imagine.

John said you are correct. If it makes it easier to adopt it at 60% then we are all for it.

JR asked if Commissioner Madigan have comments on how the UP thing came along?

Commissioner Madigan said there was a lot of play on going to one buck and the proposal was defeated to go to one buck at the commission meeting. Then we worked in the combination license. Kind of a compromise to get some of the bucks into the next age class but if you still wanted to shoot a spike horn you could by buying the regular license. We had meetings all around the state everyone is not happy with the deer management. Commission though there was time to do something.

JR asked if the process was followed?

Madigan said then we had a proposal to go to 3 on a side. It got 60 some percent.

Mike Bailey added the QDMA survey that preceded that.

Madigan said it always bothered me personally the way that we counted the vote. The no opinion and don't care. Making the 66 percent more like a 70 percent.

Craig said if this is about the people and the hunters, Give them an option in the survey of 1 buck or another option. Let them choose.

Madigan said wanted to make sure for this to pass you had to have a real grass roots effort to get 66 percent.

JR said Brian Frawley is going to give us a presentation on how we do statistics.

Brian Frawley (DNRE) gave a presentation on surveys and why we do what we do.(see power point).

Questions:

Amy T. (MUCC) asked if for the deer harvest survey do you try and do a geographical spread?

Brian said for the deer survey we do a stratification survey, separate the hunters into groups. Youth, antlerless license buyers. Don't do it geographically. Comfortable with that. Some other surveys we do, ex. Bear.

Jim said it is my understanding you are asking every hunter to give a response on the internet.

Brian said we do that, depends on the survey, any survey we done online, if you give us your email you will get an email inviting you to participate.

Jim asked how does that response that you are getting correlate to the mailings?

Brian said we look at internet responders vs the mail surveys. There is a bias, we would come up with a estimate that is larger. The information from the internet is used carefully when included with other deer survey. Anyone who gives us the survey online information they are thrown into their own survey. Excludes these people from the mail survey. Analysis – don't infer the internet respondents to the rest of the hunting population.

Jim asked is that data available via DMU. If we wanted to know what the whole UP was doing, or some section we'd be able to find that out?

Brian said yes, our deer report is broken down regionally.

Commissioner Nichols said if you looked in the 50s when they had 90% response. Why did the hunters back then want to participate and not now?

Brian said most of it is my speculation. It is harder to get a hold of people via mail, most people use cell phones as primary communication. Ideally would like to use e-mail accounts, hard to get our mail separated out from the junk mail. More and more difficult for surveys nation wide.

Jim asked if he were to hand out surveys to people would that be a bias?

Brian said yes, we randomly select who would participate to randomize it.

Craig asked how much cheaper to do it on the computer?

Brian said yes, much cheaper.

Craig asked why couldn't you cross check the driver's license with the hunting license to vote?

Brent said we need to know who is in the pool to determine who to survey. If you don't buy a license, you don't get a survey. Brian stratifies to make sure all seasons are accounted for. Someone that wants to go on our website, it is not of the same general persuasion of the general hunters out there.

Brian said we do most of this right now. When they go online they have to give us their license number or ID, it still represents. The only way to collect the email is if you buy online.

John M (NRC) said in a perfect world how many surveys send out and how many would you get back?

Brian said it would depend on the survey. You have an equal chance of being selected as another person in the same category. Need to incorporate the sampling design into the extrapolation. Select a certain proportion of those people and randomly select folks from that category.

John M said the more response we have based on the need you feel on the establishment of the survey that it is the best tool available for.

Brian said we think it is the most efficient way possible, inconveniences the fewest number of people as long as it meets the assumptions. Comfortable with the management from the survey. There are concerns with responses tailing off.

John M said discussions on mandatory registrations we need to focus more attention on deriving more results from the survey. One of the most valuable tools we have are the results of the properly established and properly responded to survey.

Brian said would prefer to use his results as an index rather than a translation to what is actually on the ground.

Jim asked on past APR survey, on the hunter side, isn't that sample group drawn from people who have filled out and returned the survey.

Brian said we can't tell who buys a combo license as to where they hunting because they can go anywhere in the state. We have done our best but is not perfect.

Jim said one reason I'd support the 66% . Over represent the common hunter.

Craig said part of reason why we aren't successful in how we do things. How people view the DNR, people have no credibility they are just going to throw them away. It is just a credibility thing. Get the credibility back to the DNR.

John M said to identify which surveys which aren't in the "top" mode anymore maybe there isn't any reason to change them. What is good about them and what needs tweaking. The % doesn't mean anything if the survey is designed differently. Matter of understanding how those things are promoted and put together and the confidence interval of what we have. We have good tools we just need to make them the best they can be.

Jason asked how many of the people in the group here have received one [harvest survey]. I have never received a survey until I gave my email.

BREAK

Brent gave a presentation on the attitudinal scales, recreationalist avidity and specialization. Human dimensions of wildlife management class presentation.

JR said we are going to table the 66% for the time being and have QDMA and anyone else submit a letter as to why you disagree with the 66%. Lets go through the questions on the survey. Yes-OK, No- OK. No opinion will count at No. don't care will result as opinion as not being counted for or against. Used to meet a response to the survey.

Jim asked why did the Clare county one fail? Was the initial questionnaire not dispersed correctly?

Brent said it was adopted before the process was determined.

Lynn said Claire county there was a lot of opposition and was implemented the year prior when it was a demonstration area and presentations were made to the NRC the following year and then the NRC decided to set it up as a demonstration area and split into several different areas. Animosity was created that it was jammed down their throat.

Curtis asked do we have the demographics for Leelanau county?

Brent said there are different ways of getting that information.

Curtis said that would play a big part in that particular county.

Brent said if you pick any one place out then some patterns will come out, income and other things we can look at federal census information.

Jason said he thinks you'll get a more acceptance from landowners in general because most of them are practicing QDM, if you have a large ownership there will be overall acceptance.

Al A said he has a problem with no opinion counting as a no. Should a "pass" be counted as a no? Example the polls – if you didn't vote for a candidates it doesn't count against something. Shouldn't count for or against.

JR said he is going to take a count of what everyone thinks for leaving in or taking out "don't care" or "no opinion" on the surveys.

Vote for "Do not care" In – 8 votes, Out – 11 votes.

Amy asked would the DNRE need to send out more surveys by leaving out that question?
Brian said yes.

Vote for "No Opinion" In – 7 votes, Out – 12 votes.

Lynn said part of it is to educate the public about what the issue is.

Craig said on the word abstain – not everyone know what that word means and could create confusion.

JR said to write down strong opinions to the next meeting. Would like to talk about expanded participation in the survey next.

Brent said some people were saying we should expand the survey to get better results to the survey. Still a good ability to measure support. Our feeling is that it is a pretty good survey. If you feel additional participation in the survey is necessary. Needed because people want to be able to provide comment and gain information from the survey versus measuring support. More public meetings? Different ways to reach out to let people feel involved.

Amy asked for a review of where you get the random selection of hunters.

Brian said responses state wide deer harvest survey if you hunted in the unit affected you become part of the random sample.

Brent said in general only about half of hunters buy an antlerless license where it is actually tied to a specific DMU. Some bias represented because they have responded to the survey in the past. We have made it more efficient by drawing from information that says they have hunted in that area before.

Jim asked what % of any sample is the least percent that would affect the vote?

Brian said designed the survey to get + or – 3 % need to get responses from about 500 people for yes or no type questions.

Jim asked that based on that, why would we change what we are doing? Sending out any more is not going to change the results.

Brian said the confidence intervals will be a little tighter.

John M asked if there is there a minimum size?

Mike Bailey said the minimum was one DMU.

John said that is pre supposing the DMUs are going to stay county sized.

Curtis said other then 5 acre minimum, how are landowners picked?

Jason asked about changing everything to Eco-Regions; how will that affect the DMUs and sizes?

Brent said don't anticipate a UP DMU, NLP DMU, etc. proposals for this rather then apply to a DMU have it count for a larger area, rather then each different next to each unit running different surveys and running different surveys at the same time.

John M asked if it is important for representations to come from each DMU?

Brian said the way it is written we just do the whole DMU over all not for subsets of the DMUs.

John M asked is there a way to critique the proposal and make modifications?

Brent said yes, WLD and LED divisions critique aspects of what the group is trying to accomplish. We have had it set if you want to set multiple units are under the same restrictions are treated as one unit.

JR asked am I hearing the surveys are acceptable as the way they are sent out. Next on the list – who pays for these things? Overview of how it is paid for.

Brent said a lot of surveys running through the division at any given time. Tight time frame where surveys are coming back in. We can look at the cost of mailing, however, if we don't have to send out reminders, it will be cheaper. Investment to have a capacity to enter surveys. We have X number of resources and have to prioritize which survey is entered at each time. 2,000 dollars is probably not enough, but don't have exact estimate what each survey costs at this time. Most of the issue is we have a certain capacity to do surveys and we cannot fit in extra. How many personnel to keep track of and enter survey.

Jason said you don't do a mail out survey to those who get the electronic survey. Would it be feasible on the mailing survey to ask for email addresses?

Brian said yes already do this.

John said he would like report as to what other states and departments do.