

## MINUTES

### NATURAL RESOURCES COMMISSION MEETING

September 14, 2017  
MSU Veterinary Diagnostic Laboratory  
4125 Beaumont Road  
Lansing, MI 48910

#### Present for the Natural Resources Commission

John Matonich, chair  
J.R. Richardson, vice chair  
Christine Crumbaugh  
Louise Klarr  
Chris Tracy

#### Present for DNR staff

Bob Reichel, legal counsel, Office of the Attorney General  
Keith Creagh, DNR director  
Trevor VanDyke, DNR legislative/legal director  
Brooke Parmalee, DNR legal staff  
Cheryl Nelson, executive assistant to the NRC

#### COMMITTEE OF THE WHOLE

**Chairman John Matonich** called the Committee of the Whole meeting to order at 2:28 p.m.

**Line 5 Update Val Brader**, executive director of the Michigan Agency for Energy, provided an update on the Pipeline Safety Advisory Board (board) and Enbridge Energy Company's Line 5 that runs beneath the Mackinac Bridge. **Brader** advocated for more transparency by providing more precise mapping information on the pipeline. Providing this type of information is forbidden by the federal government due to security reasons. The board will be taking this up with federal government to make this information available to the public. Over 24,000 comments have been received from the public which are to be released before the end of the year. The damage to the pipeline coating was initially thought as smaller than it turned out to be. Department of Natural Resources (department) director **Creagh** added that the department is concerned with the stewardship of the line and will seek to more precisely determine where Line 5 crosses public lands and sensitive areas along the span. There will be continuing discussion on Line 5. He also added that an inspection plan was due from Enbridge on September 14, with a repair plan expected before the end of the month.

**New Forest Resources Division Chief** Director Creagh announced that **Deb Begalle** was chosen as the new Forest Resources division's chief and state forester.

**Drummond Island Update** Wildlife division chief **Russ Mason** summarized the recent land exchanges on Drummond Island. **Mason** provided the points on the agreement with the US Fish and Wildlife Service (USFWS) which include:

The U.S. Fish and Wildlife Service (USFWS), Wildlife and Sport Fish Restoration Program conducted a visit to Drummond Island in 2014 in coordination with the development of the Drummond Island Resource Management Plan.

The USFWS was aware of existing off-road vehicle and all-terrain vehicle trail use of license fee acquired lands, which would likely result in Michigan being found in diversion of license fees, with the result that the department would become ineligible to receive federal Pittman-Robertson and Dingell-Johnson funds.

The USFWS and department have agreed to exchange these license fee acquired lands for tax reverted lands on Drummond Island to resolve Michigan's existing diversion of license fees. The concept of exchanging land acquisition designations is specific to Drummond Island, and is only anticipated to be used for future resolutions of long standing diversion of license fees.

Some license fee acquired lands from which the interest is to be removed are located on 5.05 miles of Lake Huron shoreline in the Marblehead area, and contain high quality native natural communities which have existing designations as Ecological Reference Areas and are primarily managed by the department for these values.

Remaining license fee acquired lands from which the interest is to be removed on the Marblehead shoreline require designation as Special Conservation Areas (SCA) - Habitat Areas to demonstrate department commitment to management of the lands for the identified conservation values.

Department approval of the SCA designations by the department's Forest Resources division and Wildlife division is expected to occur at the October 3, 2017 Compartment Review meeting for the Sault Ste. Marie Forest Management Unit.

**Bay City/Tobico Marsh Update** Natural resources deputy **Bill O'Neill** provided some background on the why the department is considering a change and the process that has been followed and will continue to be followed on the proposal to rename the Bay City State Recreation Area to the Bay City State Park. The proposed renaming was accompanied by examination of hunting in the recreation area. The department recommended that hunting be expanded, taking in the need for safety. There has been much public comment on the topic and the initial proposal has been altered to address the safety concerns. Because of the recent modifications, the commission decided to table the amendment for one month. This was to allow additional time for public comment as well as additional time for the commission to review the amendment.

**Parks and Trails Update** Parks and Recreation division (PRD) chief **Ron Olson** reported that during the Labor day weekend state parks were 92% occupied, which is up from 2016. For the year, parks lodging numbers are up 11.5% over 2016. Harbor nights are up 40%, recreation passports are up 3%, non-resident annuals are up 2,000, dailys were up 12,000, ORVs were up 12.9% and trail permits were up 8.8%.

**Olson** provided the commission with a memorandum about firewood being brought into state parks and the invasive species control plan. They are not planning to ban the sale of firewood; they are working on public education.

**Olson** shared that recently Rockport State Park hosted the XTERRA Rockport Rugged race that included a triathlon, and drew international media coverage.

**Olson** also talked about the Belle Isle Grand Prix agreement; when the department leased the property the lease for the race was through 2018. There has been discussion about continuing in the future, with a public meeting being held on September 20. A decision is to be made by the end of December.

**Safari Club International (SCI) – Michigan Involvement Committee Bow and Gun Winners Presentation** **Bob Taylor**, Novi chapter president of SCI, stated that annual prize winners are chosen by a random drawing of hunters who complete the department's annual deer harvest survey. **Taylor** presented a .223 rifle to **Dwight Replogle** of Delton and **Rich Delisle**, representing the Southeast Bowhunters Chapter of SCI, presented a compound bow to **Larry Donajkowski** from Alpena.

**Public Act 288 Update** **Debbie Begalle** and **Scott Whitcomb** from the Forest Resources division (FRD) gave a brief summary of what needs to be done to comply with Public Act 288 (PA 288). The northern Lower Peninsula comprehensive inventory of the state's forest roads needs to be completed by December 31, 2017. It will allow off-road vehicle (ORV) usage on those roads, unless posted closed; this will provide consistency throughout the state. The Upper Peninsula and southern Lower Peninsula have to be done by December 31, 2018. **Scott Whitcomb** took the lead to complete this task. An online mapping tool called ARC GIS, was developed and used to complete the inventory. Department staff have mapped over 7,600 miles of forest roads; 87% to be open to ORVs and 13% remaining closed. Three public meetings were held and over 1,000 comments were received from the public. This process has been very transparent with the department providing a breakdown of those comments so the public could see how the public commented. The process going forward will be well-articulated. **Creagh** added that there will be increased cost to the department for signage and enforcement and that the department will have to go back to the Legislature on that issue.

**Director Creagh** reminded all that public comment is currently open regarding the US Army Corps of Engineers plan to control invasive species at the Brandon Road Lock and Dam.

**Legislative Report** **Anna Mooney**, legislative liaison, provided a written report of legislation related to the department. In addition to the written report, **Mooney** provided updates on recent legislative highlights.

#### **Committee Reports**

**NRC Policy Committee on Wildlife and Fisheries:** **Commissioner Richardson** commented that the committee received information about public comment periods on the Tentatively Selected Plan for Brandon Road Lock and Dam, and that meetings continue through September 18. The committee also received information on upcoming fisheries orders. **Richardson** noted the complexity and technology used in making fishing regulations changes. The CWD Symposium to be held on October 3-4. **Richardson** also asked that an alternative order be prepared for possible amendment to catch and release in Lake Ottawa.

#### **PUBLIC APPEARANCE BEFORE THE NRC**

**(Stacy Welling-Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began and 3:34 p.m.)

**Duke LaBaron** representing Chapter 47 of the Michigan Musky Alliance said that the proposed minimum size limit changes are a step in the right direction. Regarding moving to a statewide opening date of the first weekend in May, would protect muskies, but there is also concern about a shorter season. The Alliance supports a catch and immediate release for all lakes with the exception of Lake St. Clair.

**Dick Zook** spoke about antler point restrictions (APRs) in the bovine tuberculosis area. He does not feel that there are currently enough does harvested in this zone to stabilize or reduce deer population. **Zook** said that utilizing APRs for bucks has a proven track record of expanding the age structure of bucks and reducing the adult doe to adult buck ratio to a more natural level. He added that that utilizing APRs would improve hunter satisfaction.

**Brad Smith**, president of the Michigan Ontario Musky Club said that in the St. Clair system, CIR would not be good for spawning fish. Lake St. Clair is a naturally producing lake. The Michigan Ontario Muskie Club do not want CIR in Lake St. Clair.

**Spencer Berman** representing Lake St. Clair Charter Boats Association said that the group agrees with the proposed changes for CIR to inland musky lakes, but feel strongly that Lake St. Clair should be exempt. **Berman** said that the economic bump gained by fishing for musky with an earlier season would have catastrophic impacts on the fishery.

**Dave Lagman** from Muskies Inc., urged the commission, in the absence of sound scientific data that would clearly illustrate that such a change would have no long-term negatives affect, and with factors like pollution and VHS already pressing the fish population, to grant an exception to the proposed year-round CIR season for Lake St. Clair, the St. Clair River and the Detroit River to keep the regulations as they currently are.

**Amy Trotter** and **Nick Crain**, MUCC's new public information officer provided a summary of MUCC's recent convention. With the Tobico Marsh order, MUCC supports holding the amendment over for another month and in general they support the order. Regarding the muskellunge order, MUCC supports CIR, with the exception that their policy is not and should not replace harvest and possession. MUCC's 80<sup>th</sup> anniversary was held in June in Shiawassee with 16 resolutions being approved. **Crain** recognized several conservation award winners.

**John Walters**, chairman of the Pigeon River Advisory Council made comments regarding PA288. He recommended that the Pigeon River area closed to ORV use. Regarding the retrieval of big game, the council also believes that ORV use be prohibited.

**Kevin Krupp** speaking on behalf of **Brenda Rowley** is pro-hunting, but they feel that Wildlife Conservation Order Amendment No. 7 of 2017 is a disappointment to the community with the disregard for safety. They oppose the expansion of hunting in the Tobico Marsh area. **Krupp** said that there is already enough hunting in Bay county and that school buses pick up children, and that the safety zone of 150 yards is not far enough. They are also concerned about the residential and beach areas surrounding their homes.

**Susan Cook** voiced her concern about hunting in Tobico Marsh. In light of **Mr. O'Neill's** earlier comments; he outlined a process she didn't recognize and said that **O'Neill** wasn't at any of the public meetings. **Cook** said that process is disappointing from a due process standpoint. They found out about the name changing and expansion of hunting area through an MLive post in July.

They organized in the short period of time before the amendment was to be on the August 10 commission meeting. **Cook** said that the process was not what **O'Neill** described.

**Bob Thomas** representing the Bay Area Chamber of Commerce said that if the name change had never been proposed then no changes would have been brought forward. The board voted unanimously against expanding the hunting area at Tobico Marsh. Most all are in favor of the name change, but not the expansion of hunting. They felt slighted on the responses they received from staff. **Thomas** also stated that there is plenty of additional hunting in the county, adding these 375 acres isn't worth the effort.

**Danielle Krupp** representing Athlone Beach Property Owner's Association spoke of all the pedestrian uses of Tobico Marsh. The Association takes exception of the department's urgency to make this a hunting area. The reasons they do not want the expansion for the following reasons: 1. Safety concern for all users; 2. Perception of reduced safety; 3. Urban natural area, Tobico Marsh is a unique natural area that provides other outdoor recreation besides hunting; 4. Local school group use; 5. Community use; 6. Community investment including trail expansion, playgrounds, etc.; 7. Adjacent residential area, the 150 yard safety zone is not enough to keep children safe; 8. Important wildlife refuge and nesting area that was donated to the state as such; and 9. Loss of state park and community revenue. She urged the commission to oppose passing Wildlife Conservation Order Amendment No. 7 of 2017.

**Alan Gurski** from Friends of the Tobico Marsh, talked about the timing, lack of information, changes and lack of notice for the proposed changes as described in Wildlife Conservation Order Amendment No. 7 of 2017. He stressed Bay City State Recreation Area currently exists as a mixed use facility, co-managed by Parks and Wildlife divisions. The area was developed for uses other than hunting and trapping. **Gurski** stressed that this group and many others are opposed to this amendment.

**Scott Rector** stated that the community, representatives and stakeholders have spoken out requesting that Wildlife Conservation Order Amendment No. 7 of 2017 be abandoned or postponed and that there hasn't been due diligence for this order. There needs to be an in-depth study done on the area. He said that maps are erroneous and that it shows the Tobico Marsh as being 38% larger than what it actually is. The ballistics will be a danger and safety concerns to the public. **Rector** asked the commission to evaluate the ecosystem, which is a rare find and conserve it for future generations.

**Dr. Hilary Busch** is against Wildlife Conservation Order Amendment No. 7 of 2017. She is pro-hunting and has the utmost respect for the department. Her family has lived in this area since the 1940s. She talked about the sale for \$1 as a donation. **Busch** could not understand why the department would want to make this area open to hunting/trapping. Safety is the number one issue with the negative impacts hunting would cause within the area. This marsh is small and unique marshland. The safety boundary is not sufficient when there is a bus route that runs through the marsh. She said the land was left to the state to protect and preserve. **Dr. Busch** closed by adding that they were not notified of any possible changes before July, 2017.

**Chuck Hoover** director of region 6 for MUCG and stated that the changing of the name to Bay City State Park is good move as far as he is concerned. He said that proper branding is very important to communicate with people. Wildlife division has wanted to increase the hunting for 10 years. The August 7 meeting, had over 140 people attend to voice their concerns, with safety being the number one issue. At the September 11 meeting, most of the concerns were

addressed by the department. **Commissioner Klarr** added that the Michigan State Parks Advisory Committee has also tabled the issue and are working on a consensus.

**Charles Smith** indicated that he was representing the general fishing population with regard to muskellunge regulations on Lake St. Clair. **Smith** said that Lake St. Clair is a natural reproduction lake and they do not want CIR.

**Anthony Virga** from the Michigan Ontario Musky Club and is extremely vested in the musky population. He does not want to have year-around CIR on Lake St. Clair. They also do not approve spearing of any fish that will not be consumed.

**Dan Kimmel**, conservation director Michigan BASS Nation and Bass Federation of Michigan said that they support CIR throughout the state and including Lake St. Clair. Their time should be spent maximizing opportunity and access. They do not support closing sturgeon seasons in most state waters and would like to see CIR continue with the exception of a few.

Chairman Matonich adjourned the public appearances portion of the meeting at 5:07 p.m. and called to order the regular meeting of the NRC at 5:08 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

Matonich reviewed the items up for information only.

*Special Hook Size Fishing Regulations, Fisheries Order 202.18*

*Spawning Closures, Fisheries Order 204.18*

*Michigan-Wisconsin Boundary Waters Regulations, Fisheries Order 205.18*

*Special Fishing Regulations for Warmwater Species on Select Waters, Fisheries Order 206.18*

*Designated Trout Streams for Michigan, Fisheries Order 210.18*

*Statewide Warmwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes and White Bass, Fisheries Order 215.18*

*Sturgeon Regulations, Fisheries Order 240.18*

**NATURAL RESOURCES COMMISSION ACTION ITEMS**

**Approval of Minutes, August 10, 2017 Natural Resources Commission Meeting**

**Commissioner Richardson** made a motion that the minutes of the August 10, 2017 NRC meeting be approved. **Commissioner Klarr** supported the motion. **Matonich** called for discussion, there being none, a vote was taken and the motion carried unanimously.

**Order to Designate Bay City State Recreation Area to Bay City State Park, Michigan; Tobico Marsh Boundaries, Wildlife Conservation Order Amendment No. 7 of 2017**

This amendment is being held over until October.

**Additional Colors for Hunting Apparel, Wildlife Conservation Order Amendment No. 8 of 2017**

**Commissioner Tracy** moved that Wildlife Conservation Order Amendment No. 8 of 2017, Additional Colors for Hunting Apparel be adopted. **Commissioner Klarr** supported the motion. **Matonich** called for discussion, there being none, a vote was taken and the motion carried unanimously.

**Special Fishing Regulations, Big Island Lakes Complex, Schoolcraft County, Fisheries Order 201.18**

**Commissioner Tracy** moved that Fisheries Order 201.18, Special Fishing Regulations, Big Island Lakes Complex, Schoolcraft County be adopted. **Commissioner Klarr** supported the motion. **Matonich** called for discussion, there being none, a vote was taken and the motion carried unanimously.

**Regulation on the Take of Reptiles and Amphibians, Fisheries Order 224.17**

**Commissioner Tracy** moved that Fisheries Order 224.17, Regulations on the Take of Reptiles and Amphibians be adopted. **Commissioner Crumbaugh** supported the motion. **Matonich** called for discussion, there being none, a vote was taken and the motion carried unanimously.

**Ice Fishing Shanty Regulations, Fisheries Order 251.17**

**Commissioner Tracy** moved that Fisheries Order 251.17, Ice Fishing Shanty Regulations be adopted. **Commissioner Klarr** supported the motion. **Matonich** called for discussion, there being none, a vote was taken and the motion carried unanimously.

**FOR INFORMATION ONLY – DIRECTOR**

**Director Creagh** listed the “for information only” items on the agenda.

**DIRECTOR’S ACTION ITEMS**

**Director Creagh** listed the “director’s action” items on the agenda and indicated he would approve all items with the exception that the Order to Re-designate Bay City Recreation Area to Bay City State Park, Land Use Order of the Director Amendment 3, and Wildlife Conservation

Order Amendment No. 7 of 2017, Order to Re-designate Bay City State Recreation Area to Bay City State Park; Tobico Marsh Boundaries will be held over for thirty days. **Creagh** added that Land Transaction Case 20170087, a reverter relative to a cell tower in Kalkaska county will also be held over.

**Commissioner Tracy** asked for historical information on the duck club as to where it sat on the map, and to share with the public.

### COMMISSIONERS REPORTS

**Commissioner Richardson** attended a UP Habitat Workgroup meeting on the previous day and noted that they are calling on land owners with over twenty acres to help with winter habitat and long-term goals.

**Commissioner Klarr** spoke at the Ducks Unlimited awards luncheon at Boyne Highlands. She also attended the AFWA Conference in Sault Lake City.

**Commissioner Tracy** shared that he, **Anna Mooney** and others went on the Paw Paw river to draw attention to water trail experiences around the state.

**Director Creagh** reiterates would appreciate any comments on the Brandon Road Lock and Dam study, Line 5 and the CWD Symposium are all important issues.

**Chairman Matonich** will be attending the CWD Symposium, and believes they will receive some great information on CWD. Will be attending the upcoming MUCC policy committee meeting in Munising.

### Next Meeting

**Chairman Matonich** announced that the next meeting of the NRC is scheduled for Thursday, October 12, 2017 at the Thunder Bay National Marine Sanctuary, 500 W. Fletcher, Alpena. The committees meeting in October include the Michigan State Park Advisory Committee, the NRC Policy Committee on Wildlife and Fisheries and a special joint meeting with the Travel Commission of the NRC Marketing, Partnership, Youth and Outreach Advisory Committee.

### Adjournment

**Commissioner Tracy** made a motion to adjourn. **Commissioner Klarr** seconded and the meeting was adjourned at 5:18 p.m.

APPROVED: Date: 10/12/17

  
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John Matonich, NRC Chairman

  
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Keith Creagh, DNR Director