

MINUTES

NATURAL RESOURCES COMMISSION

JULY 9, 2009

**LANSING CENTER
333 E. MICHIGAN
LANSING**

PRESENT FOR THE NRC

Keith Charters, Chair
Frank Wheatlake, Vice-Chair
Mary Brown
Hurley Coleman
John Madigan
Tim Nichols

ABSENT FOR THE NRC

J. R. Ricahrdson

PRESENT FOR STAFF

Peter Manning, Legal Counsel
Rebecca Humphries, Director
Rodney Stokes, Chief of Staff
Mindy Koch, Resource Management Deputy
Stacy Welling, Upper Peninsula Field Deputy
Dan Eichinger, Legislative Liaison
Teresa Gloden, Assistant to the NRC
Other DNR Staff

APPEAL BEFORE THE NATURAL RESOURCES COMMISSION

Department of Natural Resources' Denial of Special Watercraft Control Ordinance for the City of Keego Harbor

The Department held a hearing regarding watercraft controls on Cass Lake, Keego Harbor, Michigan. The NRC is the appellate board for this issue.

Following discussion, the NRC voted unanimously to uphold the DNR's decision to not change watercraft controls on Cass Lake, Keego Harbor. A full record of the hearing is being processed.

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:05 p.m.

Chairman Charters welcomed the Department of Natural Resources' student assistants from the Michigan State University College of Agriculture and Natural Resources. The students are working for various divisions within the DNR.

Director Humphries was sad to announce the passing of Bonnie Arthur, DNR Office of Communications; and the passing of Bob Stevens, from Commemorative Bucks. She said both will be sorely missed.

DIRECTOR'S ACTION ITEMS

Antlerless Deer License Fees: This was a late memorandum approving a 40 percent discount for the deer management units where disease management encourages the harvest of additional antlerless deer. This fee will now be \$9 for residents and \$82.80 for nonresidents.

Purchase of Tax-Reverted Land under Act 123, P.A. 1999, State Forest Land Acquisitions, Gladwin Management Unit – Clare County, Land Transaction Case #20090109: This memorandum seeks the Director's approval to pursue purchase of these lands at a public auction which will be held by Clare County on August 1, 2009.

Legislative Update

Dan Eichinger, Legislative Liaison, noted the Legislature has been on a two-week recess and would be back in the office the week of July 13, then in recess until approximately September.

Mr. Eichinger reviewed the following Legislation:

HB 5058: conveyance of land in the Au Sable State Forest for purposes of golf course development - the DNR opposes this bill as this property was determined not to be excess property for hunting, fishing and forestry opportunities. The House received a 2/3 positive vote and the Bill was forwarded to the Senate committee. The DNR will continue to oppose this Bill. **Commissioner Brown** asked if the no-net loss bill is signed, would this have an impact on HB 5058? **Mr. Eichinger** responded because the DNR continues to do many land transactions at one time, that conveyance of the Au Sable State Forest property would not create a net loss of land. However, if this land is sold, it would land-lock a 40 acre parcel of state land. **Commissioner Coleman and Chairman Charters** both stated that this transaction would send a negative statement and would set a dangerous precedent. **Director Humphries** said the current legislators were not in office when the comprehensive land review process occurred, so they may not be aware that there is a plan in existence.

HB 4198: extends the repeal date to January 1, 2016, on the NRC's authority to prohibit deer or elk feeding. **Representative Mike Lahti** supports this bill.

Recreation Passport Bill: Chairman Charters thanked all Commissioners for taking the time to contact Legislators urging support for this Bill. The vote in the Senate on the Bill nearly occurred. However, considering other economic issues on its agenda, this was not believed to be the appropriate time. The issue will be deferred until a later date.

Public Act 34 of 2009: This amendment to the licensing portion of 1994 PA 451 gives the NRC the ability to issue licenses valid over multiple years. This bill was a priority of the Department and was signed by the Governor in early June. The DNR supports this bill because it is believed this would provide an opportunity to increase participation on a regular basis and offer discounts for multiple years.

Senate Bill 349: This bill, taken in tandem with 2009 PA 34, also amends the licensing portion of 1994 PA 451. The statutory reference to specific discounts has been eliminated and replaced with new authorities for the Department under which the Director may now specify appropriate discounts for licenses. This bill is on the Governor's desk and her signature is expected.

Public Act 47 of 2009: This bill, referred to generically as “no net loss legislation” provides for the promotion of hunting on Department controlled lands and requires that the Department continue to manage its land for the promotion of hunting and that no hunting land be closed or divested without cause.

Public Acts 51 and 52 of 2009: Major revisions were made this year to the manner in which prohibited and restricted are designated in the State. Previously making additions or deletions to the lists of prohibited and restricted species required an act of the legislature. That authority now also rests with the Natural Resources Commission and the Commission on Agriculture.

Public Act 65 of 2009: In response to actions taken by the Commission earlier this year regarding the use of crossbows, the legislature made the necessary revisions to the hunter orange requirements requested by the NRC at the time of the adoption of its order. This new law exempts crossbow hunters from wearing hunter orange when using a crossbow during an archery season.

Washington, D.C. Report

Director Humphries testified on Wednesday, July 8, before the Senate Environment and Public Works Committee on the issue of threats to fish and wildlife sustainability from diseases and pathogens. The Director reflected on the utility of the National Fish and Wildlife Health Initiative as an approach to addressing this national issue, and she addressed the state-federal collaboration on the management of Chronic Wasting Disease (CWD) as a model to approaching animal diseases that affect free-ranging fish and wildlife as well as domestic animals. The Director also shared her experiences of managing CWD, bovine tuberculosis, and viral hemorrhagic septicemia in Michigan. Additional fed legislation to restrict import of species that may cause disease issues. Testimony was given by Director Humphries before Congress on Wednesday, July 8.

Monthly Spend Plan

Sharon Schafer, Chief, Office of Budget and Support Services, reviewed the monthly DNR spend plan, which can be viewed by clicking on the following link:

http://www.michigan.gov/dnr/0,1607,7-153-39002_11862_49123---,00.html

Ms. Schafer noted that the Legislature has given the DNR latitude on where to take reductions in areas not funded by the General Fund.

She reviewed the monthly Spend Plan for month ending June 30 where cutbacks in employees means cutbacks in programs. **Director Humphries** said that last time furlough days were imposed on employees, there was a large fund balance at the end of the fiscal year. This may occur again because the DNR only receives a very small portion of its monies from the General Fund. **Ms. Schafer** said that most fund balances are transferable but the Forest Development Fund is not. That fund will be nearly exhausted by the end of the year. **Commissioner Wheatlake** commended staff on the management and reporting of the funds in the DNR.

Road Closures

Lynne Boyd, Chief, Forest, Mineral and Fire Management, reported on proposed road closures on state forest lands. These proposed road closures (Land Use Orders of the Director) are processed through a multi-disciplinary review where the public is also given the opportunity to comment. These road closures are primarily on access roads that were temporarily opened for purposes of access for forestry or other management activities. Following completion of these activities it is these temporary access roads are often blocked to prevent further use. However, at times it becomes necessary to utilize the process to legally prevent use of the access roads due to illegal use of the land. If the proposed road closures are located within an 1836 tribal area, 90 day notice is provided as required under the Consent Decree.

Recognition of A. Michael Leffler, Assistant Attorney General

Director Humphries recognized Mike for several years of legal service provided to the NRC. There were many long days and even longer evenings where Mike endured presentations and public appearances by those either managing or wishing to manage the DNR through public meetings of the Commission on a monthly basis. He counseled during many issues including “the great bait-debate,” fencing, the split of the DNR, oil and gas-post production costs and many other issues. Mike retired effective June 30. On behalf of the NRC and the DNR, the NRC and Director presented him a white pine plaque and thanked him for his legal assistance and wished him all the best in his retirement.

Mike said he worked for the Attorney General’s (AG’s) Office for 35 years and 32 of those years he had involvement with the DNR. He said he loves the DNR and loved representing it. Many of the NRC meetings were tedious and long but also magnificent because he said the NRC meeting is one of the few forums in State government where citizens who feel passionately about issues, get the opportunity to talk directly to the decision-makers. He has seen impacts, on many occasions, on decisions. It is

democracy in action. He said there is no better forum in Michigan and maybe the mid-west where this opportunity exists. He also said **Keith Charters** is probably the best chair in the history of the State and believes he does it because it is his passion. He wished the NRC and DNR all the best in the future endeavors.

Chairman Charters said the first issue he recalls dealing with was the split of the DNR and the fencing regulations. The AG guided the NRC so it could make the best decisions based on what is the best for the resources. He commended Mike for his years of service and said he will never get the recognition he deserves.

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The Committee of the Whole meeting adjourned at 4:20 p.m. and the Public Appearances portion of the meeting convened at 4:30 p.m.

PUBLIC APPEARANCES

Amy Spray, Michigan United Conservation Clubs (MUCC)
Dave Hogan, Michigan Hawking Club
Michael Yachik, Michigan Hawking Club
Dale Hendershot, Michigan Trappers Association
Gary Melow, Michigan Biomass
Dean Hall, Michigan Bow Hunters and a hunter safety instructor

Amy Spray, MUCC, said MUCC historically opposes road closures. However, she questioned their membership on their opinion and no responses were received. She intends to speak to the clubs in the areas of the proposed road closures and appreciates the Midland County road opening during the hunting season. **Amy** said the MUCC resolutions that were developed during the June 20 and 21 MUCC Convention will be provided to the NRC at a future meeting. Also, MUCC opposes House Bill 5058 relative to a land conveyance in the AuSable State Forest.

Amy said the following were award recipients at the recent MUCC Convention:

Bill Body – Forestry Conservationist of the Year
Frank Opolka – Conservationist of the Year
Lime Island Campground Hosts, **The Chilsons** – Conservationist recognition
Dr. Tanner – Inducted into the Hall of Fame
Harry Whiteley (former Natural Resources Commission from 1927 to 1947) –
inducted into the Hall of Fame
Jim Brettner, ECORD Director – Conservation Award

Commissioner Wheatlake asked if MUCC was working with Michigan Farm Bureau on hunting access. **Amy** said several discussions have occurred. She said access and opportunity issues will be stressed with their membership.

Dave Hogan, Michigan Hawking Club, supports the proposed falconry regulations. He thanked DNR staff for assisting development of the legislation and regulations.

Michael Yachik, Michigan Hawking Club, agrees and supports proposed falconry regulations. He appreciates the working relationship with the DNR and Michigan Audubon Society.

Dale Hendershot, Michigan Trappers Association, thanked the NRC for listening to the concerns of trappers and for making recommended changes to the proposed trapping regulations. He also said the first trapper education program is scheduled for August 21 in Ewart and he is working on a second in late September.

Gary Melow, Michigan Biomass, was present to introduce Michigan Biomass which produces affordable, clean energy from renewable forestry products. This company is reliant on wise management of Michigan's forest resources.

Dean Hall, Michigan Bow Hunters and a hunter safety instructor, opposes House Bill 5058 and intends to notify the legislature of his opposition.

PARTNERS IN CONSERVATION AWARD PRESENTATION

Director Humphries introduced **Tom Coon, Director, Michigan State University Extension**, who recognized **Ann Nieuwenhuis (present), Steve Tanni, Linda Rossberg, Jeannine Grobbel, Linda Cronk (present) and Karen Dubow.** were present.)

Director Humphries said it is no secret that today's problems are very complex and that seeking solutions to those problems requires the expertise of numerous disciplines and the collaboration of many partners. One of the Department's long-time partner and supporter is Michigan State University Extension. Since its beginning, Michigan Extension has focused on bringing knowledge-based educational programs to the people of the state to improve their lives and communities.

Michigan State University Extension work began before the organization was officially organized. The Michigan State College's (now MSU) first livestock field agent was hired in 1907.

In 1912, the Michigan Legislature authorized county boards of supervisors to appropriate funds and levy taxes to further teaching and demonstrations in Extension work. Eleven agricultural agents were named that year. In 1914, Congress passed the Smith-Lever Act, which created the Cooperative Extension System and directed the nation's land grant universities to oversee its work. Today, Extension agents in all of Michigan's 83 counties use a wide variety of information systems to deliver educational information.

When the first case of chronic wasting disease was confirmed in Michigan in 2008, the DNR and Michigan Department of Agriculture needed to act quickly, following protocol outlined in the state's CWD Surveillance and Response plan. This entailed working with local constituencies, facilitating communications, answering questions, and providing updates on Michigan's progress.

Because of the reach MSU Extension has in every Michigan county and because of our long-held partnership, we asked for their assistance and expertise in arranging and implementing a series of town hall meetings across the for the public to learn more about CWD and the state's response to manage the disease. The DNR asked for their assistance again this past April to facilitate several structured town hall meetings to gather feedback from our stakeholders in helping determine the future of conservation in Michigan.

Countless hours were spent in planning, meeting and implementing these meetings. In both cases, the meetings very much considered a success, having met the objectives of providing information and creating conversations with our many publics we serve.

Because of MSU Extension's willingness to be a partner in conservation, it was made possible to inform Michigan's residents and stakeholders of the importance of wildlife health in our state and the steps necessary to sustain that health and the human quality of life we've come to expect in Michigan. Additionally, the DNR was able to gather raw data from a diverse group of natural resource stakeholders and users throughout the state that will ultimately help the DNR set conservation priorities for the future.

On behalf of the Natural Resources Commission and the DNR, **Director Humphries** presented the MSU Extension Service with the Partners in Conservation Award.

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The Public Appearances portion of the meeting adjourned at 5:05 p.m. and the Regular Meeting convened at 5:15 p.m.

APPROVAL OF MINUTES – JUNE 4, 2009 NATURAL RESOURCES COMMISSION MEETING

Commissioner Coleman made a motion, supported by Commissioner Nichols, for approval. Motion unanimously carried.

ANTLERLESS DEER LICENSE QUOTAS, WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 13 OF 2009

Commissioner Madigan made a motion, supported by Commissioner Nichols, for approval. Motion unanimously carried.

Discussion ensued relative to a need for additional antlerless deer harvest in Newaygo and Mecosta County. The Michigan Farm Bureau is cognizant of the hunter access need and will assist with opening up hunter access.

MANAGED WATERFOWL AREA AND SPECIAL WATERFOWL REGULATIONS, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 14 OF 2009

Commissioner Madigan made a motion, supported by Commissioner Coleman, for approval. Motion unanimously carried.

**DOG TRAINING TECHNICAL AMENDMENT, WILDLIFE CONSERVATION ORDER,
AMENDMENT NO. 15 OF 2009**

Commissioner Madigan made a motion, supported by Commissioner Nichols, for approval. Motion unanimously carried.

DIRECTOR'S ACTION ITEMS

Director Humphries stated her intent to sign all of the Director's Action Items on the Agenda.

NRC POLICY COMMITTEE REPORTS

NRC Policy Committee on Technology, Information, Marketing and Education

This Committee met at 10:15 a.m. on July 9, 2009. Please note the attached Minutes.

NRC Policy Committee on Wildlife and Fisheries

This Committee met at 12:30 p.m. on July 9, 2009. Please note the attached Minutes.

COMMISSIONER REPORTS

Commissioner Madigan attended the Pictured Rocks National Lake Shore Dedication. He said **U.P. Field Deputy Welling** did a great job representing the DNR at that event.

Chairman Charters thanked all of the Commissioners for contacting their Legislators to discuss the parks passport bill; and attended the 90th Anniversary of the State Parks event at Interlochen State Park.

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The meeting adjourned at 5:30 p.m.

**NRC POLICY COMMITTEE ON TECHNOLOGY, INFORMATION,
MARKETING AND EDUCATION (TIME)**

Meeting convened at 10:15 a.m.

Present for the Committee: Commissioner Mary Brown (Chair), Commissioner Hurley Coleman, Commissioner Tim Nichols, and Commissioner Keith Charters.

Presentations:

DNR Accessibility Advisory Council (AAC) – Joe Frick, Chief, Office of Financial Services, presented an update on the AAC. He mentioned that **Bill Pemble** should be recognized for his tremendous involvement with the committee. **Kelly Grumelot and Dan Lord** both showed a power point on accessibility and of the accessible ramps that lead to lakes and how the \$2 million grant from the Kellogg Foundation has been used. **Cindy Burkhour, Vice Chair, AAC**, also spoke about how they have helped the DNR with designs and grant funds. The AAC will be hosting an event for the public to learn about what is available from the DNR. **Director Humphries** asked where the meeting would be held, Cindy said that it would be held in the Upper Peninsula. **Ken Wright and Stacy Welling** are both on the committee. Stacy closed out this session.

Recruitment & Retention Section – Dennis Fox introduced **Sue Tabor** as Lynn Marla's replacement. **Sue** spoke about the Becoming and Outdoors Woman (BOW) program and where it is headed.

Public Information Officer – Mary Dettloff spoke about all of the layoffs the Detroit papers are doing and that the DNR really needs to connect to Facebook and Twitter to get our information out to the public.

Future NRC Policy Committee on TIME Goals/Functions/Meeting - Updates and committee goals, who will meet? They will meet and possibly talk about future technology. Commissioner Charters recommended the committee focus on recruitment and retention and the DNR will market it. Commissioner Brown and Director Humphries will hold a future meeting to discuss DNR partnerships. The commission would like to set up six meetings to strategize at future NRC meetings.

Education Services Update – Kevin Frailey spoke about the Wolf Lake Fish Festival and showed a power point that will run continuously at the event depicting the hatchery operation.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES

The Committee meeting convened at 12:30 p.m.

Commissioners Madigan (Chair), Nichols and Richardson were present for the Committee. Commissioners Brown, Charters, Coleman and Wheatlake were also present.

Waterfowl Regulations

Barb Avers, Wildlife Division, presented recommended waterfowl hunting regulations. There are three populations of geese in Michigan. Due to late spring in the Arctic, two geese populations are down; the Canada goose population remains stable. Population goals are within our range, so no changes are recommended.

In regard to the duck status, mallards are used to determine the seasons and bag limits. This spring and winter there above average snow and rainfall that have recharged many wetlands. More water, equates to more ducks. Total duck populations are up by about 13 percent from last year. There has been a steady decline of mallards since 1999. Estimated ponds and wetlands have improved, but the amount of ponds we see in the spring are still down from the long term average.

It is likely that there will be no major changes in season length and bag limits. The season will likely be 60 days. There should be an open season on canvasbacks, and a likely expanded opportunity for pintail and scaup.

In late July, the Mississippi Flyway Council will make its recommendations to the United States Fish and Wildlife Service. The DNR recommendations will be sent to the NRC no later than August 10.

Falconry Regulations

Karen Cleveland, Wildlife Division, presented information on falconry regulations. Wild raptor take was legalized by state law in 1999, and the take of about 25 birds a year was permitted. The legal authority expired in January 2009, but new legislation was signed by the Governor on June 4, 2009 which does not sunset. All season dates, quotas and other regulations are to be set by the DNR. Once permits are given out, and once the cap is met, the rest of the permit holders are called and told their permit is no longer valid. In developing these recommendations, DNR contacted the following stakeholder groups: Michigan Hawking Club, and Michigan Audubon Society. Michigan recommendations are tighter than national recommendations. The DNR recommend that there are two different types of permits. One would be a General Capture Permit, and there is a recommended limit of 80 birds per year statewide. The General Capture Permit includes red-tailed hawks, American kestrels, Cooper's haws, and sharp-shinned hawks. The second permit is the Limited Rapture Capture Permit. There would be a drawing rather than a first come, first serve. DNR would have a cap of ten birds for non-residents. These birds could not be taken on National lakeshores and state parks and recreation areas.

Commissioner John Madigan asked if the take will increase. Karen told him that the number is set high enough where it should not be an issue, and that demand should not surpass supply. This should not have to be revisited for several years.

Invasive Species

Mark Sargent, Wildlife Division, presented the Invasive Plants Strategy. Invasive plants are species that are not native to Michigan and impact the economy, environment and/or human health. A couple years ago, an invasive species strategy was created to address problems associated with invasive affecting wildlife. The regional invasive plant lists are broken down into the following three categories: high threat, medium-to-high threat, and medium threat. Six goals were created in the strategic plan, which includes Leadership and Coordination; Assessment and Research; Prevention, Early Detection and Rapid Response; Control, Management, and Restoration; and Education and Outreach. Currently, there are approximately 500 plants out of 1500 that are non-native, but there are only about 15 to 20 that are causing problems.

Daniel Eichinger, Legislative Liaison, informed the Commission of their new authorities. Effective September 15, the NRC will have authority to make additions or deletions to prohibited and restricted species. The requirements to add or delete species includes: The organism is not native to this state, the organism is naturalized and widely distributed in this state, one or more of the following apply: the organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources; effective management or control techniques for the organism are available. The NRC and Department of Agriculture must consult with each other when making these decisions. The Department must also follow reporting requirements to the Legislature and standing committees.

License Fees

Russ Mason, Chief, Wildlife Division, informed the NRC on the license fee changes. As of May 11 deer license fees were supposed to be \$10 for residents and \$100 for non-residents. However, the retail sales system cannot handle those amounts. Different options were discussed, and ultimately it was determined that a discount of \$9 for residents and \$82.80 for non-residents would work. This should not have an impact on revenue.

Reduced Deer Check Stations

Due to the he DNR's financial situation, the DNR is looking at reducing deer check stations. There would be 70 fewer stations open. **Russ Mason** proposed that check stations only be open during the firearm season. Wildlife Division is moving in this direction because of finances and it is no longer feasible to run so many stations. Also, the savings will allow the Division to do more on the ground conservation. Deer population estimates will be more statistically accurate in the management unit versus the deer management units. This results in approximately \$560,000 in savings. All staff will be working at deer check stations the full two weeks of rifle season.

Commissioner Frank Wheatlake asked DNR why firearm deer season cannot start on a Saturday each year. He feels more students and workers could participate. Is there a scientific reason why this can't occur? Wildlife staff will look into this issue.

The meeting adjourned at 1:55 p.m.