

MINUTES

NATURAL RESOURCES COMMISSION (NRC)

AUGUST 13, 2009

**LANSING CENTER
333 E. MICHIGAN
LANSING**

PRESENT FOR THE NRC

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

ABSENT FOR THE NRC

Hurley Coleman, Jr.

PRESENT FOR STAFF

James Riley, 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 OF THE DEPARTMENT OF NATURAL RESOURCES' DENIAL OF
THE CITY OF TRAVERSE CITY APPLICATION FOR PERMITS TO EXPAND
SWIM AREAS OR PLACE "NO BOAT" BUOYS**

The Appeal before the NRC convened at 2:03 p.m. The NRC is the appellate board for this issue and has the role of determining if the Department of Natural Resources (DNR) made a mistake either in the application or determination of the law based on the facts of the case. In this case, the question is whether the buoys would affect safety or navigation.

Following discussion, Commissioner Brown made a motion, supported by Commissioner Madigan, to affirm the DNR's decision in the above listed case. Roll call was taken and the motion carried unanimously.

The Appeal adjourned at 2:45 p.m.

COMMITTEE OF THE WHOLE

The Committee of the Whole meeting of the Natural Resources Commission convened at 3:05 p.m.

DIRECTOR'S ACTION ITEMS

Acquisition of the Jaxon Creek property in Grand Traverse County was presented for Director's action. This is a line item Michigan Natural Resources Trust Fund acquisition. The Grand Traverse Regional Land Conservancy (GTRLC) purchased this property and held it for the DNR to purchase at the DNR's request. The DNR is purchasing it from them for the same value that they paid for it. However, they have incurred over \$77,000 in holding costs (loan interest, property taxes, etc.), not to mention quite a bit of staff time. **Matt McDonough (GTRLC)** was present to answer questions. **Director Humphries** said she and the NRC recognize and thank the Conservancy for the contributions and assistance that they have provided in order to make this DNR acquisition of the Jaxon Creek property in Grand Traverse County possible. This is a significant acquisition for the DNR and the more than \$77,000 in costs (and additional staff time) that the Grand Traverse Regional Land Conservancy has donated have made it possible.

GOVERNOR'S EXECUTIVE ORDER NO. 2009-36 - ABOLISHING THE DEPARTMENT OF HISTORY, ARTS AND LIBRARY (HAL)

This Executive Order transfers essential functions of HAL to other principal departments in State government. The HAL will be abolished and the essential programs will be transferred effective October 1, 2009. Following are the programs that will be transferred to the DNR:

1. State Archives
2. State Historical Records Advisory Board (5 members, with 3 staff members)
3. Michigan Historical Commission (10 members)
 - a. Thunder Bay National Marine Sanctuary and Underwater Preserve
 - b. Magazines/Journals
 - c. Museum Store
 - d. Historical Markers Program
4. Mackinac Island State Park Commission (7 members)
5. Michigan Heritage Water Trail Program

6. Michigan Freedom Trail Commission (9 members)
7. Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 (13 members)
8. Michigan Iron Industry Museum Advisory Board (10 members)
9. Creation of the Michigan Center for Innovation and Reinvention Board (9 members)
 - DNR Director, Chair
 - Superintendent of Public Instruction
 - Governor Appointees – 3
 - Michigan State University President Nominees – 3
 - City of Lansing Mayor Nominee – 1
 - Final Report Due June 1, 2010

Chairman Charters questioned the role of the NRC in the above stated transfers. **Director Humphries** responded that the NRC will remain as policy-makers. **Chairman Charters** requested specific details on the NRC's role.

FOREST CAMPGROUND CLOSURE CRITERIA

Lynne Boyd, Chief, Forest, Mineral and Fire Management Division, presented a history of State forest campgrounds. These campgrounds were originally established in the early 1900s to eliminate dispersed camping in State forests in an attempt to eliminate forest fires. Prior to 1972, the State forest campgrounds were primarily funded through the General Fund. Over the years since, however, General Fund support has been greatly reduced and the campgrounds have become more reliant on campground fees. By 2000, program costs began exceeding revenues. Actions were taken to reduce costs and raise revenues, such as reducing staff travel, delaying repairs and capital improvements, reducing services, reducing staff and closing facilities. Campground fees were also raised causing an apparent reduction in campground users (or a reduction in paying users).

In 2009, the DNR closed 12 campgrounds statewide. **Ms. Boyd** reviewed the criteria in determining which campgrounds would be closed, including proximity to other public or private campgrounds; if the campground supports a state trail recreational opportunity; costs to maintain the campground; travel distance to maintain the campground; and use. **Director Humphries** recommended adding the fire risk factor to the criteria.

For 2010, General Fund support for the State forest campgrounds has not been determined but is expected to be reduced significantly with the potential of total elimination. Therefore, a survey of public opinion as to the criteria to determine closures is being conducted from August 15 through September 14. Other considerations are being given to spending reductions in the forest recreation

areas. One option is to seek partners to keep the campgrounds open and allow those running the campgrounds to receive the revenue from that campground.

Ms. Boyd said there currently is no marketing program for forest campgrounds, and there is not enough staff support to enforce payment at the campgrounds.

LEGISLATIVE UPDATE

Dan Eichinger, Legislative Liaison, presented an update on Legislative activity since the last NRC meeting:

SB 730 was recently introduced by Senator Stamas, and is a twin to HB 5058 which conveys 475 acres of state forestland to a private individual. Both HB 5058 and SB 730 have been referred to the Senate Committee on Appropriations.

HB 4198: At the July 2009 NRC meeting, a bill that would extend the sunset on the Commission's authority to regulate supplemental and recreational feeding of deer and elk was discussed. The bill had stalled because some members of the public and the Legislature were unclear on the differences between feeding and baiting. In an effort to correct this misunderstanding, the DNR has met with the bill sponsor and bill drafter to clearly draft language that defines the issue as related to feeding.

The House and the Senate will continue to meet during the next month on a periodic basis, and occasionally or may take votes on bills. Otherwise, the majority of their time will be spent addressing the unresolved budget issues from the current and next fiscal years.

SPECIAL RECOGNITION - RAY UNDERWOOD

Chairman Charters said **Ray Underwood** is the former Executive Director of the Michigan Boating Industry Association. Many years ago, he began taking people fishing to allow them to better understand the salmon fishery. In the late 1970s, he expanded the program to walleye fishing in Lake St. Clair and then later in Lake Erie where he continued to take a wide variety of individuals, including youth and legislators, fishing to provide understanding of the value of Michigan's fisheries resources. Many young people caught their first fish with Ray.

Ray currently works in the NASCAR Conservation Program. Basically, Ray has been very involved in exposing many individuals, young and old, to the recreational activity of fishing in Michigan and was recognized for his stewardship and for being a champion of conservation in Michigan. **Ray** said he appreciated this recognition and appreciates the opportunity to work with the NRC and DNR staff.

EXECUTIVE COUNCIL MEETING

Dennis Knapp, Assistant to the Resource Management Deputy, said the DNR will host the August 20 Executive Council meeting at the Ralph A. MacMullan Conference Center in Roscommon. The Council was established by the 2000 Great Lakes Consent Decree and consists of Chairs from the five tribes, the Director of the DNR and the U. S. Secretary of the Interior. The Council is required to hold at least an annual meeting to review the status of the fisheries resources; implementation of the Consent Decree; and other matters of policy and consultation.

In 2007, the Inland Consent Decree also recognized an Executive Council and an annual meeting with protocols for consultation between the State and tribes throughout the year.

The NRC is a party to the Consent Decree. Commission Madigan will represent the NRC at the Executive Council meeting on August 20 at which discussion on Great Lakes and inland issues in the 1836 Treaty area will occur.

MONTHLY SPEND PLAN REPORT

Sharon Schafer, Chief, Office of Budget and Support Services, reviewed the DNR spend plan for the month ending July 31, 2009, 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 said the Fiscal Year is winding down and the focus is on funds that will not be expended by year-end. At the end of July, an Executive Directive was issued requiring State agencies to cut contractual services between five and ten percent and to reduce use of temporary employees.

Ms. Schafer also reviewed the FY 2009 projected revenues as of July. She noted that the Park Improvement year-to-date revenue is overstated by \$1.2 million which needs to be distributed to the Waterways Fund and local harbor owners. This information can also be viewed at the above website address.

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The Committee of the Whole meeting adjourned at 4:15 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)
Jenness Wiegand
Ellen Nitz
Todd Alofs, Citizen's Waterfowl Advisory Committee (CWAC) Chair

Amy Spray, MUCC, briefly reviewed MUCC Resolutions recently passed by the membership at the 2009 MUCC Annual Convention. Following are those Resolutions:

Resolution No. 1 – Replanting Oil and Gas Easements on Public Lands
Resolution No. 6 – Proposal for Long-Term Funding for the DNR
Resolution No. 8 – Restitution Value for Wildlife
Resolution No. 13 – Coyote and Fox Hound Training Facilities
Resolution No. 14 – Michigan Wetland Protection

She said many other resolutions were passed and will be available on the MUCC website. She also noted that the MUCC appreciates and agrees with the letter the NRC sent to Senator Bishop relative to a land transaction in Ogemaw County.

Jenness Wiegand said there is still no resolution to the noise levels at the Island Lake Shooting Range. She also said she believes it is wrong to site the same type of range in the Bald Mountain Recreation Area.

Ellen Nitz attended a town hall meeting held by the DNR in the Novi area where topics discussed were the Island Lake Shooting Range and the Bald Mountain Recreation Area range. She asked where the responsibilities lie to maintain a reasonable noise level.

Todd Alofs, Citizen's Waterfowl Advisory Committee (CWAC) Chair, urged the NRC to adopt waterfowl regulations as revised and presented for action. He also noted that at a recent meeting of the CWAC, a recommendation was passed to form a committee to address mute swan populations. Mute swans have negative impacts on many species as well as, at times, being a hazard to humans. He provided kudos to the NRC and DNR for implementing the Pure Michigan Hunt.

The NRC thanked Todd Alofs and the CWAC for its work on the waterfowl regulations.

Director Humphries said mute swans are not a protected species under the migratory bird program. A Wildlife Division procedure exists on handling mute swans on State game areas and also provides direction for the public.

PARTNERS IN CONSERVATION AWARD – JAY’S SPORTING GOODS

Jeff Poet and Mark Copeland represented Jay’s Sporting Goods.

Director Humphries said the staff from Jay’s have played a monumental role in assisting the DNR in advancing the National Archery in the Schools Program in northern Michigan. The stores promoted the Archery in the Schools Program through in-store handouts and community partnerships, resulting in radio, TV and print media to recruit schools’ participation in the program. With the assistance of volunteer instructor and trainer Mark Copeland, over 20 schools received local archery instructor training and many more became interested in archery.

These efforts have resulted in numerous partnerships between the DNR and many conservation and non-profit organizations, and resulted in nearly \$50,000 in donations to support Archery in the Schools.

Additionally, Jay’s staff has assisted the DNR in piloting After School Archery Programs and the newly created Explore Bow Hunting Program.

Director Humphries was pleased to present the Partners in Conservation award for outstanding efforts in promoting shooting sports and in recruiting and retaining new archers and bow hunters. Through all their efforts, they have encouraged folks to get outside and enjoy Michigan’s great outdoors. The partnership is invaluable.

Mr. Copeland said he appreciated this recognition.

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The Public Appearances portion of the NRC meeting adjourned at 5:00 p.m. The Regular meeting of the NRC convened at 5:05 p.m.

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APPROVAL OF MINUTES – JULY 9, 2009 NATURAL RESOURCES COMMISSION MEETING

Commissioner Wheatlake made a motion, supported by Commissioner Nichols, for adoption. Motion carried 5-0 with Commissioner Mary Brown abstaining.

2010 NATURAL RESOURCES COMMISSION MEETING DATES

Commissioner Nichols made a motion, supported by Commissioner Madigan, to approve the following dates for the 2010 NRC meetings.

January 7
February 4
March 4
April 8
May 6
June 3
July 8
August 12
September 9
October 7
November 4
December 2

Motion unanimously carried.

**STATE FOREST TRAIL ACQUISITION, MUSKETAWA TRAIL EXTENSION –
MUSKEGON COUNTY, LAND TRANSACTION CASE #20070091**

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

**STATE FOREST TRAIL ACQUISITION, IONIA TO LOWELL RAILROAD
CORRIDOR PHASE I – IONIA COUNTY, LAND TRANSACTION CASE
#20080192**

Commissioner Wheatlake made a motion, supported by Commissioner Brown, for approval. Motion unanimously carried.

**WATERFOWL AND OTHER MIGRATORY BIRD HUNTING REGULATIONS
FOR 2009-2010, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 16
OF 2009**

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

**FALCONRY REGULATIONS, WILDLIFE CONSERVATION ORDER,
AMENDMENT NO. 17 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 approve all of the Director's Action Items on the Agenda.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES - REPORT

The NRC Policy Committee on Wildlife and Fisheries convened at 10:00 a.m. and was chaired by Commissioner Madigan. Commissioner Richardson was also present for the Committee and Commissioners Brown, Charters and Wheatlake were present. The meeting minutes are attached.

NRC POLICY COMMITTEE ON LAND MANAGEMENT - REPORT

The NRC Policy Committee on Land Management meeting convened at 12:30 p.m. and was Chaired by Commissioner Richardson. Committee members Brown and Charters were present and Commissioners Madigan and Wheatlake also attended. The meeting minutes are attached.

COMMISSIONER'S REPORTS

Commissioner Wheatlake attended a joint meeting between the snowmobile and ORV groups where issues of mutual interest were discussed. He said it is early in the process with much more work to do.

Commissioner Richardson attended the UP Citizen's Advisory Committee meetings hosted by the DNR, and said the meetings are going well. He also attended a UP Sportsman's Alliance meeting, and was a judge in the duck stamp selection process.

Commissioners Charters and Madigan enjoyed salmon fishing in Lake Michigan out of Frankfort and had a great deal of success.

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The meeting adjourned at 5:20 p.m.

NRC POLICY COMMITTEE ON LAND MANAGEMENT

MINUTES

AUGUST 13, 2009

The NRC Policy Committee on Land Management meeting convened at 12:30 p.m. at the Lansing Center, Lansing. Commissioners Richardson (Chair), Brown and Charters were present for the Committee. Commissioners Madigan and Wheatlake were also present.

Others Present

Mike Bailey, DNR
Tom Barnes, Michigan Association of Timbermen
Lynne Boyd, DNR
Paul Call, Weyerhaeuser
Kelly Carter, DNR
Jerry Crandall, MIRS
Jim De Clerck, Saginaw Field and Stream
Mary Dettloff, DNR
CaraBoucher, DNR
Dan Eichinger, DNR
Kevin Frailey, DNR
Teresa Gloden, DNR
Doug Heim, DNR
Becky Humphries, Director, DNR
Todd Johnson, Weyerhaeuser
Dennis Knapp, DNR
Mindy Koch, DNR
Kevin Korpi, Michigan Forest Products Council
Russ Mason, DNR
Howard Meyerson, Grand Rapids Press
Dean Molnar, DNR
Larry Pedersen, DNR
Karen Potter Witter, MSU, Department of Forestry
Doug Reeves, DNR
Theresa Riebow, DNR
Pat Spitzley, DNR
Amy Spray, MUCC
Bill Sterrett, DNR
Rodney Stokes, DNR
Warren Suchovsky, Suchovsky Logging, LLC
Stacy Welling, DNR
Tom Wellman, DNR
Wes Windover, Biewer Lumber

Commissioner Richardson said this Committee meeting is being held to provide a public process to find a means of supplying sustainable resources for the timber, paper and renewable energy industries. The Committee will review the current process of making timber available from State lands and work with the industry to find an appropriate to method to move forward.

Bill Sterrett, Forest, Mineral and Fire Management Division, provided a brief overview of timber sales in Michigan. The lump sum, sealed bid process was instituted Statewide in 1968 and employed a uniform presale stumpage appraisal. The appraisal process was designed to identify a fair stumpage return to the State of Michigan and was referred to as the “Comparative Methods of Stumpage Appraisal.” In 2004, the methods were compared to methods employed by other public forestry agencies in Wisconsin, Minnesota and the US Forest Service. This review noted similarities across the agencies.

Mr. Sterrett said for the past 10 years, an average of 53,000 acres of wood per year has been offered for sale with volumes ranging from 600,000 to 800,000 cords per year. Individual sales have ranged from several hundred cords to thousands of cords. Current, 1.1 million cords of wood are under contract on State forest land for a value of \$44 million. The average price per acres for State forest wood has fallen from \$623 in 2005 to \$518 currently. The minimum bid price has fallen from \$520 to \$353 per acre.

In Fiscal Year 2007, “no-cost, market-based extension” procedures were put in place to address falling timber prices. 110 contracts have qualified and there have been over \$400,000 in waived extension fees.

Cara Boucher, Forest, Mineral and Fire Management Division, said two elements exist to establish minimum bids for State timber sales: 1) Average stumpage price report (price information from State timber sales that provide a baseline for establishing minimum bid prices on future sales; and 2) Individual Sale Factors; specific factors are used to determine the fair value of an individual timber sale including: skidding, distance to mill, felling and bucking, and market trends.

Discussion ensued regarding the accuracy of estimating bids versus actual output of the cut. **Commissioner Madigan** asked if the industry pays for 100 cords and harvest 120 cords, does industry pay for the extra cords?

Ms. Boucher responded no but noted that FMFM monitors staff’s cruising estimates. **Thomas Barnes, Michigan Association of Timbermen**, said if there is a three year contract, not all of the 36 months can be used for harvest based on weather, hunting rights, etc. He added that three years is an adequate timeframe for harvesting the designated timber.

Ms. Boucher reviewed flowcharts for the timber appraisal process where bids are received and when no bids are received. In both processes, it is mandated through the Constitution that the State receive a fair value for its assets. Staff

must also reduce the risk of skewed bids, i.e. placing bid values on less desired species/products. She said that is the reason why bids more than double the price are discarded in the process – to eliminate over-pricing the product. Discussion ensued on this issue.

Paul Call, Weyerhaeuser, questioned why the fair market value cannot be determined on a per-acre basis? **Ms. Boucher** said value is determined on a per-species basis.

Karen Potter Witter, MSU, Department of Forestry, said species composition is important. **Commissioner Wheatlake** asked how many sales are no-bids and why?

Warren Suchovsky, Suchovsky Logging, asked if a lessee's workmanship can affect their contract. **Lynne Boyd, Chief, Forest, Mineral and Fire Management Division**, said only to the extent that if a bidder has poor quality, they will be removed from the bid list. Also, lessees must take out performance bonds as part of their contract.

Michael Bailey, Wildlife Division, reviewed Wildlife Division's timber sale considerations for habitat management purposes. Federal aid requirements set the framework for wildlife habitat management. The goals must be driven by wildlife needs with commercial aspects being incidental to habitat management. There are 95 State game areas consisting of 308,000 acres. Approximately five percent of these acres contain timber. Wildlife Division is moving toward increased use of the FMFM procedures. **Mr. Bailey** reviewed the average annual Wildlife Division timber sales as averaged over the past three years. In Wildlife Division game areas, 30 sales were offered for a total of 489 acres; and in FMFM State forest lands, 706 sales were offered for a total of 57,710 acres.

Tom Barnes, Executive Director, Michigan Association of Timbermen, said over the past decade, stumpage prices for the most popular timber species has dramatically increased. As a result, several Michigan mills have closed. He said Michigan and the Great Lakes region have the highest stumpage prices in the nation and this is resulting in Michigan companies not being competitive nationally or globally. A group of Michigan Association of Timbermen and Michigan Forest Products Council members met to discuss the concerns over the current bidding process for timber sales conducted on State owned forests. They agreed that a major issue is the volume of no-bid species frequently exceeds 50 to 60 percent of the sale, so a contractor is bidding on the highest value products with little regard to volumes offered for sale. Bidding only on the highest valued species/products artificially drives these prices above current market conditions.

The groups proposed two recommendations:

- 1) That “No Minimum Bid” values be placed on any species/product, only a volume estimate and the contractors would be bidding on the total volume of the sale resulting in one price, the total value of the timber sale.
- 2) If State or DNR regulations require that a “Minimum Bid” value be established for any offer to sell State properties, then for timber products is should be set at the operation cost of setting up each specific sale. Each sale’s minimum bid would also be set back to the operational cost.

The industry believes the current way of doing business needs to be changed to better reflect Michigan’s wood markets. They believe either of the above recommendations would accomplish this; would greatly help the industry deal with an ever-rising raw material cost; and would eliminate no bid timber sales.

Mr. Barnes said industry is trying to develop a better definition of “fair market value.” Discussion ensued regarding “fair value” versus “fair market value.”

Karen Potter said the minimum bid advertised has always been below average price for the product. So, this issue is bigger than the issue of minimum bid.

Mr. Barnes said one of the problems with the current market condition is that some of the minimum bid prices being advertised are higher than what is being delivered at the mill. **Commissioner Brown** asked if the estimates used in setting the minimum prices and in bidding the product have a margin of error that often fall in his favor. She said another option would be to do “scale sales.” **Mr. Barnes** said that is the way many private sales are conducted is by weighing each load and price based on type of wood, etc. He said the public sales bring in a higher average than private. **Ms. Boyd** said the reason public sales are higher is that with the public sales, there are services built into the prices. Discussion ensued.

Warren Suchovsky said he looked at a three timber sales by a forester in the UP recently where the acceptable bid was determined by the owner. He said that is key. **Ms. Boyd** said the State bidding and pricing process needs to be transparent. That is a requirement of operating as a public entity.

Mr. Suchovsky suggested regular surveys be conducted to get up-to-date data on pricing and keep this information confidential. **Ms. Boyd** said, being a public entity, it is not appropriate to keep the information confidential.

Mr. Suchovsky does not believe State foresters know the market as well as those buying the products. He believes if Mr. Barnes’ method is adopted, it will eliminate no-bid sales.

Ms. Boyd asked who pays for reforestation? **Mr. Suchovsky** responded that he believes the State will get more for their sales because there won't be no-bid sales. **Ms. Boucher** said only about 9 percent of the sales offered are no-bid, then one-third of those are picked up at the minimum bid.

Commissioner Madigan said the State forestry process is regulated by the State Constitution. He recommended that the timber groups come back with a proposal that works within the requirements.

Commissioner Richardson said the proposal will be reviewed and move forward.

Kevin Korpi said the 80/50 process does not address the groups' issue. **Ms. Boyd** said it will not be incorporated at this time.

The meeting adjourned at 1:55 p.m.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES

The meeting convened at 10:00 a.m.

Pure Michigan Hunt

Mike Bailey, Wildlife Division, provided an update on the Pure Michigan Hunt. Over 4000 chances have been sold to over 2000 unique buyers and 150 people have bought five applications and a few individuals have purchased 30. The application period is through December 31, 2009 and the drawing will be held in January 2010. Three individuals will be selected from the drawing.

Groundwater Protection and Use in Michigan

Paul Seelbach, Fisheries Division, provided an update on the implementation of the new Michigan Water Law. Paul discussed an implementation timeline which began in July 2008 and will end in October 2009. The NRC has a role to oversee future refinements to this program (methodologies). It is set in the law that changes can be made but modification or additions to statutory definitions or processes will go through legislation. Next steps include defining roles and responsibilities between NRC and WRCAC, establishing plan to develop NRC oversight processes, and establish plan to implement NRC oversight processes. **Chairman Charters** asked, “What is the timeframe for the NRC?.” Paul answered as soon as possible, however, the intent is to not to change very often – maybe every three to five years. There is a one year period to put the process in place. Chairman Charters, Director Humphries, Fisheries Chief Kelley Smith, and Paul Seelbach will be discussing the process. **Chairman Charters** complimented Paul’s efforts.

Fisheries Regulations

Todd Grishke, Fisheries Division, explained the four fisheries orders on the Agenda “For Information Only” in August. Two of the four are renewals – where there are no changes. The other two are also renewals but DNR requests a five year moratorium. It is mandatory that these two orders are renewed at least every five years. Only minor technical changes are proposed as they have not been reviewed recently. There will be several additional proposed Fisheries Orders’ changes in September.

Commissioner Wheatlake asked if Black River will recover and if so, how long will it take to bring back? **Fisheries Chief Kelley Smith** said that it is too early to assess. He believes it will take three to five years to determine if help is needed to renew the lake, if it can’t be renewed, or if renewal is occurring on its own. **Commissioner Richardson** asked if there was process in place to make those liable to help pay the restocking fees. **Chief Smith** said that is a possibility.

Todd Grischke, Fisheries Division, explained that there was an internal Inland trout regulations review with two to three years to complete. Fisheries Division met with the external coldwater committee since that review was completed. Information was released to the public in May. Fisheries Division has decided to wait to modify trout regulations until September. These changes will focus on combining stream types 5-7, which is an attempt to simplify trout regulations. **Commissioner Madigan** asked if there is a loss of young anglers because of the difficult trout streams regulations. **Chief Smith** replied that the DNR is trying to simplify. **Commissioner Madigan** said that he will support this and the NRC is very sensitive to the complexity of regulations. He thinks Fisheries Division is doing a great job.

Wolf Protection Status

Chris Hoving, Wildlife Division, provided an update of the wolf status. The wolf is back on the federally listed species. However, the wolf population has expanded about 10 percent every year for 19 of 20 years. There are almost 600 wolves in Michigan at the winter wolf count. **Commissioner Richardson** is interested in knowing how much money it has cost the federal and state government to address the delisting/re-listing changes. The DNR is recommending that the Wildlife Conservation Order (WCO) conform to current federal law – but the WCO language should be flexible enough to accommodate future changes in federal law. **Chris** explained that there are impacts on state laws related to the re-listing of wolves. The DNR now only has the authority to kill wolves if they pose human safety threats. The US Fish and Wildlife Service may try to de-list wolves again in 2010.

Waterfowl Hunting Regulations

Barbara Avers, Wildlife Division, provided recommendations to the NRC on waterfowl hunting regulations. Barb outlined the DNR's waterfowl season goals and explained the considerations that are examined when setting season dates. Barb provided an overview of the federal waterfowl framework the state must work within and the federal recommended season. For the 2009 duck season, it will once again be a liberal season. Barb reviewed the recommended bag limits and dates. Barb outlined the information for the Canada goose season frameworks and recommendations. Barb also outlined minor changes to the falconry season, which included moving to the same dates as gun hunting and adding additional days.

Firearm Season Saturday Opener

Assistant Chief Doug Reeves, Wildlife Division, provided the Commissioners with a handout that outlined the information that will be presented at next month's NRC meeting related to having the firearm season change to a Saturday opener. Meeting adjourned at 11:25 a.m.