

MINUTES

NATURAL RESOURCES COMMISSION (NRC)

OCTOBER 8, 2009

ONTONAGON THEATRE OF PERFORMING ARTS
311 N. STEELE STREET
ONTONAGON

PRESENT FOR THE NRC

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

PRESENT FOR STAFF

Hal Martin, Legal Counsel
Rebecca Humphries, Director
Rodney Stokes, Chief of Staff
Mindy Koch, Resource Management Deputy
Stacy Welling, Upper Peninsula Field Deputy
Debbie Munson Badini, U.P. Communications Specialist
Other DNR Staff

COMMITTEE OF THE WHOLE

The Committee of the Whole meeting of the Natural Resources Commission convened at 3:15 p.m.

PARTNERS IN CONSERVATION AWARD PRESENTATION

Director Humphries presented the Partners in Conservation Award to the Normenco Sportsman's Club. Jim Moraska and other members of the Normenco Sportsman's Club joined the Director to receive their award.

The Normenco Sportsman's Club has assisted the Department of Natural Resources with numerous projects related to state trail maintenance and youth outdoor education. For 35 years, the club has been grooming snowmobile trails, even before the current snowmobile program began. Since 1983, the club has partnered with the state to groom approximately 90 miles of trail, contributing 750 hours of time each year.

Club members have also been active in maintaining state Off-Road Vehicle (ORV) trails. Most recently, the club initiated an Adopt-a-Forest cleanup event on the Felch Grade multi-use trail. During the two-day clean up, volunteers covered five and a half miles of

trail, hauling off seven and a half tons of garbage, including 278 tires, TVs, old refrigerators and couches. Those who volunteered gave their time, plus provided the trucks and trailers necessary to pull litter from the trail's steep ditches. The club plans to continue the cleanup work until the entire 38 miles of the trail have been covered. Club members are also working to recruit other outdoor groups in the south-central U.P. to get involved with the Adopt-a-Forest program.

The Normenco Sportsman's Club has a forward-thinking attitude, recognizing that maintaining and beautifying existing state trails is one of the best ways to ensure new trails will be supported in the future. The club members have demonstrated that same forward-thinking attitude in their dedication to youth outdoor education. Each year, they organize a kids fishing event over the Fourth of July weekend in Powers, providing fishing poles for those children who don't have their own. Hundreds of kids have the chance to fish for trout, possibly catching a fish for the first time in their lives. Club members also arrange hunter safety and snowmobile safety classes and volunteer as instructors.

Director Humphries thanked the club members for all of these things plus the many more efforts they have made to enhance the outdoor experience for our current and future sportsmen and women, and for committing so much personal time to conserving Michigan's natural resources. She then presented them with a white pine plaque in recognition for their work.

SUMMARY OF GOVERNOR'S EXECUTIVE ORDER NO. 2009-45: CREATING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Effective January 17, 2010, Executive Order 2009-45 will do all of the following:

New Department: Create a new Department of Natural Resources and Environment (DNRE) to protect and conserve Michigan's air, water, and other natural resources.

Abolishing the DNR and the Department of Environmental Quality (DEQ): Transfer the powers, duties, functions, personnel, and resources of the existing DEQ and DNR to the new DNRE. Abolish the existing DEQ and DNR, reducing the total number of state departments to 16. Consolidation of the two departments will reduce duplication and result in administrative efficiencies of more than \$1.5 million per year when fully implemented.

Director of DNRE: The Director of the DNRE will head the new DNRE and, from the ground up, be charged with the responsibility to create and administer a new and more efficient management structure for functions previously performed by the DEQ and DNR. The Director will be appointed by the Governor with the advice and consent of the Michigan Senate and directly be accountable to a statewide elected official.

Natural Resources Commission (NRC): The Commission of Natural Resources will be transferred intact to the new DNRE, but will be renamed the Natural Resources Commission (NRC). Commission members will continue to serve through the end of their existing terms and vacancies will continue to be filled by the Governor with the advice and consent of the Senate. Members appointed will be required to be knowledgeable about conservation and committed to scientific management of natural

resources. The NRC will retain existing authority to regulate the taking of game, establish periods of validity for hunting and fishing licenses, and regulate the feeding of deer and elk, without review by, or appeal to, the DNRE Director. The NRC will assume functions currently performed by the Citizens Committee for Michigan State Parks and the Water Resources Conservation Advisory Council to further reduce administrative overhead.

Trails Advisory Council: The functions of the existing Snowmobile Advisory Council and Michigan Trailways Advisory Council will be consolidated into a new seven-member Michigan Trails Advisory Council focused on the creation, development, operation, and maintenance of snowmobile, equestrian, hiking, skiing, and off-road vehicle trails. This will minimize administrative overhead and allow for a more effective organization.

Environmental Science Boards: The Director of the DNRE will be authorized to convene seven-member Environmental Science Review Boards (ESRB) composed of persons with expertise in biological sciences, chemistry, ecological science, geology, risk assessment, and other related disciplines. The ESRBs will advise the DNRE on scientific issues affecting the protection and management of Michigan's environment and natural resources. The existing site review board process will also be abolished for greater efficiency in environmental proceedings.

Timely Permitting: Require the DNRE Director to continue efforts to reduce the time for the processing and issuance of environmental permits and related customer service practices with the objective of achieving best-in-class permit processing time and improved customer service.

Department of Agriculture: Maintain the Department of Agriculture as a separate principal department. As with the DNRE, the Director of the Department of Agriculture would head the Department of Agriculture and any future vacancy in that office would be filled by the Governor with the advice and consent of the Michigan Senate. The Director would be directly accountable to a statewide elected official. The Commission of Agriculture would continue to perform other functions in an unchanged manner. To achieve additional administrative efficiencies within the Department of Agriculture, the Agricultural Preservation Fund Board, the Michigan Family Farm Development Authority, and the Pesticide Advisory Committee would be abolished.

The Director would have continued authority to convene advisory workgroups.

Transition Manager: Provide for the Governor to designate a Transition Manager to manage the implementation of the executive order until the order takes effect on January 17, 2009, and recommend an administrative structure for the new DNRE.

Commissioner Brown said combining DNR and DEQ has its advantages in management of Michigan's quality resources.

Chairman Charters reiterated that the Executive Order takes effect on January 17, 2010. Until then, the NRC will continue to function as it is now and Proposal G will stand. The question, he said, is what will be the true role of the NRC after January 17 and will the NRC retain the authority to set policy for the new DNRE.

LEGISLATIVE UPDATE

- **Temporary Crossbow Permits**: Senate Bill 164 has passed the House and the Senate, was presented to the Governor on September 23, and subsequently signed by the Governor (Act 109 of 2009). This act gives the NRC the authority to issue crossbow permits for temporary disabilities.
- **Fish Possession**: House Bill 5481 would provide for the lawful possession of up to an additional two days if the fish were in some processed state such as frozen solid, smoked or cured. This bill, as drafted, would give the NRC the authority to establish possession. Comments have been provided and it is anticipated it will change if introduced.
- **Supplemental Feeding**: House Bill 5380 gives the NRC the authority to regulate feeding and extends the sunset to 2016. Work continues on this bill to ensure it would be taken up prior to the enactment of the sunset.

WASHINGTON DC UPDATE

Carol Bambery, General Counsel, Association of Fish and Wildlife Agencies (AFWA), sent a report on the new effort she is engaged in to assist state fish and wildlife agencies in their hunting and shooting recruitment and retention efforts. The idea is to form a new foundation, the Council for the Advancement of Shooting and Hunting, in an effort to focus on recruitment and retention of Americans into the shooting and hunting sports, educate the public and industry about the significant role shooters and hunters have played in America's conservation efforts, and to provide a means for people to learn traditional ways of connecting with the natural world.

UPPER PENINSULA CITIZEN'S ADVISORY COUNCIL (CAC) UPDATE

Stacy Welling, U.P. Field Deputy, said she is pleased to be participating, with staff, in development of the CACs. A CAC in each U.P. eco-region was established to help the DNR be more responsive. The CACs can help the DNR operate more efficiently and effectively within the constraints of state and federal law, NRC rules, DNR policy and other legally binding documents. The primary role of the CAC is to offer informed advice to the DNR to be used in establishing work priorities at the local level and to participate in honest, open and respectful dialog.

Ms. Welling said the CACs are unique because they choose their own agenda items and designate a facilitator for each group. She provided an example of an agenda from a recent meeting. The CAC members present were introduced, and she also provided a list of all members of the CACs. One facilitator wrote he believes the CACs are successful. The DNR has staff at these meetings from each division who are available to answer questions as they arise.

Commissioner Richardson expressed his appreciation to the CAC members and believes the process is successful and useful. He said the process helps identify "hot" issues.

BUDGET UPDATE

Sharon Schafer, Budget and Support Services, reported that House Bill 4446, the DNR and Department of Environmental Quality (DEQ) combined budget, was presented to Governor on October 1 and has not yet been signed. She noted that House Bill 4446 does not include the Department of History, Arts and Libraries portion of the budget. (This was signed by Governor Granholm on October 14, 2009 with the following vetoes: \$75K of General Fund for the cormorant control program, the negative line item of \$350,000 of General Fund for consolidation savings and \$10,000 of Snowmobile Trail Improvement Fund from the Snowmobile Local Grants Program line item for the Bellaire to Jordan River trail.)

On January 1, 2010 the motor vehicle permit authority ends. This still needs to be addressed.

Director Humphries said the intent is to be as open and transparent as possible as the merger occurs.

Ms. Schafer said the DNR FY 2009-1020 budget, not including capital outlay, is \$298,307,300 which is an increase of \$23.3 million from FY 2008-2009. The General Fund share was increased by \$6,099,700 primarily due to the transfer of a portion of the Department of History, Arts and Libraries (HAL). She then reviewed the various components of the budget including General Fund target reductions in both the DNR and HAL programs.

SPECIAL RECOGNITION

Director Humphries recognized two DNR employees as follows:

Rueben Peterson: On July 13, 2009, while in work status, Rueben Peterson witnessed a woman running out of a cabin located adjacent to his assigned work site, that being Houghton County's Big Traverse River public access site, calling for help. The woman's husband had collapsed and she suspected he was having a heart attack. Rueben responded immediately by first calling 911 on his personal cell phone and then initiating CPR on the victim. He continued with CPR until emergency response teams arrived, which was approximately 25 minutes.

When it was determined that the victim was not to going to be able to be resuscitated, Rueben spent time with the family consoling them and providing them comfort. The family was so touched by his efforts and the calming effect he had on the family, that they personally contacted the Unit Manager to let him know how much they appreciated Rueben's efforts and compassion during their very difficult time.

Rueben responded quickly, professionally and without pause. His compassion and dedication to those around him is a testament to his humanitarianism.

Ian Diffenderfer: On July 24, 2009, Baraga State Park Ranger, Ian Diffenderfer, responded to a location where he found an unresponsive man lying on the ground. Ranger Diffenderfer performed CPR for nearly 30 minutes until Baraga Village Police, Michigan State Police and Bay Ambulance all responded. Ian continued assisting EMS

and CPR until the gentleman was eventually transported to the hospital by Bay Ambulance.

The victim was transported to Marquette General Hospital and regained a pulse. The victim was hospitalized that evening but unfortunately passed away the following day. Through the efforts of Ranger Diffenderfer, responding police officers and EMS, the gentleman was given a chance.

After the incident, Ranger Ian Diffenderfer continued to check on the rest of the camping party which included the gentleman's daughter to offer any help with coping with a family tragedy and being far from home.

Although the eventual outcome of this emergency was not what he had hoped, Ranger Ian Diffenderfer demonstrated a high level of professionalism both during the incident and assisting family members after their loss.

Director Humphries presented these individuals with a certificate of appreciation for their life-saving attempts and thanked them for their efforts and professionalism.

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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 4:38 p.m.

PUBLIC APPEARANCES

Don Canfield, Tahquamenon Sportsmen's Club
Marcy Cella, U.P. Citizen's Advisory Council
El Ettenhofer, U. P. Whitetails Association, Inc.
John Falk, Menominee
Rich Hare, Ontonagon
Pat Kitzman
Tim Kobasic, Escanaba
George Lindquist, U. P. Whitetails of Marquette County
Jay Maki, Tahquamenon Sportsmen's Club
Charles Markham
Rory Mattson, U. P. Sportsman's Alliance
Dale McNamee, U.P. Sportsman's Alliance
Bryan Reynolds, U. P. Whitetails of Marquette County
Skip Schultz, Mi-Trail
Amy Spray, MUCC
Clyde Thoune, Stephenson
Nancy Warren, Ewen

Marcy Cella, U.P. Citizen's Advisory Council, thanked the Commissioners and staff for all they do. She supported the change in the crossbow regulations as well as the proposed increase in the Lake Trout limit from three to five for the eastern division of the U.P.. She is a member of the western UP Citizen's Advisory Council (CAC) and believes the process is working. The CAC has traveled to each county to listen to the

concerns of the citizens in that area. Ms. Cella proposed a tax form check box be brought for the opportunity to donate monies to the DNR.

Ms. Cella supports a conservation license on state lands to gather berries, mushrooms, bird watching, hiking, or any of the other activities one may enjoy on state lands. She is pleased the 2010 fishing regulations will include earth worms as invasive species and requested that the DNR website search engine be more user-friendly.

Commissioner Richardson thanked Marcy and her husband Dave Cella for all the work they do on DNR programs.

Pat Kitzman believes the commercial forest act was originally intended to give timber companies a deferred tax break while allowing public access for certain activities such as hunting and fishing. Originally, he said, a producer paid no tax on the timber on the commercial forest property until it was cut and sold. A portion of the revenue was then paid to the local schools to reimburse for the lost tax revenue. He believes these properties are being misused and the schools are not receiving the revenue.

Commissioner Wheatlake said the commercial forest act was legislation and not a decision of the NRC. Enforcement of the commercial forest lands are done by DNR conservation officers.

Charles Markham reviewed the history of commercial bear baiting stating that in 1984, 75 percent of Michigan's sports men and women wanted bear baiting regulated or licensed. He said that currently, approximately 70 percent of sports men and women want commercial bear baiting eliminated. He has initiated a group named, "Citizens Against Resource Exploitation (C.A.R.E.)" with the intent to work with the DNR to eliminate resource exploitation. He wants commercial bear baiting eliminated.

Nancy Warren, Ewen, believes commercial bear baiting leads to uncontrolled, unregulated, excessive and profitable commercial bear baiting throughout the western U.P. and believes it is worsening. She asked that either commercial bear baiting be banned or be regulated by establishing a licensing program and quota system for baits/kills. She also asked that the regulation allowing any person to maintain 12 bait stations be eliminated.

Director Humphries has asked Wildlife Division to review the regulations on this issue and address it during regulation setting for the next season.

Dale McNamee, U.P. Sportsman's Alliance (UPSA), proposed an alternative to the statewide chronic wasting disease plan. He believes whitetail deer in the U.P. of Michigan should receive emergency feeding when weather conditions or related factors seriously jeopardize the health and welfare of the herd. He recommended that Michigan winter severity index stations be established in each U.P. deer management unit (DMU) and recommended the following: a minimum of one index station per DMU; large units may require additional stations; index stations will be constructed as per DNR instructions and cost of building, maintenance, and information gathering and reporting will be done by citizen sport groups in each area; when severity ranges of 50 are reported, teams of sportsmen in each DMU will begin to assess whitetail populations in their respective areas to determine if and when emergency conditions require supplemental feeds; the purchase of feeds and distribution of feeds will be the

responsibility of citizen groups under DNR guidance; feed materials will include but not be limited to grains placed in a manner devised to limit competition and the gathering of large numbers of animals into small confined areas; foods such as processed or concentrated pellets may be utilized only after investigations reveal the ingredients, produce source and location of manufacturer; and feeding will continue until the weather conditions allow the animals to disperse and the presence of enough natural food is available.

Rory Mattson, U. P. Sportsman's Alliance, said he had spoken to Wildlife Division staff who said they would consider this proposal. He reiterated that this proposal is for the U.P. only and said deer will congregate even without feed in harsh weather conditions.

Commissioner Richardson said he appreciated this proposal and asked if this is their proposal even in the event disease is detected in the U.P.

Director Humphries noted that when the baiting and feeding regulations were passed, the automatic trigger, if CWD was detected in a peninsula of Michigan or within 50 miles of the Michigan border, that baiting and feeding would be banned in that peninsula. The U.P. Sportsman's Alliance said they wanted this trigger removed and to utilize their proposal.

Commissioner Wheatlake questioned if the Alliance's index numbers corresponded with the Wildlife Division's? Discussion ensued, and the Alliance said they believe the index numbers should be science based. **Commissioner Wheatlake** said he appreciates the Alliance's efforts.

Al Ettenhofer, U. P. Whitetails Association, Inc., said, with the most recent information from the scientific community that CWD is transmitted through the animal's feces and not nose to nose contact, he asked that the NRC reevaluate the decision to stop all baiting and feeding if CWD is found within 50 miles of Michigan's borders. If feeding and baiting were banned in the U. P., emergency feeding would be needed due to severe weather. He offered to partner with the DNR and NRC to address this issue.

George Lindquist, U.P. Whitetails of Marquette County, thanked the NRC for the new "buck" regulations and said it is a compromise he can live with. He said wolves are active and so are their appetites, putting the deer in danger. Between the wolves and the winter severity in the U.P., the deer herd is diminishing. He urged the Forest, Mineral and Fire Management Division to make the winter deer yard issue top priority and supported the U. P. Sportsman's Alliance proposal. He also endorsed a Saturday deer firearm season opener.

Amy Spray, MUCC, said the MUCC is working with legislators regarding fisheries possession bills and said they would like the authority to revert to the NRC.

Jay Maki, Tahquamenon Sportsmen's Club, supports fenced cervid operations being under the DNR's jurisdiction and recommends closing them. He believes CWD and baiting issues should be separate issues. The average number of deer in Luce County is seven per square mile and the Club has been working hard to get people to enjoy the

outdoors. He thanked the NRC and DNR for their work and for the decisions that have been made in the past.

Don Canfield, Tahquamenon Sportsmen's Club, said the Club is not working toward an increase in the deer population, but are only trying to maintain the population.

Skip Schulz, Mi-Trail, thanked the DNR for setting up the Citizens' Advisory Council (CAC) and discussed trail signage issues in the U.P. Through the CAC, Mi-Trail received special permission to sign trails.

Clyde Thoune, Stephenson, said the following: the southern Menominee County goose season begins and ends too early; recommended slot fishing be eliminated; opposes off-shore wind farms; suggested the woodcock season be the same time as the ruffed grouse season; recommended a three-weekend deer season to end on Thanksgiving weekend; wants to see Michigan and Wisconsin work together on sturgeon stocking in the Menominee River; recommends a year-round season on coyotes, skunks, raccoons, etc.; and asked where will a hunter get a successful deer hunter patch with the reduction in check stations. **Director Humphries** reminded the NRC and Mr. Thoune that the woodcock season is set at the federal level.

Chauncy Moran thanked the NRC and DNR staff for their dedicated service; and supports and thanked the NRC for allowing youths 10 years and older to hunt.

John Falk, Menominee, discussed a dam failure in the late 1990s resulting in silt washing down a stream and into his pond. The DNR cleaned up his pond then and he asked if, due to another dam failure, the DNR would do another cleanup. **Director Humphries** asked **Stacy Welling, U. P. Field Deputy**, to work with Mr. Falk on this issue.

Tim Kobasic, Escanaba, thanked the NRC for coming to the U.P. He has been a proponent of the emergency supplemental feed program and supported the Wildlife Committee of the UPSA on their proposal for emergency supplemental feeding. The trigger of 70 for the weather severity index (WSI) is more favorable than could be considered. He said there isn't a scientific way to determine the non-recruitments of the fawns for 10 years until the Mississippi State University/DNR study is complete regarding predator, prey and habitat. He said fawn recruitment in the western U.P. is a problem and experts are trying to determine the cause. He hopes to educate the public on supplemental feeding.

Bryan Reynolds, U. P. Whitetails of Marquette County, supports the supplemental feeding plan as proposed by U. P. Sportsman's Alliance earlier in the meeting. However, that is a separate issue from the feeding that occurs along the Lake Superior watershed. He said his group would be in favor of a \$5 increase in hunting license fees if the increase would go toward additional law enforcement. He believes that, with the economic situation as it is, there are more illegal hunters in the field. He supports the current opening date of November 15 for the firearm deer season.

Rich Hare, Ontonagon, discussed cub violations in the U.P. He recommended changing the regulations to say that 42 inches from tip of nose to tip of tail is the

minimum bear size and anything shorter would be a violation. Regarding non-events state land use application, several activities are covered under that application. One is

guiding and includes a surety bond, a monitoring fee, and a fee scale for bear baiting. He believes if the CFA issue was enforced, bear guiding would not be an issue.

Public appearances closed at 6:20 p.m. The Regular Meeting convened at 6:20 p.m.

Commissioner Richardson thanked Jim Jessup and the employees of the Theatre of the Performing Arts for accommodating the meeting.

APPROVAL OF MINUTES – SEPTEMBER 10, 2009 NATURAL RESOURCES COMMISSION MEETING

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

**MANAGED WATERFOWL AREA TECHNICAL AMENDMENT
WILDLIFE CONSERVATION ORDER AMENDMENT NO. 19 OF 2009**

Commissioner Madigan made a motion, supported by **Commissioner Richardson**, 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 MEETING REPORTS

Note the attached minutes for the Committee Reports.

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Chairman Charters thanked **Commissioner Richardson** for hosting the meeting in Ontonagon and for hosting a gathering on Wednesday, October 7. **Commissioner Richardson** noted that no state funds were utilized for the dinner event.

The meeting adjourned at 6:23 p.m.

NRC POLICY COMMITTEE ON LAND MANAGEMENT

The NRC Policy Committee on Land Management convened at 12:10 p.m. on Thursday, October 8, 2009 in Ontonagon.

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

Deb Begalle, Western U.P. District Supervisor, Forest, Mineral and Fire Management Division, reviewed Access for Timber Harvest on State and Privately – owned Land. Currently, access across state forest lands includes:

- existing roads that are open unless posted closed. Modifications need written permission either by use permit or voluntary agreement;
- new construction via a permanent access-easement application; or temporary access via a use permit;
- user permits for specific use such as timber harvest not to exceed one year. Local review is necessary, and a fee and bond is required. This road will be closed to uses other than the permitted use;
- permanent public access via an easement;
- staff access if posted or gated and permission is requested;
- state timber sale where the permission to cross private land is the responsibility of the contractor.

Issues that may arise include lack of permission being granted or the timeliness of the access request. It takes approximately 60 days to review requests, on average.

Commissioner Coleman questioned what happens if there is an access dispute? **Ms. Begalle** responded if the dispute is on private land, the contractor and landowner are the parties that need to resolve the issue. If it involves state property, a contract exists to address the issues. Contractors with bad records do not get added to the bid list for future consideration.

Commissioner Wheatlake questioned if it is a problem to only be able to get a one-year permit. **Ms. Begalle** said a renewal can be obtained for the time necessary to complete the project. Relative to road closures once a project is completed, if the roads are kept open there is an expectation that they will be maintained. Therefore, most of these roads will be closed to motorized access.

Ms. Begalle said temporary roads are just that - - temporary roads. Easements, however, may be more permanent. If those easements are of joint benefit to the DNR, the DNR may share in the costs of those easements.

Shawn Hagan, Hartwood Forest Land said, from their perspective, commercial forest land is private land that is open to the public for purposes of hunting and fishing, as well as other issues. Commercial use on these properties causes liability concerns. He asked that, when the decision is made to review land for timber harvest, they be notified where the cut is going to take place in order to obtain right-of-way license, have it mirror the sales contract, and have it available to sign upon bid award.

Lynne Boyd, Chief, Forest, Mineral and Fire Management Division, believes the responsibility of access lies with the logger. The state cannot sign an indemnification clause – private loggers can.

Discussion ensued.

Commissioner Brown said that all timber sales are public noticed and information is available on the DNR web site and remain on line for 30 days.

Tom Barnes believes there is an assumption in the contract that state foresters have access. He believes the DNR should request access to property as well as motorized traffic and said the loggers would like access granted ahead of time. **Chairman Charters** noted that every time an additional responsibility is added, more work is added to an already reduced staff. **Commissioner Madigan** believes it is up to a logger to obtain access to the area they are bidding on for harvest. There exists no means of gaining access when it is denied.

Mike Paluda, U.P. Field Coordinator, Forest, Mineral and Fire Management Division, provided a status of municipal and school forest lands. In 1931, Public Act 217 was enacted that provided for the establishment of municipal (county, township, city, village or school district) forests. The Act included the acquisition of state lands by municipalities to be managed for forestry purposes. In 1994, this was made part of the Natural Resources and Environmental Protection Act, Act 451, Part 527, municipal forests. In 2006, P.A. 179 was enacted to amend Act 451 and weakened the definition of prime lands, allowing the state's reverter interest to be removed from municipal forestlands that are not prime.

This provided for the reversion of the lands back to the state when the lands were not longer used for forestry purposes. Approximately 75,000 acres of state land were deeded prior to 1960, most of which were actively managed as forests by the municipalities.

“Prime lands” means municipal forestland that meets one or more of the following requirements: 1) is within a boundary of a program administered by the department; 2) provides access to a public body of water; 3) is not less than 121 acres in size; and 4) at any time during the preceding 10 years, had a basal area of not less than 90 square feet per acre.

Mindy Koch, Resource Management Deputy, said rights to acquire lands for forestry can be obtained by any municipality by purchase, gift, or devise, or may provide land already in its possession; can be either within or outside of the territorial limits of the municipality; and may carry on forestry on the land.

Municipalities may appoint a forestry commission for the municipality. A forestry commission shall supervise and manage all land of the municipality devoted to forestry; provide labor for the proper care and maintenance of the land as a forest producing area; and make reasonable rules and regulations concerning the land.

Municipal forest lands shall be used only for a forestry purpose if the land is prime land. When the prime land is no longer used for a forestry purpose, the land shall revert to the

state. Except for prime lands, the DNR shall relinquish a reversionary interest in municipal forestland upon written request.

The definition within the statute details removal of reversionary interest, distribution of proceeds if sold, and a requirement for public hearings before sale, not for prime land.

The meeting adjourned at 1;20 p.m.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES

The meeting convened at 1:45 p.m. on October 8, 2009 at the Ontonagon Theatre of Performing Arts.

Russ Mason, Chief, Wildlife Division, made a presentation for the Wildlife Biologist of the Year to Brian Roell thanking him for all he does for the department.

“For Information Only” Fisheries Orders were reviewed:

1. FO-200: Recommending the bag limit in Lake Superior east of Copper Harbor be raised from three to five fish.
2. FO-240: To streamline the process on spearing on Black Lake. No longer having a lottery system – anyone that shows up can fish. Details will be addressed in November, but propose to keep the quota at five. Population estimates are now at 750 mature adults and it takes about 20 years to mature. 50-60 new fish this year alone were tagged.

Other Fisheries regulations were discussed that will be addressed at the November NRC meeting.

WILDLIFE REGULATIONS

Authority for Supplemental Feeding of Deer: Mike Bailey, Wildlife Division, reviewed the supplemental feeding issue which sunsets in 2010 and the proposed legislation, introduced by Senator Lahti, to extend the sunset to 2016. He is hoping that the Legislators are working on this to either extend the sunset or make adjustments. There are approximately 43-44 permits issued each year. He discussed the requirements for the permit. If the sunset extension legislation does not pass, and order to rescind the authority would have to be issued.

U.P. Habitat Work Group, Private Land Wildlife Habitat: **Kevin Swanson** presented a summary of the U.P. Habitat Work Group meeting. The Proposal –

- To Establish a U.P. Private Lands Coordinator position;
- Use existing delivery system to accomplish Department goals and projects;
- Promote habitat priorities through all available media;
- Maintain a library of pertinent information on the website.

Currently, the Forest, Mineral and Fire Management Division (FMFM) certifies consultants for writing plans under forest stewardship. Right now it is just done in the U.P. but staff would like it to be statewide. Right now wildlife biologists are spending about 12 percent of their job working on this program. It would be better to have one person coordinate this, which is the reason the habitat work group would like someone hired.

Quality Deer Management (QDM) Procedures

Russ Mason presented a slide presentation regarding the QDM process, what units are still under the QDM regulations, the proposal process and implementation, issues with the process, concerns and opportunities and the current buck harvest regulations.

Guidelines were developed in 1999 for the QDM. MSU assessed the potential for conflict, and a two year moratorium was established in April, 2006. There are still five management units with QDM regulations. Several options were discussed on how to address the QDM process in the future. First, however, the NRC must rescind the moratorium on new QDM programs, then staff can proceed with steps to make changes. The NRC requested staff to develop recommended options to address the QDM process. Russ needs to check the present status of the moratorium.

License Sale Update: As of September 21, 2009, 4,700 people have signed up for 8,900 chances for the Pure Michigan hunt. Approximately the same number of hunting licenses have been sold in comparison to other years, at this time of year.

It was mentioned that the grouse hunters report is available on line and wanted the public to know it was.

The meeting adjourned at 3:05 p.m.