



Natural Resources Commission

Meeting Minutes

Date: August 12, 2021

Time: 9:00 a.m.

Location: Okemos Conference Center
Comfort Inn Okemos
2187 University Park Drive
Okemos, MI 48864

Roll call

Present for the Natural Resources Commission (Commission):

- Carol Moncrieff Rose, Chair
- Tom Baird
- David Cozad
- Keith Creagh - absent
- Michael Lashbrook- participating remotely
- David Nyberg
- J.R. Richardson

Present for the Department of Natural Resources (Department) Staff

- Dan Bock, Legal Counsel, Office of the Attorney General
- Daniel Eichinger, DNR Director
- Shannon Lott, DNR Natural Resources Deputy
- Trevor VanDyke, DNR Director of Legal and Legislative Affairs Office
- Brooke Parmalee, DNR, Legal and Legislative Affairs Office
- Su Schrauger, Executive Assistant to the NRC
- Stacy Welling Haughey, UP Regional Coordinator, DNR U.P. Marquette Customer Service Center

Meeting minutes

Opening Comments:

Chair Rose called the meeting of the Commission to order at 9:03 a.m. **Chair Rose** called for a roll call, and all Commissioners were present (except for Commissioner Creagh). **Chair Rose** called for a motion to approve the day's agenda, **Commissioner Nyberg** made the motion to approve, **Commissioner Cozad** supported the motion. **Chair Rose** called for discussion, there being none, a vote was taken, and the agenda was approved unanimously.

The next item on the agenda was the approval of the July 15, 2021, Commission meeting minutes. **Chair Rose** called for a motion to approve the Commission meeting minutes. **Commissioner Richardson** made a motion to approve; supported by **Commissioner Nyberg**. **Chair Rose** called for additional discussion, there being none, called for a vote, **Commissioner Lashbrook** abstained - he was not present. The motion passed unanimously.

COMMITTEE OF THE WHOLE:

Director Eichinger welcomed the audience, thanked everyone for allowing him to miss the July meeting so he could pursue his recreational interest in a trout stream. He also congratulated the Wolf Commission on their first meeting August 4

Director's Report:

[CWD Update & Surveillance Strategy](#) (*Kelly Straka, Wildlife Division and Scott Whitcomb, Executive Division*)

Bear Patch Presentation (*Keith Shafer, Michigan Bear Hunter's Association*)

[Fisheries Orders](#) (*James Dexter & Seth Herbst, Fisheries Division*)

Presentations for the Director's Report may be found on the Commission's webpage at www.michigan.gov/nrc under "Presentations."

The Director's report ended at 11:18 a.m. at which time **Chair Rose** asked for a 10-minute break before beginning the Public Comment Period. The meeting resumed at 11:28.

Public Appearances Before the NRC:

(**Stacy Welling Haughey** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 11:31 a.m.)

5 Minute Comments:

- i. Ethan Winchester – Fisheries Order 200 (Jordan River)
- ii. Jonathan Durtka – Spearfishing Proposal

3 Minute Comments:

- i. J.D Wilson – Red flag restrictions

Chair Rose adjourned the public appearance portion of the meeting at 11:47 a.m. The regular meeting of the NRC was called to order at 11:48 a.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

New Business

Chair Rose read the new business which may be acted on during the day's meeting and will sign off on the land transactions below.

Director's Orders

- i. None

Land Transactions

- i. [Sale of Surplus DNR-Managed Land
Forest Resources Division, Gladwin County
Land Transaction Case #20140120](#)
- ii. [Reconveyance and Sale of DNR-Managed Land for Public Use
Southern Lower Peninsula District, Oceana County
Land Transaction Case #20210009](#)
- iii. [Exchange of State Forest Land
The Sides Exchange
Forest Resources Division, Otsego County
Land Transaction Case #20190138](#)
- iv. [Acquisition of State Wildlife Land
The Miller Tract
Wildlife Division, Gratiot County
Land Transaction Case #20210044](#)
- v. [Acquisition of State Wildlife Land
The Rasmussen Tract
Wildlife Division, Allegan County
Land Transaction Case #20210045](#)

Director Eichinger indicated he would sign all land transactions.

NRC Orders

- i. [Fisheries Order 200.22
Inland Rivers and Streams - Trout and Salmon Regulations](#)
- ii. [Fisheries Order 206.21
Special Fishing Regulations for Warmwater Species on Select Waters](#)
- iii. [Fisheries Order 219.22
Special Fishing Regulations for Warmwater Species on Select Waters](#)
- iv. [Fisheries Order 248.22
Possession Limits for Fish](#)

- v. [Fisheries Order 252.22](#)
[Statewide - Lake Whitefish, Round Whitefish, Cisco, Rainbow Smelt and Arctic Grayling Regulations](#)
- vi. [Fisheries Order 253.22](#)
[Great Lakes and Great Lakes Connecting Waters - Trout and Salmon Regulations](#)
- vii. [Fisheries Order 254.22](#)
[Inland Lakes - Trout and Salmon Regulations](#)

Old Business

Director's Orders

- i. [State Land Review Recommendations – Group 1](#)
- ii. [Land Use Order of the Director Amendment No. 5 of 2021](#)
[Restrict Beach Access Under Certain Conditions](#)

Director Eichinger indicated he will sign the State Land Review Recommendations. The Land Use Order of the Director Amendment No. 5 will be on hold until September meeting due to changes that have been made.

NRC Orders

- i. None

NRC Committee Discussion

Ad-Hoc Committees – **Chair Rose** received feedback from the Commission and stakeholders that there is a continued interest in restoring some kind of committee structure in the NRC. **Chair Rose** created an ad-hoc committee to develop some proposals to implement a possible committee structure going forward. **Commissioners Cozad** and **Baird** have been tasked with the proposals.

Commissioner Baird – Expressed a feeling with the Commission that they have dropped the ball a little bit regarding the decision-making process and ability to incorporate outside and department sources of information in decision making. In years past that was resolved, to a degree, with a committee structure which included wildlife and fishery as well as others. Due to the pandemic and other reasons, those committees dropped off. The Commission would like to improve their information-gathering and decision-making process which is why **Chair Rose** appointed **Commissioner Cozad** and **Commissioner Baird** as a committee to make recommendations.

Before starting the conversation, **Commissioner Baird** would like to step back and remember a few things. This is his input only; he isn't speaking for The Commission with these points. First of all : 1) need to remember and accept the role of NRC scope has been reduced by statute and executive orders. They have a more limited role in the scheme of things. However, department and staff recognize they retain their authority over: 1) fish and game regulation; 2) duty to advise and other natural resource issues, and 3) operate using sound scientific principals including the ability to obtain information from the department, staff, and third parties.

They are searching for a way to do this well and efficiently without overkill. Again, **Commissioner Baird** speaking, recommends splitting fishery and wildlife. One other resource is needed – a committee to deal with policy orders and governance issues. There have been transparency issues in the past. This would give people opportunity to come to speak at sub-committees. The topic is being discussed by the Commission at this time and hopefully they will receive more input from the stakeholders in the next month.

Director Eichinger - thanked **Commissioners Baird** and **Cozad** for the work they did on this. They provided thoughtful information and questions. He looked at list of all the committees that existed before. There were too many committees and were mishandled previously. His personal opinion is now the time to get the committees re-established. He agrees with **Commissioner Richardson** that these committees can add a lot of value to how the Commission interacts with the public. If the committees get reestablished, then the Commission's time can be better spent on the issues that are within the purview of their role. He supports fisheries and wildlife being split. The idea of a policy or governance committee would also be beneficial. There are matters that apply to other governments (i.e. travel, federal, etc.) a diplomatic function that would benefit from those relationships possibly meeting 1-2 times a year.

Commission Cozad – Echoed what has been said. As an ad hoc committee gathering information, he recognizing we have a way to go. He feels very strongly about public input. The committees have provided opportunity and welcomed public input. He agrees with a reduction in committees as **Commission Baird** stated. He is very optimistic even though the process is cumbersome. As **Commissioner Baird** pointed out, there are work groups and other sub-committees that existed in the past. Part of the winnowing of things isn't to delete them but to make sure there is a group of standing committees to make well informed decisions.

Chair Rose – Thanked **Commissioners Baird and Cozad**. The proposal is available online and in the hyperlink in today's agenda under NRC Commission Discussion. She suggested having the full Commission, not just two commissioners, sit on the committees. Together with the appropriate division, they begin the conversation about potential regulation changes. (i.e. sandhill crane, etc.) This would allow us to work together, talk together, and engage department staff in that approach. **Commissioner Lashbrook** any input?

Commissioner Lashbrook – Thanked **Commissioners Baird and Cozad** for the work they have done. They have done a great job communicating with the Commission. He agrees there were too many committees. He supports the splitting of fishery and wildlife. Having a third committee as a "catch all" maybe be too much. A fourth committee may be needed. He has been in association business for years with a lot of committees and boards. When he left (retired 5 years) the thinking of that kind of community at end of tenure was let's focus on formal committees. If issues arise that needs to be studied, use an ad hoc structure.

Director Eichinger – Stated a lot of committees have been established in statute and will continue. Wolf Management Advisory Council is seeing public engagement and input. **Commissioners**

Richardson and **Nyberg** attended the meeting last week. It wasn't a part of the NRC. The objective isn't to create work if it's already being done by others elsewhere.

COMMISSIONER REPORTS

Commissioner Baird – Cancelled his vacation to Montana because of heat, fire, and smoke. Montana is shutting down fishing in the rivers part of the day, known as "Hoot Owl" regulations (early afternoon – late evening) or all day due to wash waters and fish stress from wild fires. We are beginning to see some issues ourselves whether it's in forests, land use, or wildlife or fisheries because of the effects of climate change. How is this going to impact how we do things in the future? He is urging us to think seriously as users, recreationist, and professionals how we are going to deal with this. How can we help our resources make it through this process? The Director's AuSable Resiliency Sustainability Project is a wonderful example of this to focus on a single resource seeing the issues impacting affecting rivers and fisheries. We can transfer that process to other resources as well. He is proud of the Director and the department to be out front of this for future generations.

Commissioner Cozad – The last month has been busy. **Commissioner Baird and I** spent time working on thoughts about the future committee structure and the Commission. Received a lot of positive input. This isn't unanimous; so, there is work to do. Pleased to hear the wolf advisory had a well-attended and productive meeting. Pleased to attend the Lake Huron Citizens Fishery Advisory Committee which is chaired by Frank Crist, Rogers City, and covers walleye and perch fisheries in Saginaw Bay. It was well-attended and good information was provided. The meeting is held at least quarterly and comprised of DNR staff, stakeholders, and the public. Minutes are available online at DNR website under Fisheries Commission. **Commissioner Baird and I** had the privilege to attend the AuSable Resiliency Sustainability Project. Put together by the Director and DNR staff. Project has a lot of upside in the short and long term. Convening again in the near future. The project will stretch over a two-year term.

Commissioner Creagh – *absent*

Commissioner Lashbrook – Apologized for having to be remote. Health has caused limitations. Thank you for hanging in there with him. Thanked **Commissioners Baird and Cozad** on the committees.

Commissioner Nyberg – It's been a busy couple week. **Commissioner Richardson and I** attended the Wolf Advisory meeting in Ishpeming. Thanks to the staff and Director who did a brilliant job of informing the public of the charge of that group and where we are at on a micro and macro scale in Michigan re: managing gray wolves in Michigan. Thank you to the public that came in droves to share their perspectives. Thanks, MUCC, to make sure meeting was available for the public who couldn't be there in person. Enjoyed fly fishing on St. Mary's River. Have an incredible resource in that river system. That is work that the department and fishery are doing with the Lake Superior State University Center for Fresh Water research. Good meeting with UP Habitat Workgroup two weeks ago to chart out plans moving forward. It's another good group doing good work on the ground engaging a variety of stakeholders benefitting from the resource.

Commissioner Richardson – Thanked the Director for coming up to the Wolf Advisory meeting and how he handled all the passion shown at the meeting. Camp Josh, a camp for special needs kids,

benefitted from 500 rainbow trout donated. Chief Dexter helped with plans for that. It was interesting to talk to past commissioners about the sub committees. Disappointed he was not able to go to Alaska again due to work.

Director Eichinger -Appreciated being in the same room and seeing those he hasn't seen in person in the last 18 months. The next Wolf Advisory meeting is September 1. Details will be publicized as well as location in the UP and LP. The rest of August and September will see budget negotiations accelerate for 2021-2022. Watching what is going on in Washington DC with investments and potential dollars available for our priorities. Unlike a year ago when there was a disruption in revenue side, we are in a better position this year than ever thought. Exciting time to be in this role to make transformative changes and investments in the programs and resources we steward. As soon as we have a budget or appropriations bill that articulates what we have to play with over the next year, he will communicate that information and what the game plan is for the year.

Chair Rose – Thanked everyone for taking the time to come to the meeting and the staff for all they do. Prior to the NRC meeting received a report from Dustin Isenhoff. He advised that fishing licenses for non-residence are up. She had the opportunity to take part in two charters with the Kelly Day for great lake trout fishing. They limited out and had a ball. It reminded me what a magnificent state we live in. Michigan is surrounded by more water than any other state, and we are seen from space. Such a remarkable abundance of natural resources and public land to enjoy trails, and so many fish to fish for. Can't imagine living anywhere else. She expressed her love for this state and so happy to live here. National Deer Associate (NDA) will assist the DNR this year collecting heads from the drop boxes to the CWD areas. This is a great example how conservation groups can work together with staff in regards to what is best for the greater good.

Commission Closed Session

Motion for Closed Session:

Chair Rose moved that the Commission meet in closed session as permitted under section 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by the Michigan Freedom of Information Act. Specifically, to consult with counsel regarding a memorandum provided to the Commission which falls under the attorney-client privilege exemption in section 13(1)(g) of the FOIA.

- A second by **Commissioner Nyberg**.
- The motion was approved.

During the closed session:

- Minutes of the closed session must be kept.
- No deliberations are allowed on the business before the Commission.

Adjournment

Chair Rose asked for a motion to adjourn. **Chair Rose** made a motion to adjourn the meeting. **Commissioner Nyberg** supported the motion. **Chair Rose** called for discussion, there being none, a vote was taken, and the motion carried unanimously. The meeting is adjourned at 1:18 p.m.

The next regular meeting of the NRC is scheduled for Thursday, September 16, 2021, at **MSU Veterinary Diagnostic Laboratory**, 4125 Beaumont Road, Lansing, Michigan 48901.



Carol Moncrieff Rose, NRC Chair



Daniel Eichinger, DNR Director

DATE: September 16, 2021