

NATURAL RESOURCES COMMISSION MEETING
August 13, 2020
Conference Call/Virtual Meeting

Present for the Natural Resources Commission

David Nyberg, chair
J.R. Richardson
Carol Rose
Keith Creagh
Louise Klarr
Chris Tracy
Mike Lashbrook

Present for Department of Natural Resources (department) Staff

Dan Bock , legal counsel, Office of the Attorney General
Dan Eichinger, DNR director
Brooke Parmalee, DNR legal and legislative affairs office
Cheryl Nelson, executive assistant to the NRC

Commissioner Nyberg did a roll call, all commissioners, the director and assistant attorney general were present. Next, commissioner **Rose** made a motion to approve the day's agenda, commissioner **Lashbrook** seconded the motion, a vote was taken and the agenda was approved unanimously.

Commissioner Lashbrook made a motion to approve the July 16, 2020 commission meeting minutes; commissioner **Rose** seconded the motion, **Nyberg** called for discussion, **Rose** requested that a change be made to the summary of **Dr. Etter's** presentation, changing the word "population" to "prevalence." The commissioners agreed with that update. **Nyberg** called for any further changes, there being none, a vote was taken and the July 16, 2020 Natural Resources Commission meeting minutes were approved unanimously.

COMMITTEE OF THE WHOLE

Director's Report

Fish Division Update: **Dr. Seth Herbst**, regulatory affairs section manager, gave a presentation on the fish orders that will be brought back for action at the September commission meeting which included:

- 1) Special Hook Size Fishing Regulations
Fisheries Order 202.21
- 2) Designated Trout Streams
Fisheries Order 210.21

- 3) Bow, Spear and Crossbow Fishing Regulations
Fisheries Order 219.21
- 4) Spawning Closures
Fisheries Order 204.20A
- 5) State-Licensed Commercial Fishing
Fisheries Order 243.20 (this order is under the director's authority)

Commissioner Nyberg asked for information regarding the 2020 Consent Decree and joint regulation parameters He would like a regular update on how Great Lakes fisheries will be impacted now that sportfishing is under the commission's purview. **Nyberg** would like the commission to understand exactly what role they would play in regulation-setting. **Director Eichinger** said that a general orientation would be helpful, possibly in a closed session with the assistant Attorney General who would be there to answer commission questions.

Chair Nyberg did another roll call of commissioners, noting that all are still participating.

PUBLIC APPEARANCES BEFORE THE NRC

(**Brooke Parmalee** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 9:33 a.m.)

Nancy Warren, representing National Wolf Watch Coalition, spoke about her concerns regarding wolf and livestock conflicts and the conversations she has heard about a future wolf hunt.

Maureen Moore shared her concerns over youth hunters, youth hunters with disabilities and making sure they are safe. **Commissioner Creagh** provided her with information on the department's hunter's safety program and where she could get additional information.

Bee Friedlander, representing Attorneys for Animals, spoke about natural resources management and environmental protection, mortality by ammunition of birds and shared recent data from Wisconsin on its use.

Brian Plank, president, Michigan Cattlemen's Association, spoke about having more aggressive hunting on the deer population in the modified accredited zone (MAZ), would like to see the Wildlife disease laboratory reopened for testing and would like the commission to step up and have hunters work on the chronic wasting disease (CWD) and bovine tuberculosis (TB) problem in the MAZ. **Commissioner Lashbrook** asked about the lab closure, which department has control of it and if the commission has any control of those facilities. **Director Eichinger** spoke about the lab closure and that the Wildlife disease lab is a department facility, noting that it being open or closed is under his purview. **Plank** noted that it needs to be open to test deer heads before the state loses its TB status.

Molly Tamulevich, state director, HSUS, spoke about lead poisoning in bald eagles in Michigan and removing the use of toxic lead shot.

Bruce Clark thanked the commission and department for their transparency and that he is in agreement with the order on spawning. **Clark** also spoke about the state's non-consumptive users and how much they spend annually versus the hunters and anglers. He wanted to know why so much is spent on the hunters and anglers and so little on the non-consumptive users. **Nyberg** shared where the funding for hunting, fishing, trapping and conservation come from and the process used to determine how the funding is used.

Chair David Nyberg adjourned the public appearances portion of the meeting at 10:11 a.m. and called to order the regular meeting of the commission at 10:12 a.m. He noted that all commissioners who were present at the Committee of the Whole were present for the regular meeting.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

NEW BUSINESS **NATURAL RESOURCES COMMISSION**

Chair Nyberg read the new business for the commission, which may be acted upon in September, 2020.

Special Hook Size Fishing Regulations, Fisheries Order 202.21

Designated Trout Streams, Fisheries Order 210.21

Bow, Spear and Crossbow Fishing Regulations, Fisheries Order 219.21

Spawning Closures, Fisheries Order 204.20A

NEW BUSINESS **DIRECTOR**

Chair Nyberg read the new business for the director, which may be acted upon at the September 10, 2020.

State-Licensed Commercial Fishing, Fisheries Order 243.20

OLD BUSINESS
NATURAL RESOURCES COMMISSION

Chair Nyberg shared that Wildlife Conservation Order Amendment No. 6 of 2020 had been flagged by the department and Law Enforcement division as not being enforceable when it comes to the 100 days and twelve inches of snowfall in the UP. The comments he shared included information on a starting point date for 100 days. **Nyberg** questioned the enforceability of making an amendment to WCO 06 at this point. The commissioners discussed the pros, cons, enforceability, notice requirements, the ease of making it understandable for hunters, ticket issuing, use of a resolution to make the change as opposed to an amendment, digest printing, closing more deer management units (DMUs) than originally intended and the possibility of making an amendment to the original order making it compliant to the statutory regulations. If an amendment was proposed could it take effect on October 1, 2020, thus meeting the statutory requirements. **Eichinger** said that the real issue is the practical application of the language and enforceability. **Rose** commented that the commission should pass the resolution and incorporate this change with the phase II deer regulations amendment later in the year. **Eichinger** said that the real issue is the practical application of the language. **Nyberg** called for additional conversation, there being none, he moved that it be adopted with **Tracy** seconding that motion. A roll call vote was passed unanimously. A copy of the resolution is attached as Attachment A. This resolution states **Nyberg** and the commissions' intent is to inform what they would like to see happen in the regulations, it does not change the regulatory language and is not enforceable.

In other old business, commissioner **Tracy** would like a placeholder added to the monthly agenda for discussion on deer regulation conversations.

OLD BUSINESS
DIRECTOR

Commissioner Reports

Director Eichinger appreciated the in depth conversation regarding the deer regulations.

Commissioner Creagh thanked **John Pepin** and the department for their assistance in updating the language in the MLive article regarding hunting on private lands for late season; hunting on private lands must be done with the landowner's permission.

Commissioner Klarr has received constituent mail, but it has been a slow time and has been hunkering down with the COVID 19 restrictions.

Commissioner Lashbrook thanked Fisheries chief **Dexter** for an informational division briefing on fisheries and regulations for himself and commissioner **Rose**, noting that

COVID 19 executive orders are negatively impacting egg collection at hatcheries.

Lashbrook asked about department's upcoming virtual public meetings on deer regulations, the director shared that the meetings are a part of public outreach and that this would be a good opportunity for commissioners to share input on changes they might like.

Commissioner Richardson said that he would take part in a UP Habitat workgroup call on August 14 where discussion will include deer regulations. **Richardson** also said that he enjoyed a recent fishing trip to Alaska.

Commissioner Rose shared that she will be participating in a habitat project on the upper Black River that specifically is for brook trout population. **Rose** will also be touring the Anchor Creek deer co-op in the eastern northern Lower Peninsula in the upcoming week. She did have the opportunity to go on a charter fishing trip where she caught her limit. **Rose** mentioned that the feedback from hunters including the following topics; eliminating APRs in zone 2, allowing the use of single shot shotguns during muzzleloader season because they are too heavy and complicated for older hunters to use, and eliminating the APR compliance for hunters 80 and older.

Commissioner Tracy spoke about the good press he's seen in conjunction with the work of the department's conservation officers and park rangers and thanked them for their service.

Chair Nyberg mirrored **Tracy's** comments adding that they have also done great work in the COVID 19 situation, continuing to make the state's parks, recreation, wildlife areas and state game areas a safe place for enjoyment for the people of Michigan and its visitors.

Next Meeting

Chair Nyberg announced that the next meeting of the NRC is scheduled for Thursday, September 10, 2020, once again in a virtual format.

Adjournment

Commissioner Rose made a motion to adjourn. **Commissioner Tracy** supported the motion and the virtual meeting was adjourned at 11:25 a.m. p.m.



Carol Moncrieff Rose, Chair



Daniel Eichinger, Director

DATE: 9/10/2020