

MINUTES
NATURAL RESOURCES COMMISSION MEETING
November 7, 2019
Lansing Community College West Campus
Conference Rooms M119-121
5708 Cornerstone Drive
Lansing, MI 48917

Present for the Natural Resources Commission

Vicki Pontz, chair
John Walters
Louise Klarr
David Nyberg
Chris Tracy

Present for Department Staff

Peter Manning, legal counsel, Office of the Attorney General
Dan Eichinger, DNR director
Trevor VanDyke, DNR legal and legislative section director
Brooke Parmalee, DNR legal and legislative affairs office
Cheryl Nelson, NRC executive assistant

COMMITTEE OF THE WHOLE

Chair Vicki Pontz called the Natural Resources Commission (commission) meeting to order at 1:02 p.m.

Senator Curt VanderWall and **Representative Cole** addressed the commission on the baiting ban. They would like to reach a common ground on baiting that would be beneficial to hunters and the state's economy. They want Michigan hunters to have a positive experience in the woods, noting that current restrictions are disappointing. They would also like to work together to make hunting and fishing regulations easier to understand so that Michigan is a destination state.

Director's Report

Parks and Recreation Division Lifesaving Awards: Parks and Recreation (PRD) chief **Ron Olson** and district supervisor **Gary Jones**, Fort Custer Recreation Area, presented lifesaving awards to **Tony Trojanowski**, **Mandy Hills**, **Gabe Feller** and **Walker Truckey**. They saved the life of an individual who was having a heart attack. **Dana Skytta** from Holland State Park saved two individuals who were being swept out of the swim zone. The rapid response of these employees evaded situations that could have resulted in tragedy.

2018 Hunter Education Instructor of the Year: Law Enforcement Division (LED) chief **Gary Hagler** presented the volunteer of the year award to **Mr. Dennis McMahan**, who has been teaching and continues to teach, hunter education for over 50 years. **McMahon** is also a certified archery and snowmobile education instructor. **Mr. McMahan** said that it was an honor to receive the award and the young hunters keep him driven to continue.

2019 Hunter Education 40-Year Teaching Awards: LED chief **Hagler** presented an award to **Harold Rich** for 40 years of teaching hunter education. **Rich** believes that youth sports, including hunting and fishing, are great tools for help young people prepare for adult life and its responsibilities. **Hagler** also mentioned the other instructors who were not able to attend; **Albert Creery, William Ehnis, Dennis Schultz** and **Robert Wagner**. **Hagler** expressed his deepest appreciation for their service and dedication which has helped thousands of individuals statewide to become safe and responsible hunters.

Order to Regulate Target Shooting at Lapeer State Game Area: **Lori Burford** from the Finance and Operations division talked about the Lapeer state game area's (SGA) pit shooting area and the activities that have been done within and outside of the rules. The department wants to limit damage to the SGA. **Burford** spoke about the meetings that have occurred, user conflicts, and planned renovations. This land use order will prohibit target shooting in the locations that are outside of the established target shooting area. The goal is to have sound abatement, improved parking, and other renovations start in December and finish in spring 2020.

Legislative Report

Director Dan Eichinger noted that the report was located in the commissioners' binders and would be posted on the commission's webpage after the day's meeting. **Eichinger** also shared information on House Bill No. 4687 concerning removal of the baiting ban; where it currently stands and the process that needs to take place to have the bill passed and the baiting ban lifted.

Committee Reports:

Michigan State Parks Advisory Committee (MSPAC) **Commissioner Louise Klarr** reported on the resolutions approved which included the Maybury State Park general management plan, support of Wildlife Conservation Order (WCO) Amendment No. 08 of 2019; Establish hunting and trapping at Watkins Lake state park, and WCO No.10; Open and closed hunting areas at Yankee Springs state recreation area. **Dr. Chuck Nelson** from MSU shared a presentation on state park users and user trends and chief **Olson** recognized the centennial celebration team; **Maia Turek, Stephanie Yancer, Lyla Luoto, Michelle Coss** from PRD, **Ami Van Antwerp, Tyler Czarnopis** and **Julie Ellsworth Byelich** from the Marketing and Outreach division and **Sarah Lapshan** from the Public Information office.

NRC Policy Committee on Wildlife and Fisheries: **Commissioner Klarr** reported that Fish division's assistant chief **Todd Grischke** provided an update on the fall 2019 egg-take totals focusing on Chinook, Steelhead and Coho that were completed at the Upper Platte River Weir, Little Manistee River Weir, and Swan Weir. Acting Wildlife division chief **Rex Ainslie** provided an update on the CWD positive deer found in Hamilton township, Gratiot County and the need for more deer to be turned in close to this area. He updated the committee on the disease management firearm deer hunt in Alpena county in January, the Wildlife Habitat grant recipients were announced and he provided information on West Nile disease in grouse survey results.

PUBLIC APPEARANCES BEFORE THE NRC

(**Brooke Parmalee** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 1:46 p.m.)

Millard Holton talked about the season opener dates for turkey and deer hunting saying that he would not like to see splits of openers for turkey seasons and that he supports that all openers in unit ZZ start on Saturdays as presented in his resolution to MUCC.

David Fox spoke about the creel census on Lake Michigan and would like to see the time expanded to include the first week of December in the fall and the entire month of March in the spring. **Fox** would like to see census data in November and March for steelhead along with like data for the past five years, so the drop in Steelhead the past five years could be seen. **Fox** would like to see funding found for the surveys in December and March.

David Swan, representing the board of the Saugatuck Dunes Coastal Alliance petitioned the commission to begin the process to designate about 300 acres at the mouth of the Kalamazoo river in Allegan county a state land reserve. **Swan** said that this designation would be low-cost or no-cost, which is allowed under PA 451. He also asked to come to the December meeting to make a longer presentation. **Director Eichinger** suggested that **Swan** start with conversation with chief **Olson** and his team to explore **Swan's** idea.

Mike Riepen from Michigan Deer Tracking Hounds talked about situations he and his team have ran into concerning tracker dispatch. They are coming up on animals that have been down 12-24 hours that have not expired, but they are not permitted to dispatch with a handgun. **Riepen** told the commission that what is ethical and morally right is not always legal and what is legal is not ethical or morally right. He would like to see regulations changed to allow the dispatch of wounded deer that they are tracking. **Director Eichinger** added that this may be in with the normal deer regulatory package in the spring, but the department would be taking the time to check any statutory changes that might need to be made to WCO. **Eichinger** did inform the commission that the department will be getting together with this group to possibly make changes for the normal regulatory deer amendments in 2020.

Ed Beckley spoke to the commission about the fact that he has had to close a shop and lay off three staff members because of the baiting ban. He would like to see the baiting ban overturned and is behind the legislative push. He said that MUCC does not represent the majority of hunters of the state of Michigan, they are a small number and are their own voice. **Beckley** believes that they will get the ban lifted through this legislative action.

Mark Bartholomew spoke on the baiting issue and feels that lifting it will bring license sales up. He said that Michigan hunters are leaving the state and going elsewhere; we need to retain our hunters and tradition. **Bartholomew** said that they need to listen to the sportsmen and women of the state, not the special interest groups. **Klarr** added that **Bartholomew** stated that the commission is listening to the special interest groups, but they actually listened to numerous biologists and received scientific information at the CWD symposium. **Walters** asked **Bartholomew** if the commission were to do nothing would he still be sitting there saying the decisions were made with the backing of special interest groups.

Art Pelon of the National Wild Turkey Federation (NWTF) spoke regarding Wildlife Conservation Order No. 9 of 2019, Spring Turkey Regulations, saying that NWTF supports the amendment as presented to the commission last month. They are against a two-bird limit and a Saturday opener.

Nick Green, public information officer from MUCC, reaffirmed their commitment to Proposal G; they respect the process and the opportunity to engage with the commission at these meetings.

They appreciate the volunteer time that the commission gives. **Green** said **Representative Cole's** statement that he greatly respected Proposal G could not be true because he asked the commission to drop the baiting ban to bring and keep more hunters to the state, but **Green** disagrees with that statement, this would not be using sound science.

Donn Hinds came before the commission to speak about House Bill No. 4687, to reinstate baiting in Michigan. He emphasized that he is a biologist with a major in biology, minor in conservation and two masters with an emphasis in wildlife management. **Hinds** said that the state needs science-based recommendations, he agrees with Proposal G. He believes that there could be a compromise, but not as proposed with House Bill No. 4687 the previous day; he had spoken with several senators who would like to see amendments and changes to the bill. He would like to see a 200 square foot baiting area with grain only and that sugar beets and pumpkins be banned. **Hinds** reiterated that the decision needs to be science-based.

George Lindquist, president, MUCC, shared strong opinions on what has happened in the Legislature and House Bill No. 4687, to reinstate baiting. **Lindquist** said that this bill is stomping Proposal G into the ground, which was supported by two-thirds of the people of Michigan. He thinks that if the Legislature has some real issues, they should be at the commission meetings more often. MUCC's interest is the sportsmen and women, hunting, fishing, trapping and management of our natural resources. **Lindquist** said that if people have an issue with MUCC policies, they should join and let their voices be heard, not just make a click on a keyboard. He wants to do what is right for Michigan's resources.

Chair Vicki Pontz adjourned the public appearances portion of the meeting at 2:44 p.m. and called to order the regular meeting of the commissioner at 2:45 p.m. She 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

NATURAL RESOURCES COMMISSION - FOR INFORMATION ONLY

Open and Closed Hunting Areas at Yankee Springs State Recreation Area, Wildlife Conservation Order Amendment No. 10 of 2019, FOR INFORMATION ONLY

NATURAL RESOURCES COMMISSION – ACTION

Approval of Minutes, October 10, 2019, Natural Resources Commission Meeting

Commissioner Tracy made a motion that the minutes of the October 10, 2019, NRC meeting be approved. **Commissioner Walters** supported the motion. **Pontz** called for discussion, there being none, a vote was taken and the motion carried unanimously.

Spring Turkey Regulations, Wildlife Conservation Order Amendment No. 9 of 2019

Commissioner Walters made a motion that the Wildlife Conservation Order Amendment No. 9 of 2019, Spring Turkey Regulations, be adopted. **Commissioner Nyberg** supported the motion. **Pontz** called for discussion, **Commissioner Walters** moved to amend Wildlife Conservation Order Amendment No. 9 of 2019, Spring Turkey Regulations, by changing the season opener from the Monday closest to April 20, to the second to last Saturday in April for all

units. **Commissioner Nyberg** seconded the motion to amend. **Pontz** called for discussion on the amendment only; **Walters** said that it should be both public and private land for the entire state. **Klarr** said that she does not think there has been enough discussion time and should be put up for next turkey cycle. **Klarr** added that they hadn't had enough time to weigh the pros and cons and likes the original proposed amendment, adding that there are still two Saturdays in the spring season and adding a Saturday opener would put too many hunters in the woods. **Pontz** asked for more discussion on the motion; **Nyberg** said that the reason for opening on a Saturday were not biological but would increase opportunities for hunters because Saturdays are more accessible for people to mentor youth hunters. He said that if there is a biological detriment the commission should be considering they should hear from the department. **Trevor VanDyke**, legal and legislative section director from the department added that the first season would open the second to last Saturday opener in April, then staggered 14-day openers from there, originally all staggered openers would open on Saturdays. **Walters** asked **VanDyke** if a Saturday opener had been discussed during the previous three-year regulation cycle, **Pontz** confirmed that it had. **Walters** added that there had been three years then to contemplate a Saturday opener. **Tracy** said what the commission was talking about three years previous with **Mr. Holton** was a Saturday opener, staggered after that, but only in private unit ZZ. **Tracy** added that there didn't seem to be any biological pushback from either from the Turkey Federation or **Al Stewart** on the department's behalf, but this was not what **Commissioner Walters** brought up, he proposed a Saturday opener for the entire state. This was not discussed in October. **Director Eichinger** added that he hasn't heard that there is much biological concern for a private-land Saturday opener, and said that lack of biological concern also rolls over to public land. **VanDyke** clarified that this next spring turkey opener would commence on a Saturday with the following two openers staggering 14 days, on Saturdays. **Pontz** called for a roll call vote on the amendment only; **Walters**-yes, **Pontz**-yes, **Klarr**-no, **Nyberg**-yes, **Tracy**-yes; the motion to amend passed. **Chair Pontz** called for additional discussion on the amendment as amended, there being none, a vote was taken on WCO Amendment No. 9 as amended; **Pontz** called for a roll call vote; **Walters**-yes, **Pontz**-yes, **Klarr**-no, **Nyberg**-yes, **Tracy**-yes, the motion passed. Wildlife Conservation Order Amendment No. 9, Spring Turkey Regulations was adopted as amended.

Statewide Trout, Salmon, Whitefish, Cisco, Grayling and Smelt Regulations, Fisheries Order 200.20

Commissioner Tracy made a motion that Fisheries Order 200.20, Statewide, Trout, Salmon, Whitefish, Cisco, Grayling and Smelt Regulations be adopted. **Commissioner Klarr** supported the motion. **Pontz** called for discussion; **Tracy** moved to amend Fisheries Order 200.20, section VII, Statewide Trout, Salmon, Whitefish, Cisco, Grayling and Smelt Regulations to reinstate the previously identified list of 33 Upper Peninsula 10-possession brook trout waters that sunset October 1, 2019. **Commissioner Klarr** supported the motion. **Chair Pontz** called for discussion, **Walters** said that we have heard much testimony as to the science behind the 10-brook trout limit and there is no rationale for this change. **Walters** stated that he had heard that some commissioners wanted to give a gift to a former UP commissioner and the 10-brook trout bag limit is that gift. He went on to add that the state's natural resources are for everyone and not to be given as gifts."

Pontz called for additional discussion. **Director Eichinger** added that there has been much discussion on the 10-brook trout limit. The study has concluded and **Eichinger** indicated the department does not support any further studies on the 10-brook trout limit going forward. **Eichinger** added that the department does not support a 10-brook trout creel limit on any streams in Michigan as it is not supported by the biological information the department has

received. There does not appear to be any social support. Despite specifically reaching out to UP anglers for the purpose of soliciting feedback during the commission's meeting in Marquette in September, there was not any testimony received at the September meeting in the UP requesting this amendment, except for an angler from Wisconsin. **Commissioner Nyberg** attended the Michigan Legislative sportsmen's caucus breakfast in the morning, and at all seats there were three documents which outlined and served as a refresher on Proposal G and the major charge and mandate the commission has by the people of Michigan as a result of Proposal G and the Scientific Fish and Wildlife Act which was a law initiated by petition in 2014 and later enacted in modified form by the Legislature in 2016; it's interesting given the current discussion happening in the Legislature currently around whether the commission should be making decisions on management of our fish and wildlife based on what is socially acceptable. The commission has had ample opportunity to review biological information from the studies on this issue over the past decade. On the test streams where there was an increase in the creel limit there was a significant decline in population density. On the control streams there was a significant increase in population density. **Nyberg** indicated that he struggled to vote in favor of an amendment that would increase the creel limit because the information before the commission suggests that this action would result in a negative impact on brook trout population densities in the streams that the regulation would apply to. As a result, **Nyberg** indicated his intention to vote no on the amendment and further noted his view that the commission make decisions based on the biological data available to it. **Commissioner Klarr** added she agreed on the biological data that we have to act on, she voted for the increase last time and doesn't feel there is scientific data for the impact on the streams and will vote yes on the motion to amend. **Pontz** called for a vote on the motion to amend only, next calling for a roll call vote: **Walters-no, Pontz-yes, Klarr-yes, Nyberg-no, Tracy yes**; motion to amend passed. **Pontz** called for a vote on the order as amended, then called for a roll call vote: **Walters-no, Pontz-yes, Klarr-yes, Nyberg-no, Tracy-yes**, motion passed. Fisheries Order 200.20, Statewide Trout, Salmon, Whitefish, Cisco, Grayling and Smelt Regulations was adopted as amended.

FOR INFORMATION ONLY – DIRECTOR

Chair Pontz read the land use order up for information only

Order to Regulate Target Shooting at Lapeer State Game Area, Land Use Order of the Director Amendment No. 5 of 2019, FOR INFORMATION ONLY.

DIRECTOR – ACTION

Pontz listed the action items on the agenda, director **Eichinger** indicated that he would approve all items.

Commissioner Reports

Commissioner Walters spoke to many who have passion for the resources this past month and attended 100-year anniversary at Pigeon River state forest.

Commissioner Klarr reminded all to make use of the department's hunting digest, she anticipated that it will be used much in the next month.

Commissioner Nyberg is looking forward to firearm deer season. He also thanked wildlife team that puts together the podcasts, adding that they do a great job.

Commissioner Tracy thanked all that helped with Gordon Guyer hunt on October 26, 2019. This was a great experience for youth hunters and some additional adult hunters. Approximately 600 roosters released for 50 hunters. He also hunted there this past Sunday and saw no roosters but did see a eastern massasauga rattlesnake. **Commissioner Tracy** harvested his first antlerless deer in Kalamazoo county the past Monday.

Chair Pontz said that she had received many calls and appreciates that there are that many Michigan residents who care about the state's resources.

ANNOUNCEMENTS

Next Meeting

Chair Pontz announced that the next meeting of the NRC is scheduled for Thursday, December 12, 2019, at Fifth Third Ballpark in the Pepsi Stadium Club, 4500 West River Drive, Comstock Park. The committee meeting that day will be the NRC Policy Committee on Wildlife and Fisheries.

Adjournment

Commissioner Tracy made a motion to adjourn. **Commissioner Walters** supported the motion and the meeting was adjourned at 3:13 p.m.

Vicki J. Pontz, Chair

Daniel Eichinger, Director

DATE: _____