

**NATURAL RESOURCES COMMISSION
MEETING MINUTES
February 11, 2021
Conference Call/Virtual Meeting**

Present for the Natural Resources Commission (NRC)

Carol Moncrieff Rose, Chair, Hillman, MI
David Nyberg, Marquette County, MI
J.R. Richardson, Carp Lake Township, MI
Keith Creagh, Williamston Township, MI
Mike Lashbrook, East Lansing, MI

Present for Department of Natural Resources (Department) Staff

Dan Bock, Legal Counsel, Office of the Attorney General, Lansing, MI
Daniel Eichinger, DNR Director, Isabella County, MI
Trevor VanDyke, DNR Director of Legal and Legislative Affairs Office
Brooke Parmalee, DNR, Legal and Legislative Affairs Office
Cheryl Nelson, Executive Assistant to the NRC

Chair Rose called the meeting of the NRC to order at 9:00 a.m. **Chair Rose** asked for a roll call of the Commissioners; all Commissioners, Director Eichinger and Assistant Attorney General Dan Bock, were present virtually for the February 11, 2021, NRC meeting.

Chair Rose then called for a motion to approve the January 14, 2021, and the February NRC meeting agenda. **Chair Rose** indicated that a new item pertaining to an NRC Resolution would be added under New Business. **Commissioner Lashbrook** made a motion to adopt the day's agenda; **Commissioner Nyberg** 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 January 14, 2021, NRC meeting minutes. **Chair Rose** called for a motion to approve the minutes; **Commissioner Lashbrook** made the motion to adopt the January 14, 2021 minutes, **Commissioner Nyberg** seconded the motion. **Chair Rose** then called for additional discussion, there being none, a vote was taken, and the January 14, 2021, meeting minutes passed unanimously.

COMMITTEE OF THE WHOLE

Director Eichinger made a statement regarding **Commissioners Baird** and **Cozad** rejection as Commissioners by the Senate. It is his hope that they will be restored to their rightful place on the commission in the very near future.

Director Eichinger welcomed **Jeff Stampfly** as the new Forest Resources Division's Chief after serving as acting chief for several months. **Stampfly** has been employed with the Department for 38 years and brings with him forestry and firefighting experience.

Director's Report

Presentations for the following reports may be found on the NRC's webpage at www.michigan.gov/nrc under "Presentations".

Possession and Consumption of Alcoholic Beverages, Prohibited Conduct

Nicole Toman, representing the Parks and Recreation Division, updated the meeting attendees on Land Use Order of the Director No. 3 of 2021, which include consolidation of alcohol prohibitions within state parks and recreation areas from April 1 through Labor Day in Ortonville Recreation Area, Waterloo Recreation Area, Silver Lake State Park-with the exception of the off-road vehicle area, Bay City State Park and McLain State Park. It also removes the prohibitions at three boat access sites to align with operations within the managing unit.

Hunting and Trapping in State Parks and Recreation Areas: Chapter VII Corrections

Nicole Toman also spoke about a correction to Chapter VII of the Wildlife Conservation Order which provides general regulations for hunting and trapping in parks and recreation areas. This amendment will provide corrections to areas in state parks and recreation areas for hunting and trapping making them consistent with the Department's Graphic Information System - mapping system.

Migratory Game Bird Hunting

Barbara Avers, representing the Wildlife Division, gave a presentation of the federal frameworks for the 2021 waterfowl and duck seasons along with an update on Michigan's duck population status, season dates, and bag limits. In addition, **Avers** shared the veterans and active-duty waterfowl recommendations, which is held concurrently with the youth season in September.

Wildlife Annual Report and Pure Michigan Hunt Winners

Holly Vaughn, representing the Wildlife Division, presented an update on the division's annual report highlighting major accomplishments. **Vaughn** also announced the three winners of the Pure Michigan Hunt: **Adam Ruggles** of Three Rivers, **Benjamin Sprowl** of Delton, and **Michael VanHouten** of Hudsonville. A record 73,940 - \$5.00 applications were sold for 2020 hunt of a lifetime.

The Director's report concluded at 9:54 a.m. **Chair Rose** called for another roll call at 10:03 a.m., all Commissioners were present.

PUBLIC APPEARANCES BEFORE THE NRC

Brooke Parmalee read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 10:04 a.m.

Edward Flanagan spoke on the topic of hunting through sight and sound shielding, legalization of spear and knife for deer hunting, as well as legalization of ambush hunting. **Flanagan** noted that after speaking with a department biologist, he will be going public to get more exposure and support for this type of hunting.

Erik Schnelle from the National Deer Association (NDA) shared information and an invitation, to the Commissioners and Department, for the NDA's Southeast Deer Study

meeting, February 23-24, 2021, to be held virtually. Topics will include tools for education, maintaining herd populations, science-based goals, and regulations. Much will be centered around quality deer management. **Schnelle** also asked that the NRC to hold off on stopping the APR/CWD study.

Nancy Warren discussed wolves in the UP and how they are a self-regulating population. She added that non-lethal methods of keeping wolves away have been effective in minimizing livestock losses.

Tom Blackfoot discussed hunters' desire for bigger, better bucks. **Blackfoot** indicated that the current hunter satisfaction rate is down to 28 percent because of the lack of APRs. He stated statewide APRs is the way to go and stressed that the NRC advocate for healthier, bigger, better bucks in Michigan.

Steve Dey spoke about wolves, noting that he is pro-wolf. He doesn't want to see the population get too high for a natural balance. **Dey** would like wolves to be managed for a healthy and manageable population.

Molly Tamulevich from Human Society of the U.S. (HSUS) said that information in the public indicated that hunter numbers are in decline due to strict regulations. **Tamulevich** said that research disproves this. She added that HSUS disapproves of trophy hunting, trapping, and wildlife killing contests as they cause pain and suffering.

Richard P. Smith said that Hunter's Choice in the UP is not a good option. **Smith** would like to see deer hunting liberalized in the UP.

Ian Fitzgerald representing MUCC congratulated the Pure Michigan Hunt winners. In context with antler point restrictions (APRs) said that the club has no position on APRs; but would like the research on APRs/CWD be completed to the full extent. MUCC also has a resolution regarding deer tracking with dogs that they would like to see happen. Regarding migratory birds, MUCC appreciates having the seasons align with the woodcock and grouse seasons. Lastly, **Fitzgerald** thanked the Department for their transparency with the new agendas and the information they provide.

Stathi Kritselis representing the Citizen's Waterfowl Advisory Committee (CWAC) shared that CWAC is made up of stakeholders including MUCC, Duck's Unlimited, and other waterfowl groups geographically from around the state. **Kritselis** said that CWAC agrees with all recommendations from the Mississippi Flyway and the Department for the upcoming regulations.

George Lindquist representing UP Whitetails of Marquette County said that they do not agree with wolves self-managing their population. The group supports Hunter's Choice, and they are not in favor of a crossbow late season.

Capt. Mike Veine shared his comments regarding deer hunting regulations in the UP, noting that he supports Hunter's Choice and spoke about quotas in the southern Lower Peninsula.

Bee Friedlander representing Attorneys for Animals spoke about the Wolf Management Advisory Council and is pleased that it is comprised of many organizations. **Friedlander** made comments regarding the post-delisting monitoring plan.

Sam Morello from the Michigan Bowhunters Association provided comments on the 2021 bow hunting seasons, urban deer problems, and proposed CWD seasons in a three-year pilot. **Morello**, in addition, supports antlerless take on combo licenses.

Leon Hanks would like the NRC to keep Hunter's Choice for deer hunting in the UP.

Lynn Mackie representing Mackie Bait along with five other bait wholesalers spoke about the financial struggle facing them due to the testing costs in the face of the recommendations from the Department in Fish Order 245.21, Fish Disease Damage. **Mackie's** group of harvesters has also made and shared proposals with the NRC.

Carol Miller spoke about the membership of the Wolf Management Advisory Council noting that according to statute each member should have equal say in the plan whether they are from a consumptive or conservation organization. **Miller** also does not want hunting or trapping in Michigan's state parks.

George Graves provided an overview of Richard Smith's comments. **Graves** has seen similar at his camp in the UP. He believes that Hunter's Choice and APRs have had a negative impact. **Graves** also mentioned Proposal G and the use of sound science management versus social interests.

Jordan Hoover representing Baraga County UP Whitetails discussed archery doe tags stated the 10-15 doe to buck ratio should be more in the line of four to one. Balance is critical. He is not in agreement with **Commissioners Nyberg** and **Richardson's** amendments. **Hoover** said that there is the need to liberalize antlerless numbers. Crossbow harvests in a late season is relatively low due to the severity of UP winters. **Commissioner Creagh** added that **Commissioner Richardson's** amendment has been out before the public for several months now, it is not a new addition.

Bryan Reynolds President of the UP Whitetails of Marquette County does not want to see the deer numbers as low as in the 70s. We need to protect the antlerless deer. He doesn't understand why the Baraga group wants to kill more deer, there is not an overabundance of deer in the UP. **Reynolds** added that eighty percent of their members are in favor of Hunter's Choice and crossbows are not a good idea in December.

Larry Swears commented on the young age that children are allowed to hunt in Michigan. He has been teaching young children for years and hunter safety should be the first thing children and adults should take. He wants the Department to be more strict on safety. **Swears** has taught hunter's education for 45 years. **Commissioner Creagh** thanked him for his years of being a hunter's education instructor and asked what age **Swears** thought would be the appropriate age for a child to begin hunting. **Mr. Swears** indicated that his opinion would be the age of 12. **Director Eichinger** added that the determination of the youth minimum hunting age is under the authority of the state legislature. He also spoke about the ability for adults to hunt under the apprentice license for two years but must take hunter's education if they were born in 1960 and after.

Trish Marie spoke about the wolf management plan and a wolf hunting season was voted down twice. She stated there is no scientific proof that there should be a wolf hunt. Non-consumptive users deserve their wishes or viewpoints considered and have a seat at the table. **Marie** also indicated that she is not in favor of predator hunting contests.

Chair Rose adjourned the public appearances portion of the meeting at 11:38 a.m. The meeting readjusted at 11:48 a.m. **Chair Rose** noted all Commissioners were in attendance.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

NEW BUSINESS DIRECTOR

Chair Rose read the new business for the Director, which may be acted on during the day's meeting:

Land Transaction Case #20200090 Sale of Surplus DNR-Managed Land Gaylord Management Unit – Charlevoix County

Land Transaction Case #20190146 Sale of Surplus DNR-Managed Land Southwest Region – Allegan County

Director Eichinger indicated that he would sign all new land transactions along with the late addition of Fish Order 243.21A (under MCL 324.46701, which will keep the order the same as 2020 while the Department continues to review this regulation).

Fish Order 243.21A State-Licensed Commercial Fishing

NRC ORDERS

Wildlife Conservation Order Amendment No. 1 of 2021 Migratory Game Bird Hunting Seasons

OLD BUSINESS DIRECTOR

Land Use Order of the Director Amendment No. 1 of 2021 Public Act 288 (PA 288) Forest Road Inventory

Director Eichinger indicated that he would sign this land use order today.

Chair Rose indicated that there was also a late addition to New Business of the Commission. **Commissioner Nyberg** moved for adoption of the Wolf Management Plan Resolution-Update to the Wolf Management Plan. **Commissioner Creagh** motioned to begin discussion with **Commissioner Lashbrook** supporting. A vote was taken and approved unanimously by all NRC members.

Commissioner Nyberg continued to share the following resolution:

**“RESOLUTION OF THE NATURAL RESOURCES COMMISSION
Update to the Michigan Wolf Management Plan**

WHEREAS, the U.S. Fish and Wildlife Service (“USFWS”) has determined that the best available scientific and commercial data establish that gray wolf entities in the lower 48 United States do not meet the definitions of a threatened species or an endangered species under the Endangered Species Act of 1973, as amended (“Act”); and

WHEREAS, on November 3, 2020 the USFWS published a final rule that removes gray wolf (*Canis lupus*) entities in the lower 48 United States and Mexico, except for the Mexican wolf (*C. l. baileyi*), from listing under the Act; and

WHEREAS, the USFWS final rule took effect on January 4, 2021, resuming state management of wolves, including the lethal control of wolves that are in the act of killing or wounding livestock or a dog; and

WHEREAS, the Michigan Natural Resources and Environmental Protection Act (“NREPA”), 1994 PA 451, grants the Natural Resources Commission (“Commission”) exclusive authority to regulate the taking of game and sport fish in Michigan; and

WHEREAS, NREPA defines wolf as a game species; and

WHEREAS, on January 14, 2021, the Department presented a series of proposed actions to the Commission, including an update to the Michigan Wolf Management Plan, government- to-government consultation with federally recognized tribes located within Michigan, reformation of the Wolf Management Advisory Council, which will provide the Department and Commission with nonbinding recommendations for wolf management, and a public attitude survey; and

WHEREAS, the Wolf Management Plan requires the Department to review and update the plan at five-year intervals “[t]o address ecological, social and regulatory shifts in a timely manner”; and

WHEREAS, the Wolf Management Plan was last updated in 2015; and

WHEREAS, an updated Wolf Management Plan will provide the Commission with the latest biological data necessary to inform science-based management of gray wolves in our state; and

WHEREAS, the Department’s public attitude survey, reformation of the Wolf Management Advisory Council, and consultation with tribal governments can all be conducted concurrently with the scientific review and drafting updates to the Wolf Management Plan, resulting in a timely and efficient process.

NOW THEREFORE BE IT RESOLVED: The Commission formally supports the Department’s proposed process to update the Wolf Management Plan concurrently with

citizen input and consultation with tribal governments; and

BE IT FURTHER RESOLVED: The Commission requests final publication of the updated Wolf Management Plan no later than December 31, 2021, which will assist the Commission in its regulatory duties relative to gray wolf management in Michigan.

Record Vote: Adopted by a unanimous vote.

Regular Meeting of the Natural Resources Commission



Carol Moncrieff Rose, Chair
February 11, 2021

Commissioner Creagh commented that the NRC realize that there is a collaboration between the Department and the US Fish and Wildlife Service, the species is better managed by the state.

Director Eichinger commented on the Wolf Management Plan timeline **Cody Norton** presented during the January NRC meeting. The timeline indicated the Wolf Management Plan is slated to be complete by June of 2022. **Director Eichinger** also noted that the current management plan completed in 2015 is still active. **Commissioner Nyberg** added that he thinks it is important for the NRC and the public have a seat in a thoughtful process. He wanted to reinforce the recommendations given to the NRC last month. **Commissioner Richardson** added that much time and energy is continually being used by the Department to keep current.

Commissioner Nyberg made a motion to adopt the NRC's Wolf Management Plan resolution. **Commissioner Lashbrook** supported the motion. **Chair Rose** called for discussion, there being none, a vote was taken, and the resolution carried unanimously.

OLD BUSINESS COMMISSION

Wildlife Conservation Order Amendment No. 8 of 2020 Deer Regulations

Commissioner Nyberg made a motion to adopt Wildlife Conservation Order Amendment No. 8 of 2020, Deer Regulations. **Commissioner Creagh** supported the motion. **Chair Rose** read off the four amendments that have been a part of the order for four months, called for discussion; **Commissioner Creagh** made a motion to adopt Amendment No. 1, Terminate the APR study in deer management units 034, 054, and 059 after the 2021 deer hunting season, **Commissioner Richardson** supported the motion, **Chair Rose** called for discussion, **Commissioner Creagh** said that there has been much discussion about having enough data for the research; he said there is nothing in the amendment where this could not be revisited after the 2020 season data is received, however this amendment would set an end to the research after the 2021 seasons. **Chair Rose** shared comments regarding the financial aspects facing the Department with testing. After calling for additional discussion, **Chair Rose** called for a motion to adopt Amendment No. 1 of WCO No. 8, **Commissioner Richardson** moved to

adopt, **Commissioner Nyberg** supported that motion. **Chair Rose** called for a vote on the amendment only, the amendment passed by unanimous consent.

A motion for Amendment No. 2 to WCO No. 8 of 2020, Deer Regulations, was made by **Commissioner Nyberg**, retain section 3.101a (deer hunting in zone 1 season limit and, antler restriction) also known as "Hunter's Choice," and all associated references throughout the order. **Commissioner Lashbrook** supported the motion, **Chair Rose** called for discussion; **Commissioner Nyberg** indicated that Hunter's Choice does not have a scientific detriment, there is no biological influence either way. **Chair Rose** called for any further discussion on this amendment, there being none she called for a vote on Amendment No. 2 only, the amendment passed by unanimous consent.

Commissioner Richardson motioned for Amendment No. 3 to WCO No. 8 of 2020, Deer Regulations, to remove the proposed changes regarding the use of crossbows during the late archery season in the UP. **Commissioner Creagh** supported the motion. **Chair Rose** called for discussion. **Commissioner Richardson** indicated this is a biologically neutral amendment. He feels crossbows are a more lethal way of taking deer resulting in less deer on the landscape in the UP. **Commissioner Lashbrook** believes the fears that have been generated about the detriment to the resource are overstated but will support the amendment after hearing comments. **Commissioner Nyberg** will support this amendment but thinks a better solution would be to allow crossbows in the areas that touch the core CWD zone. **Chair Rose** called for any further discussion, there being none she called for a vote on Amendment No. 3 only, the amendment passed by unanimous consent.

COMMISSIONER REPORTS

Commissioner Lashbrook congratulated Jeff Stampfly on his new position as Chief and thanked the Department's staff for their diligent work on the deer regulations.

Commissioner Creagh also appreciates the hard work of the department on the day's meeting. He thanked the public for joining the meeting. He would like to explore ways to make sure we're reaching the stakeholders and ensure access to decision making and transparency. He would like to see real-time data technology on fair chase. **Commissioner Creagh** would like to encourage the Department to try to find a resolution with the bait fish dealers to help with business and disease management. In the past month he has been out and cross-country skied some of Michigan's beautiful trails.

Commissioner Nyberg thanked the Department and especially the Wildlife Division staff for the phenomenal work they've put into answering all the Commissioner's questions and concerns, and the stakeholder engagement over the last couple of months. Congratulated Jeff Stampfly and Jared Duquette on their new roles as chiefs. He recently listened to the Wildlife Division's Wild Podcast, where Jared was featured. Staff do a great job putting the podcast together. Happy to report the bay in lower harbor in Marquette is frozen over. People are ice skating and ice fishing – it's nice to see everyone enjoying the recreational experience.

Commissioner Richardson congratulated Jeff Stampfly and Jared Duquette on their new positions as chiefs. He appreciates the Commissioners' open-mindedness with the amendments. It's all about the transparency and getting the stakeholders involved.

Director Eichinger nothing to report.

Chair Rose thanked the department staff for all the work that goes into getting the presentations put together, not only for the NRC meeting, but also for the Eastern and Western UP Citizen's Advisory Councils. Thank you for the investment of your time to make the information available to the public during late weekday meetings. At a future meeting, **Chair Rose** would like to discuss the issue of the ability to track deer with dogs, and the proposal for the dogs to be off leash if managed by a certified tracker. **Commissioner Creagh** would like to include the allowances of take of animal by the tracker and how you would allow some additional management in other urban areas.

After commissioner reports, chair **Rose** made a motion for the commission to enter closed session, at 12:45 p.m., to discuss a written memorandum from legal counsel which is subject to attorney client privilege. Closed session is appropriate pursuant to the laws that govern commissions proceedings including the Open Meetings Act and the Michigan Freedom of Information Act. The motion was supported by commissioner **Lashbrook**, and unanimously approved.

Commissioner Nyberg motioned to adjourn the closed session; the motion was seconded by commissioner **Richardson**. A vote was taken, and the CLOSED SESSION adjourned at 1:24 p.m.

Next Meeting

Chair Rose shared that the next meeting of the commission will be held on Thursday, March 11, 2021, and will once again be in a virtual format.

Adjournment

Commissioner Creagh made a motion to adjourn. **Commissioner Lashbrook** supported the motion, and the meeting was adjourned at 1:29 p.m.



Carol Moncrieff Rose, NRC Chair



Daniel Eichinger, DNR Director

DATE: April 15, 2021