

MINUTES
NATURAL RESOURCES COMMISSION MEETING
July 16, 2020 (Amended November 12, 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

COMMITTEE OF THE WHOLE

Director's Report

David Nyberg chair, called the Natural Resources Commission (commission) meeting to order at 9:00 a.m. At which time, **Director Daniel Eichinger** introduced returning commissioner, **J.R. Richardson** from Ontonagon who is taking the vacated seat of former commissioners **John Walters**. His commission will expire on December 31, 2021. Next, **Eichinger** introduced the commission's two new members; **Carol Rose** of Hillman and **Michael Lashbrook** of East Lansing. Their terms both run from June 23, 2020 through December 31, 2023. Their appointments are subject to the advice and consent of the Senate. The director welcomed them all on behalf of the commission and the department.

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

Commissioner Klarr made a motion to approve the June 11, 2020 commission's meeting minutes; commissioner **Creagh** seconded the motion, **Nyberg** called for discussion, there being none, a vote was taken and the June 11, 2020 Natural Resources Commission meeting minutes were approved.

Director Eichinger spoke about deer hunting, the declining user base and increased deer population, he indicated that the department and the commission need to take a step back to see where deer management and regulations will go forward into the future. He also indicated that the department would like to increase the simplicity of the deer regulations. The department is currently working with stakeholders and the public with the expectation of

returning later in the year to the commission with deer regulations that may contemplate the dynamics that the department sees with Michigan's deer population.

Deer Regulations Dr. Dwayne Etter, Wildlife division research specialist presented information on a model comparison on how prevalence of deer with chronic wasting disease (CWD) would change in the experimental antler point restriction (APR) area of Ionia, Montcalm and Mecosta counties. Michigan State University works in conjunction with the department on the research done in areas with and without CWD and how prevalence rates change relative to the presence of APRs. **Etter** indicated that the summary shows that the model over time indicated that in year 13 those areas hunted using APRs the prevalence is higher. Based on harvest, a proportion of sex and age groups, 2020 will be the result year for the study with more robust data.

Department Responses to Commission Requested Amendments Dr. Chad Stewart, deer management specialist for the Wildlife division provided a summary of the proposed commission suggested amendments and a resolution. The amendments and discussion are as follows:

From commissioner **Tracy** to remove APRs:

Allow any legal buck to be taken on the regular tag of the deer combination license during the archery, firearm, and muzzleloader seasons, except for:

- DMUs 054, 059, and 034 – the current 4-point APR will remain in place
- DMU 117 – the current 3-point APR will remain in place
- NW13 – the current 3-point APR will remain in place

During the archery, firearm, and muzzleloader seasons, there is a 4-point APR on the restricted tag of the deer combination license except for:

- DMU 062 and 041 – current any buck will remain in place
- UP Core CWD Surveillance Area – current any buck will remain in place.

This is not intended to impact antlerless regulations. This issue will be postponed until phase II.

Next from commissioner **Tracy** regarding pre-baiting for Independence and Liberty hunts:

Allow the same pre-baiting period for hunters participating in the Independence hunt as with the Liberty Hunt (baiting can occur 5 days prior to the start of the season through the end of the season).

Stewart commented that due to the potential conflicts as the Independence hunt and the archery season overlap, the department is opposed to this proposed amendment.

Commissioner Tracy also shared an amendment regarding removing the hunter's choice on the combo tag in the Upper Peninsula (UP):

Remove the 3-point APR on the deer combination regular license in the UP (remove hunter's choice option). This is not intended to impact antlerless regulations.

Stewart commented that working in line with putting together broader regulations, this issue will be postponed until phase II.

Commissioner Tracy's next amendment request is regarding the use of crossbows in the UP for the late archery season:

Allow the use of crossbows in late archery season in the Upper Peninsula.

Stewart also noted that this recommended amendment will be postponed until phase II.

Tracy also requested another amendment that would

Allow any legal buck to be taken on the deer combination restricted license in the CWD management zone except for:

- DMUs 054, 059, and 034 – the current 4-point APR will remain in place

Stewart shared that the department opposes this proposal as the current proposal is based on surveillance and distribution of CWD and falls under the purview of the director's authority.

Commissioner Richardson offered the next amendment:

Crossbows cannot be used during the late archery deer season in DMUs 127, 066, 027, 131, 042, 036, and 022, unless the hunter is disabled and has a crossbow permit.

Commissioner Creagh offered up the following proposed amendment regarding the use of muzzleloaders in the late season:

Allow the use of muzzleloaders on public land during the late antlerless season in zone 3 to take any deer with a valid tag.

Stewart shared that the department opposed this as muzzleloaders will still have a defined season in both the northern Lower Peninsula (NLP) and southern Lower Peninsula (SLP) in the current proposal. In the SLP, under five percent of land is publicly owned, muzzleloaders are still able to be used on these lands and even though the participation and harvest increased in the 19-counties where firearms are allowed during this season, there wasn't enough of an increase to show concern with over-crowding or pressure on the herd.

Stewart added that the department is comfortable with the proposals written in Wildlife Conservation Order #06 of 2020, Deer Regulations. The commissioners also had input on the winter severity index and the effect on harvest numbers, trends on car-deer incidents, crop damage. **Ashley Autenrieth** added that they look at a comprehensive package of metrics to determine if the deer herd rates are increasing, stable or decreasing.

Licensing Update Dustin Isenhoff, marketing research specialist from the Marketing and Outreach division presented the latest set of license sales numbers on hunting, fishing, recreation passport and parks and recreation figures to the commission. He noted that ORV sales are in the increase. **Isenhoff** also shared information on the new license portal that will have an automatic renewal function which will provide real-time license quota numbers, which is a benefit both online and at point-of-sales.

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 11:25 a.m.)

Amy Trotter, executive director, MUCC, welcomed the new commissioners and invited the commission to participate in MUCC and the groups that make the club up. **Trotter** noted that Michigan deer hunters are a passionate group.

Ian Fitzgerald, MUCC, welcomed commissioner **Richardson** back and also welcomed commissioners **Rose** and **Lashbrook**. **Fitzgerald** shared information about MUCC's policy process and the issues they are proposing the commission and the department this year. He would like a system in place for the public to provide input on the amendments placed for new business.

George Lindquist, president, MUCC, welcomed new commissioners **Rose** and **Lashbrook** and returning commissioner **Richardson**. **Lindquist** is in favor of the new agenda format with commission discussion before voting on an amendment, gives the opportunity for more public involvement. He also noted that the UP wants four on a side reinstated.

Millard Holton would like to see crossbows use in the late season in the UP. He noted that there is some confusion in the wording in section 2.1 of Wildlife Conservation Order (WCO) 06 of 2020; **Holton** said that hunting or prohibition from an elevated platform should be removed.

Mike Taylor, is a member of several natural resources groups and hails from the UP spoke about feedback from groups and the public, would like to see more deer taken/higher quotas in the southern portion of the UP, also in deer management unit 022 and if there is no more CWD there should be a sunset in WCO.

Erik Schnelle, president, QDMA gave **Dr. Etter** high marks for his presentation earlier that day. **Schnelle** also shared comment on carcass movement within the state, having an APR incentive, restoration of APR on second tag in the UP's CWD region, in zone 3 he would like to see muzzleloaders only, not "all firearms."

Maureen Moore spoke of her concern about very young hunters being approved for licenses, baiting being socially acceptable and safety of disable hunters.

Molly Tamulevich, state director, HSUS, welcomed the new commissioners and made herself and HSUS available to them should they have any questions.

Bee Friedlander, representing Attorneys for Animals, would like the commission to see animal advocates as stakeholders as well as the hunting community.

Chair David Nyberg adjourned the public appearances portion of the meeting at 12:05 p.m. and called to order the regular meeting of the commission at 12:06 p.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
DIRECTOR

Land Transactions

Case Number 20190206, Forest Resources Division, Wexford County
Sale of Surplus DNR Managed Land

Case Number 20190132, Forest Resources Division Acquisition, Presque Isle County,
The Spens Tract

Nyberg asked if the director would be signing both land transactions, to which **Eichinger** indicated he would.

NEW BUSINESS
NATURAL RESOURCES COMMISSION

Approval of Minutes, June 11, 2020, Natural Resources Commission Meeting

Wildlife Conservation Order Amendment No. 6 of 2020, Deer Regulations

Commissioner Tracy made a motion that Wildlife Conservation Order Amendment No. 6 of 2020, Deer Regulations, be adopted. **Commissioner Rose** supported the motion. **Nyberg** asked for discussion.

Commissioner Creagh made a motion to allow the use of muzzleloaders on public land during the late antlerless season in Zone 3 to take any deer with a valid tag. **Tracy** supported the motion. After commission discussion, **Nyberg** called for a roll call vote, the amendment passed unanimously.

Next, commissioner **Tracy** proposed an amendment to allow the same five-day pre-baiting period for the Independence Hunt as is already in place for the Liberty Hunt, commissioner **Creagh** supported the motion. After minimal discussion, **Nyberg** called for a roll call vote, all commissioners, with the exception of **Lashbrook**, voted to pass this amendment; the amendment passed.

Commissioner Tracy next made a motion to allow any legal buck to be taken on the regular tag of the deer combination license during archery, firearm, and muzzleloader seasons, anywhere in the state except for DMUs 054, 059, and 034, where the current 4-point APR will remain in place, also except for DMU 117 (Drummond Island) where the current 3-point APR will remain in place, and also except for NW 13 counties where the current 3-point APR would remain in place. The other part of that, during the archery, firearm and muzzleloader seasons there would be a 4-point APR on the restricted tag of the deer combination license and the exceptions for that would be DMUs 062 and 041 which is the other control area of the CWD study area where any current buck would remain in place, and the UP core CWD surveillance

area. **Nyberg** supported the motion and called for discussion. After commission and director discussion, **Tracy** made a motion to withdraw this amendment. **Nyberg** noted that the motion is withdrawn. This content will be brought back during phase II for further discussion.

Commissioner Tracy then indicated his next amendment on the CWD restricted tag is still pertinent, but he has two more that are not – the hunter's choice in the UP, he is not going to bring forward that motion with the understanding that the department would have that on the list of things to consider for the next round. Then further down the list would be the motion he was considering making about crossbows in the UP late archery season, and he also defers that for the department to put on the list. The next one (amendment) refers to current regulations which we should probably take up.

Tracy made a motion to allow any legal buck to be taken on the deer combination restricted license in the CWD management zone except for DMUs 054, 059, and 034 where the current 4-point APR would remain in place. **Klarr** supported the motion. After commission discussion, **Nyberg** called for a roll call vote, **Lashbrook** and **Nyberg** voted no, the remainder of the commissioners voted yes and the motion to amend passed.

The next motion to amend was brought forward by commissioner **Nyberg**: antlerless deer shall not be taken on a deer license, deer combination regular license, or deer combination restricted license during bow and arrow only hunting seasons in DMUs in which the Snow Data Accumulation System ("SNODAS") indicates a snow depth of twelve (12) inches or greater for at least 100 nonconsecutive days during the previous open deer hunting season. **Tracy** supported the motion. After commission discussion, **Nyberg** called for a roll call vote. The amendment passed unanimously.

The next motion to amend was brought forth by commissioner **Richardson**, antlerless deer shall not be taken on a deer license, deer combination regular license/deer combination restricted license in DMUs 127, 066, 027, 131, 042, 036, and 031, **Tracy** supported the motion. After commission discussion, **Nyberg** called for a roll call vote and the motion to amend passed unanimously.

Commissioner **Rose** made a motion to recommend that the current 2019 deer carcass movement restrictions for the CWD management area be simplified such as not allowing carcass transportation from counties where multiple CWD cases have been identified to counties where CWD has not been found and that no carcass movement be allowed outside the core CWD management areas of Montcalm, Kent, and Ionia Counties. Commissioner **Nyberg** noted that this is a resolution as a policy statement and **Tracy** supported the resolution. After commission discussion, **Nyberg** called for a vote and the resolution passed unanimously.

Chair Nyberg asked for additional discussion on WCO #6 of 2020 as amended, there being none, he called for a roll call vote to pass WCO #6 of 2020 as amended, which passed unanimously.

Wildlife Conservation Order Amendment No. 7 of 2020, Mandatory Elk Hunt Orientation

Commissioner Tracy made a motion that WCO #7 of 2020, Mandatory Elk Hunt Orientation, be adopted, commissioner **Rose** supported the motion and noted that she had attended an elk hunt orientation, there was good information due to the presence of CWD in Michigan. **Nyberg**

called for additional discussion, there being none, a roll call vote was taken and the amendment passed.

Commissioner Tracy made a motion to resolve that the department's Mandatory APR guidelines for the initiative, evaluation, and review of mandatory APRs that are currently in place which include a minimum 66 percent approval rating, stay in place until the active research study being conducted in the CWD zone is concluded or for five years, until January 2025, whichever is longer. He further resolved that no new survey related to mandatory APR may be conducted by the DNR to consider adding mandatory APR areas until the study being conducted in the CWD zone is concluded or for five years, or until January 2025, whichever is longer. Finally, the DNR cannot revise the guidelines without approval by the NRC and proper public vetting, comments, and transparency and all future guidelines must be brought before the NRC for approval. He also suggested including the NRC in the official name for the guidelines.; **Richardson** supported the motion. After some discussion, the commission decided to amend the resolution by changing the final report date on the MAPR study from January 2025 to when the study is completed. **Nyberg** called for additional discussion, there being none, a roll call vote was taken and the resolution passed unanimously.

COMMISSIONER REPORTS:

Commissioner Creagh: welcomed commissioners **Rose** and **Lashbrook** to the commission and commissioner Richardson on his return. **Creagh** spent some time camping at P.J. Hoffmaster state park recently and congratulated the park's staff for a job well done; the COVID 19 guidelines are being strictly followed in a very professional manner.

Commissioner Klarr: shared that there will be a meeting of the Michigan State Parks Advisory Committee (MSPAC) next month. She is excited about all the work being put into the deer regulations. **Klarr** did find some time to do a little fishing for brookies and browns and attended her daughter's thirtieth birthday party on Mackinac Island.

Commissioner Lashbrook: said that he is happy, honored and humbled to be a part of the commission. He said that the deer regulations were a great way to start. He's looking forward to having more to report on in the future.

Commissioner Richardson: stated that he is glad to be back on the commission and thinks they can do many things to be proud of.

Commissioner Rose: thanked the commissioners who have already reached out to her and looks forward to seeing them in the future. **Rose** added that **Nyberg** did a very good job running the day's virtual meeting.

Commissioner Tracy: reiterated Rose's comments regarding **Nyberg's** handling of the meeting. He also welcomed **Mike, Carol** and **J.R.** to the commission. **Tracy** also extended his thanks to the director and staff for making the process smooth for the deer regulations. **Tracy** thanked MUCC for their comments. During the previous week, he visited 12 state parks and said the staffs were doing a great job and all was in order.

Director Eichinger: noted that the deer process conclusion is a relief and thanked the commission for their thoughtfulness, staff for their efforts, and the robust and good feedback

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from the public. **Eichinger** also thanked **Creagh** and **Tracy** for recognizing parks and recreation division staff, they are doing an amazing job which underscores the work the department does.

Commissioner Nyberg: thanked **Chad Stewart, Ashley Autenrieth** and the Wildlife staff for the helpful and informative information and working in this difficult period. **Nyberg** shared that he, his wife and daughters welcomed **Axel Lloyd** to their family on June 25 and will be taking their first family camping trip at Fort Wilkins state park. They decided to go back there as the staff has been fantastic during previous trips.

ANNOUNCEMENTS:

Next Meeting

Chair Nyberg announced that the next meeting of the NRC is scheduled for Thursday, August 13, 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 1:41 p.m.



Carol Moncrieff Rose, Chair



Daniel Eichinger, Director

DATE: November 12, 2020