

MINUTES
NATURAL RESOURCES COMMISSION MEETING
February 13, 2020
Lansing Community College, Gannon Building
422 North Washington Square
Lansing, MI 48933

Present for the Natural Resources Commission

George Heartwell, Chair
John Walters
Keith Creagh
Chris Tracy

Excused

David Nyberg
Louise Klarr

Present for Department Staff

Dan Bock, 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
Barbara Graves, NRC interim executive assistant

COMMITTEE OF THE WHOLE

Chair George Heartwell called the Natural Resources Commission meeting to order at 1:00 p.m.

Director Dan Eichinger welcomed newest member, **George Heartwell** of Newaygo, who was recently appointed as chair to the commission. The former mayor of Grand Rapids and current chair of the Newaygo Economic Development Corporation, **Chair Heartwell** was appointed to the role last week by **Gov. Gretchen Whitmer**. **Chair Heartwell** thanked **Director Eichinger** and thanked his predecessor **Rex Schlaybaugh** for serving on the commission during the transition, then gave the commission a background on himself including being a life-long fisherman. He described his management style and expectations. He will be meeting with each member to discuss ideas on how to be a more efficient operation, which may include restructuring.

Chair Heartwell asked for a motion to excuse absent commissioners, **Louise Klarr** and **David Nyberg**. **Commissioners Creagh** and **Tracy** supported, and the motion passed unanimously.

Director's Report

Budget Update

Director Dan Eichinger reported that the governor's executive budget recommendation was made to the joint appropriations committees last week, with a recommendation of \$468.3M to the department. Highlights of the budget include plans to build out the William G. Milliken Visitors Center on Mackinac Island, and an update to the Arch Rock bathrooms making them ADA compliant. Forestry highlights include committing \$500,000 of forest development fund to research on the regeneration of conifers, primarily white cedar. There is a \$1.375M investment in equipment. The budget includes \$4.4M in federal dollars to put into the recreational shooting program, including upgrades to facilities. Capital Outlay includes \$19M in infrastructure improvements at State Parks and \$11M in recreational boating. The department continues to invest in efficiencies and facilities to continue to be a first destination for visitors and continues thinking through some of the updates and changes that they confront as they try to mitigate through the impact of high water across the state.

RSS Update

Tom Weston, Marketing and Outreach Division, gave an overview of the new licensing system that will go live at noon on Tuesday, February 18. The transition coincides with free fishing weekend, including an extra day with Monday. The new system will have a new web interface and provides a number of benefits to both customers and retailers. **Director Eichinger** said it is a significant accomplishment and thanked **Mr. Weston** and staff for their work on the project.

Committee Reports

Michigan State Parks Advisory Committee (MSPAC) Committee member **Julie Clark**, standing in for **Commissioner Louise Klarr**, said the committee reviewed general management plans for Lime Island State Recreation Area and Porcupine Mountains Wilderness State Park. Of the committee members present, all agreed by consensus to support both plans.

Chief Ron Olson, Parks and Recreation, gave a progress report on Belle Isle Park, which sees over 4 million visitors a year, one of the most visited state parks in the country. Among improvements last year were repairs to the Anna Scripps Whitcomb Conservatory and the relocation of the park headquarters to the location of the former Detroit Police Department building. **Chief Olson** shared results of the 2019 Michigan DNR Camper Survey. Nearly 90 percent of those surveyed were satisfied with their experience at Michigan state parks, a consistent pattern from previous years. The Trust Fund will be reviewing an out of cycle grant consideration for 280 acres of the remaining Sargent Sands acquisition in Ludington State Park.

Committee on Wildlife and Fisheries, **Commissioner Walters** reported that interim Wildlife chief **Dan Kennedy** talked about disease control permits, which allow landowners in specific townships in the Lower Peninsula CWD Management Zone to apply for the permits to help manage deer populations on their properties. As of February 4, 254 disease control permits have been issued for the southern Lower Peninsula for 2019.

Adam Bump, Wildlife, presented proposed furbearer regulations for the next two years. The department is recommending a number of changes to bag limits and other regulations. These regulations will be before the commission for action next month.

Assistant Chief Steve Burton, Law Enforcement Division, gave a presentation on the use of electronic trap monitors for wildlife damage and nuisance animal control. The department recommends allowing the use of electronic trap monitors for licensed nuisance animal control operators. The recommendation, for action next month, outlines a number of proposed restrictions on how the devices can be used.

PUBLIC APPEARANCES BEFORE THE NRC

(**Brooke Parmalee** read the official timekeeping procedures and guidelines for the meeting's public appearances which began at 1:40 p.m.)

Gary Morgan from Bay City spoke on bear hunting regulations. He is looking for a solution to the problem of the conflicting hunts between use of hounds and baiting.

Jim Sweeney, Concerned Sportsmen of Michigan, spoke on the APR experiment in the CWD zones. He feels the need to return to making decisions based on sound science instead of establishing policies based on the desires of stakeholder groups.

Ian Fitzgerald, MUCC, supports current changes to the fur bearer regulations and is advocating for further changes including allowing the hunting of bobcats from an elevated platform and allowing the use of other firearms other than a shotgun from an elevated platform for squirrels.

Elliot Hubbard does not think the baiting and feeding ban is working for a few reasons, one being that not everyone is following the rules, and the other being the lack of law enforcement officers to oversee regulations. He would like to see a lot more discussion and thought process into areas that have low CWD with allowing to bait.

Millard Holton from Mason spoke on elevated platform hunting. He wants bobcat to be allowed to be hunted from a platform, the only remaining species that is not allowed in this form of hunting.

Julie Duke, Attorneys for Animals, came before the commission because of AFA's concern about the effects of lead and other toxic ammunition on wildlife and humans; and to call upon the NRC to regulate its use.

Melvin Smith has been big supporter of the APR/CWD Study. He suggests eliminating late season or damage control permits and would like to see more drop boxes and the successful hunter patch available at the boxes or mailed through the DNR. He would like to see the data from the study when complete.

Aalden Guilmette spoke on U.P. deer hunting. He is concerned that the hunters have declined in the U.P. because regulations are more restrictive. He thinks restrictions are not based on science, but on special interests.

Eric Schnelle, QDMA, spoke on deer management recommendations. QDMA continues to focus on protecting a majority of yearling bucks and continues recruitment of active hunters. He is asking the DNR to consider bringing pro and con APR groups together to debate as well as revisit northeast Michigan APR recommendations made in 2017.

Dr. Catherine Neuhoff from Harrison Township spoke on the need to prohibit animal killing contests as she believes they are unsporting, cruel, and comparable to dog fighting.

Molly Tamulevich, Michigan State Director for the Humane Society of the United States, asks the commission to follow other states in prohibiting animal killing competitions in Michigan, which allows the killing of animals in exchange for cash and prizes. She is also asking the commission to take a strong stance against wolf hunting, if the species is removed from the endangered list.

Maria Leonardi urges members to continue to use a sound, peer-reviewed science and moral compass, informed by the majority of Michigan, for guidance for creating policy and to protect wolves, sand cranes, mourning doves, and moose from unnecessary and unwarranted hunts.

Seven Mattes professor at MSU, asked commissioners to consider viewpoints of students' concerns; 85% of her students surveyed are against wildlife killing contests.

Dale Hendershot backs Millard Holton's request on hunting with a tree stand. Secondly, they would back hunting of bob cat during legal hours from a tree stand and would like to add raccoon and opossum to the nighttime regulations as it is in the daytime regulations. Concerned with the beaver trapping regulations.

Nick Green, MUCC, reminded everyone that conservation is almost exclusively funded through hunter, angler, and recreational shooter dollars. As for Ms. Duke's comments, some older shot guns do not allow for steel ammunitions. MUCC does have a resolution coming to the convention this year asking they support the voluntary use of non-lead alternatives where practical. They are also sensitive to the fact that not all firearm owners are able to use steel in place of lead. **Commissioner Creagh** said he does not know of any lead toxicity studies that have been done on wildlife and is asking the department to look into it. **Director Eichinger** said they will bring a presentation back to the commission.

Chair George Heartwell adjourned the public appearances portion of the meeting at 2:56 p.m. and called to order the regular meeting of the commission. 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

NATURAL RESOURCES COMMISSION – FOR INFORMATION ONLY

Furbearer Regulations Wildlife Conservation Order Amendment No. 1 of 2020

Use of Electronic Trap Monitors for Nuisance Animal Control Businesses Wildlife Conservation Order Amendment No. 2 of 2020

Commissioner Walters said he is working with the department on establishing two motions relative to the WCO Amendment No. 1; one that would include hunting bobcat from an elevated platform during daylight hours; the other would be including racoon and opossum to be hunted in an elevated platform during nighttime hours.

Commissioner Tracy expressed his concern that both items will be taken up for action next month when no substantive presentation about either item occurred during the Committee of the Whole where minutes of the meeting are taken for public record. He requested that they again put them up for information only next month in March during the Committee of the Whole and then take action in April. He thinks it needs to be the case going forward rather than having the substantive comments be made during the Wildlife Committee where there is no public record.

Chair Heartwell stated that there are things they need to look at process-wise as a body to make the commission more efficient, effective, and transparent, and he is grateful for the comments.

NATURAL RESOURCES COMMISSION – ACTION

Approval of Minutes, January 9, 2020, Natural Resources Commission Meeting

Commissioner Walters made a motion for approval of the minutes of the January 9, 2020 NRC meeting. **Commissioner Tracy** supported the motion, and the motion carried unanimously.

Special Fishing Regulations for Warmwater Species on Select Waters – Fisheries Order 206.20A

Commissioner Walters moved for a motion to adopt Fisheries Order 206.20A. **Chair Heartwell** seconded and called for discussion.

Commissioner Creagh is concerned that there is zero bag limit for blue gills. He would like the department to generate data and develop limits.

Commissioner Tracy expressed concern that this item was for information only previously, but again, no presentation was made before this body. He suggested they not take action now, put it back up for information in March with a presentation from Chief Dexter, and follow up for action in April.

Chair Heartwell asked the department if they could get a full report before the Committee of the Whole before they take action on it. **Director Eichinger** said their biologists have surveyed the lake already and that went into the development of the order. With respect to presenting material to the Committee of the Whole, that has always been an option for the commission.

Chair Heartwell would like to further discuss process of improvement of the commission and how to run it more smoothly. A vote was taken to adopt Fisheries Order 206.20A. The order was adopted with all in favor, except **Commissioner Tracy** being the lone nay vote.

Commissioner Tracy stated that he is not voting no because of substantive concern but voting no because of the process concerns.

DIRECTOR – ACTION

Chair Heartwell asked **Director Eichinger** if he plans to sign all action items on the agenda and **Director Eichinger** indicated he would approve all items. There being no questions, **Chair Heartwell** moved on to Old Business.

OLD BUSINESS

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

Commissioner Tracy asked if the lawsuit against the commission was dismissed and the FOIA requests was withdrawn. **Dan Bock, legal counsel**, said it was his understanding that the lawsuit and FOIA requests were withdrawn. **Commissioner Tracy** said there is a new lawsuit brought forth by two former NRC Commissioners. He recommended that the Attorney General's Office contact their attorney to obtain more information about the former commissioners' claim. He also suggests that the Attorney General's office put together a meeting with all parties from this current and past lawsuit to put it to rest because he does not want the NRC to keep getting sued. **Commissioner Walters** suggested that if a meeting is scheduled that the chairman select commissioners to represent the NRC at the meeting.

Commissioner Report

Commissioner Walters thanked **Rex Schlaybaugh** for serving on the commission as a great advocate and that he will be missed. He finds it appalling that **Anna Mitterling** will not be serving with them. He enjoyed serving with her and stated that she is bright, energetic, and understands both sides. On February 1 he attended the Citizens Advisory Committee and learned about a lot of what they were discussing on waterfowl. This past Saturday he went to Turtle Lake Club to study whitetail deer and it was very informative. He welcomed **Chair Heartwell** and looks forward to working closely with him.

Commissioner Creagh welcomes **Chair Heartwell** and thanked him for his service. He spent some time in California in the Redwoods and said it was awe-inspiring; it caught his attention on how quiet it is and found it fascinating. He was going to go to the Upper Peninsula to attend the meeting but instead became a grandfather.

Commissioner Tracy is sad not to be serving with **Anna Mitterling** and was looking forward to getting to know her better. Politics are politics but what they forget is people get caught up in the process. He is sad about it and has sent Anna a note supporting her.

Director Eichinger is heading to the Upper Peninsula to attend the Sportsmen's Alliance meeting in Iron Mountain then back to Marquette for the U.P. Whitetails of Marquette County banquet. They will find the time to appropriately acknowledge **Rex** and **Vicki** for their service on the commission, and he looks forward to working with **Chair Heartwell**. It was shameful with respect to what happened to **Anna** with her position on the commission. She is precisely the kind of person they need on the commission, only to be denied a position because of silly politics. Her nameplate will sit on the table until she is rightfully restored to the place that she belongs on the commission.

Adjournment

Chair Heartwell thanked everyone for a good meeting and announced that the next meeting is scheduled for March 19, 2020, at Lansing Community College, Gannon Building, 422 North Washington Square, Lansing. The committee meeting that day will be the NRC Policy Committee on Wildlife and Fisheries.

The meeting was adjourned at 3:26 p.m.



David Nyberg, Acting Chair



Daniel Eichinger, Director

DATE: April 16, 2020