

Eastern Upper Peninsula Citizen Advisory Council (EUPCAC)

DRAFT* Meeting Minutes *DRAFT

Tuesday, June 7, 2022

6:00-8:30pm Eastern

Lake Superior State University Cisler Center, Sault Ste. Marie

Chair: Tom Buckingham Vice-Chair: Gary Gorniak Secretary: Jack Thomas

Council Members Present

Tom Buckingham	Bernie Hubbard	Jack Thomas
Ken Collier	Travis Kangas	Julie Weist
Kyle Edwards	Robert Liebermann	Tony Wright
Al Garavaglia	David Lieble	
Tim Hass	Tom Paquin	

Council Members Excused/Absent

Jarrold Biebel	Grant Dewitt	Gary Gorniak
Jeff Cox	Kevin Erickson	Mark Spencer

Department of Natural Resources (DNR) Staff Liaisons & Guests

Kristi Dahlstrom, Executive Division, Marquette
Sgt. Mark Zitnik, Law Enforcement Division, Newberry
Stacy Haughey, UP Field Deputy, Executive Division, Marquette
Jay Wesley, Fisheries Division, Plainwell
Scott Lakosky, Forest Resources Division, Newberry
PJ Costa, Parks & Recreation Division-Eastern UP Trails, Newberry
Dave Jentoft, Wildlife Division, Sault Ste. Marie
Michelle Zellar, Facilities & Operations Division, Newberry

Call to Order/Introductions

The Eastern UP Citizens' Advisory Council meeting began at 6:00pm with **Chair Buckingham** welcoming everyone to the meeting. Council members, staff, and public attendees in the room introduced themselves.

Adoption of Agenda

Chair Buckingham asked the Council if there were any corrections or additions to the agenda; none were brought forth. **Mr. Paquin motioned to adopt the agenda as presented; Secretary Thomas supported the motion. Ayes: All. Nays: None. Absent: See listing on page 1. Motion carried.**

Approval of Previous Meeting Minutes

Chair Buckingham asked the Council if there were any corrections to the April 27, 2022, EUPCAC meeting minutes which were emailed to the Council previously; none were brought forth. **Mr. Hass motioned to approve the minutes as submitted; Ms. Weist supported the motion. Ayes: All. Nays: None. Absent: See listing on page 1. Motion carried.**

Chair Comments

Chair Buckingham stated he did not have any additional comments to bring to the table.

Public Comments on Agenda Items

Chair Buckingham opened the floor for public comments on agenda items only; none were brought forth.

DNR Reports from Division Staff

Written staff reports were provided via email to Council members on May 31, 2022. The following were verbal additions to those reports:

1. **Stacy Haughey, UP Field Deputy:**

- Beginning June 13, Mr. Dave Lemmien will begin his new role as the U.P. Wildlife Supervisor. This position was previously held by Mr. Terry Minzey who retired. Mr. Lemmien has been with the DNR for 27 years and has been a high school referee for 20 years. **Ms. Haughey** indicated she was fortunate to sit on the interview committee.
- Last week, Sgt. Mark Leadman of Marquette County was presented with the Patriot Award. This award is given to leaders who supervise employees in the Armed Services. The award was presented during a ceremony with his family at the DNR Marquette Office and was a complete surprise to him.
- Representatives from Graymont were thanked for attending the council meeting.

2. **Jay Wesley, Fisheries Division:**

- There were no additional items to add to the written report.

3. **Scott Lakosky, Forest Resources Division:**

- The prescribed burns mentioned in the division report were completed with success. The burns were conducted to encourage blueberry promotion for wildlife purposes.

4. **Sgt. Mark Zitnik, Law Enforcement Division:**

- **Sgt. Zitnik** indicated he was recently promoted to his current position.
- New officers began working at their assigned posts in the U.P. Final interviews were completed for the next CO Academy which begins July 10.
- Officers were very busy with the recent fishing opener and several citations were issued.
- A Kids Fishing Day event will be held at the DNR Pocket Park in Escanaba on June 11. Several officers will be on hand to answer questions and help with activities. He encouraged everyone to attend.

5. **PJ Costa, Parks & Recreation Division-Eastern UP Trails:**

- **Mr. Costa** introduced himself as the new trails specialist for the Eastern UP, replacing Mr. Gaberdiel who retired.
- An update to the Drummond Island East Marblehead project was given. The work has been completed and inspected, and the project will be considered closed.

6. **Dave Jentoft, Wildlife Division:**

- A listing of species that have tested positive for Avian Influenza has been posted to the DNR website. This includes positive cases in the UP.

Old Business

1. Last Wolf Management Advisory Council (WMAC) Update (Ms. Haughey):

- The last meeting of the WMAC was held on May 17th in Marquette, after meeting monthly since August 2021. The Council will be compiling their non-binding recommendations for the proper management of wolves in Michigan and submitting them to the Legislature and DNR Director.
- Recent federal legislation was introduced in May and signed by Congressman Bergman and 23 other members of Congress. It is titled, “*Trust the Science Act*” and involves removing the gray wolf from the endangered species list.

2. U.P. Chronic Wasting Disease Taskforce Update (Ms. Haughey):

- This group, implemented by former NRC Commissioner JR Richardson, was active prior to the first UP CWD case to discuss options and plans prior to the disease occurring in the UP.
- A follow-up taskforce meeting was recently held to discuss confusion surrounding an amendment brought forward at the July 2019 NRC Meeting by NRC Commissioner Dave Nyberg to establish a sunset on the no-baiting ban in the UP core CWD surveillance area. This amendment did not pass by NRC vote. However, many believed that it did pass and that at a sunset is currently active which would stop the ban on baiting this year. This misunderstanding has caused confusion and mistrust.
- **Vice Chair Gorniak** attended the follow-up meeting.
- The section of the July 2019 NRC minutes in which the amendment was voted down was displayed on screen. The current active regulations on the baiting and feeding ban in the UP core CWD surveillance area was also displayed on screen.

New Business

1. Snowmobile Season Summary (Mr. Costa):

- Official numbers are not available until July. Trail sticker sales will be similar to what was sold last year.
- With snow conditions below average in the lower peninsula and conditions excellent in the UP, activity was busy in the UP and trails were hit hard.
- Both resident and non-resident registrations were a little above average for the season.
- Certified instructors for snowmobile classes are needed; please spread the word.
- There were several equipment breakdowns this year. New equipment distribution based on funding allocations is currently in process.
- There are currently 8 snowmobile clubs that are dual use (snowmobiles and ORVs). This is highly encouraged and results in better help for the trails system.
- Discussion took place on getting help for the Straits Area Snowmobile Club. It was asked if the funding they received would go back into the program if not completed. **Mr. Costa** indicated it's possible; however, he will push to get the projects done such as the culvert project at Bissell Creek. It has been extremely difficult to find contractors in the area to do the work.
- **Mr. Collier** indicated Hendricks Township has had 6 injury calls and 1 death; in previous years, there were no calls. He is not sure if it's related to trail conditions, grooming, ORV use creating issues for snowmobiles, etc. He asked if that area could have an extensive review. **Mr. Costa** will contact him after the meeting to discuss further.
- **Mr. Liebermann** asked if the increase in ORV traffic increases license sales. **Mr. Costa** indicated 2022 sales are already above 2018, 2019, and 2020, and is not quite to 2021 levels, which was a banner year. ORV traffic in the UP is heavy. **Mr. Liebermann** noted the St. Ignace railroad trail,

which is on national forest land, has deep holes and reinforces bad behavior to go off trail to avoid them. It really needs grading work. **Mr. Costa** stated the local club has been struggling the last few years. **Mr. Paquin** added the club has good people, but the leader's job takes him away for the summer. He suggested using the DNR's Cheboygan field office to help out. **Ms. Haughey** indicated she will schedule a call to discuss this option further.

2. Hunter Safety Program Issues (Ms. Haughey):

- At the last meeting, **Vice Chair Gorniak** mentioned issues hunter safety instructors were having with communication and noted a resolution on the issue being considered by MUCC.
- The Negaunee Rod & Gun Club also contacted **Ms. Haughey** to attend one of their meetings to discuss some of the same issues with their instructors.
- **Ms. Haughey** met with Lt. Wanless, Law Division's Recreational Safety Education Administrator, regarding the issues brought forward.
- Admittedly, there has been a gap in communication due to the pandemic. Some functions are also going digital which have been difficult for some instructors. These issues have been recognized and are currently being addressed.
- A rule regarding who could be on site during a class (not permitting the help of volunteers at the time) was misconstrued as a forever rule; however, the rule was pandemic related and is no longer active.
- The Hunter Education Field Coordinator position for the UP, vacant since Cpl. Dave Painter's retirement, has now been filled by Cpl. Doug Hermanson (phone number and email shown on screen). This will fill the void of a UP presence and increase communication between the DNR and hunter safety instructors. **Sgt. Zitnik** added Cpl. Hermanson has been with the DNR Law Enforcement Division for over 12 years, lives in Houghton County, is extremely smart, and will be a great fit for the role.

3. Property Rights Along Shorelines-Great Lakes vs. Inland Lakes (Ms. Haughey):

- Two meetings ago, **Chair Buckingham** suggested an overview of the rights of people around bodies of water in Michigan.
- *Great Lakes:* The water in the Great Lakes is owned by the general public according to the Public Trust Doctrine. Neighboring property owners do not own the water or land under the water. The boundary line between the public trust land and water and the "upland" that can be privately owned is the Ordinary High Water Mark (OHWM). A Department of Environment, Great Lakes, and Energy's pictorial description of OHWM was displayed as well as other definitions from various online sources. **Sgt. Zitnik** explained the Great Lakes differs from inland lakes in that private property owners have to let people pass through on the beach below the high water mark. Those passing through cannot loiter, picnic, sunbath or pick rocks, for example.
- *Inland Lake Shoreline Ownership:* The general rule for riparian rights is ownership for inland lands is a pie shape from land to the center of the lake. A handout from the Michigan Lakes and Streams Association explaining riparian rights in detail was provided to council members. (<https://mymlsa.org/government-and-legal-issues/riparian-rights-in-michigan/>)
- *Navigable Rivers:* Navigability, as far as private ownership, on rivers is more difficult. If there is a private owner of a dam on a lake, the pie shape rule does not apply. Angler harassment was described. **Chair Buckingham** asked about floating on a river and setting traps along the sides. **Sgt. Zitnik** stated if there is private property on either side of the river, traps cannot be set. **Mr. Hass** mentioned multiple litigation cases involving riparian rights on lakes and rivers. Discussion

ensued from various divisional DNR staff regarding their experience dealing with complaints and questions.

- **Ms. Haughey** noted it was beneficial to have all the divisions present to get perspectives on this topic.
- A handout of all the slides was provided to council members via email and in their meeting packets.

4. Spread of Invasive Species by Vehicles/ORVs (Ms. Haughey):

- This topic was brought up at the last meeting by Mr. Smith during public comment. The example given were vehicles on trails, mudding, and jamborees on Drummond Island. A comparison was made between this type of activity and boating activity where washing stations are available to clean off boats as they come out of the water (which is voluntary).
- Discussion ensued regarding various ways this topic could be addressed (through the event permit system, sponsorships, what other states are doing), with the many agreeing education may be the only route for such a large-scope item.
- It was noted there is currently no outreach or education on invasive species on Drummond Island.
- An educational page from the DNR website under invasive species prevention was shown on screen. The one-page information piece was directed towards hunters and trail users.
- An article from The Sault News dated 4/27/22 was also shown on screen and was directed towards preventing the spread of invasive species after using the trails.
- **Ms. Haughey** stated she felt it warranted another conversation and will look into it further.

5. Additional Agenda Items Added by Council: **Chair Buckingham** noted several representatives from Graymont were present to answer questions that were brought up at the last meeting. He invited them to address any topics or questions from the Council at this time.

- *Graymont Update and Q&A:* Mr. PJ Stoll, Mr. Steve White, and Mr. Robert Cook were invited to answer any questions from the Council regarding Graymont's progress, future plans, trail impacts, etc. Mr. Stoll introduced himself as the regional operations manager and stated it is good to be back at the CAC meetings again. He spoke about the company, who has a strong interest in the Rexton area. Efforts for a future manufacturing facility in the eastern portion of the area is the current focus. An update on recent crushing campaigns was provided. He stated the company has had made great efforts to collaborate with the community. The Graymont Economic Development Fund, in which Graymont contributes \$100,000/year, is going well. **Chair Buckingham** stated he has sat on this committee for a few years now and it is very beneficial to those receiving grants from this fund.
- *Questions:*
 - **Mr. Paquin** stated he has been involved in the Graymont process through the DNR from day one before he retired. He had asked at the last meeting about an update on the relocation of trails. Mr. Stoll indicated there are no plans to relocate any trails at this time. It is listed in their process so that if it is decided, Graymont would meet with the public and the DNR before plans are set. He stated if a trail comes through an area of their property and a section has to be closed for some reason, they will make sure there is still an entry point. They are in the process, with a permit from EGLE, to put a rail line up north into a future manufacturing site. When that goes through, a trail (Molly Gibson Road) may be slightly re-routed.

- **Mr. Garavaglia** asked about a timeline for the manufacturing facility. Mr. Stoll indicated they have been working through the EGLE permit process for over a year and are hopefully getting to a point where EGLE will schedule public meetings.
- **Mr. Paquin** asked how many people have been put to work with the project. Mr. Stoll stated they have created 20-30 full time jobs. Local contractors are utilized who employ local folks. **Mr. Paquin** stated the people overseeing the camp (American Legion) that moved downstate is doing very well.
- **Mr. Garavaglia** asked about putting a scale at the east quarry. Discussion ensued regarding the reasons why a scale has not been installed. He noted north Borgstrom in Mackinac County will be resurfaced in July.
- **Mr. Liebermann** asked for more information about the manufacturing facility. Mr. Stoll stated it would be a more modern facility for lime manufacturing, possibly using natural gas rather than coal as its energy source. They do sell limestone to local companies. Routes taken for trucking were explained.
- **Chair Buckingham** and the Council thanked Mr. Stoll, Mr. White, and Mr. Cook for attending and answering questions.

Subcommittee Reports

1. **Fisheries Subcommittee Report (Vice Chair Gorniak):**
 - There are no items currently before the committee.
2. **Policy Impact Subcommittee Report (Mr. Hass):**
 - There are no items currently before the committee.

Next Meeting

1. **Next EUPCAC Meeting:** **Chair Buckingham** indicated the next meeting of the EUPCAC is scheduled for Thursday, August 4 at Munising Township Hall in Wetmore. **Ms. Haughey** indicated she will look into a tour of the local visitor's center earlier that day.
2. **Items for Next Meeting Agenda:** **Chair Buckingham** noted topics or issues for the next agenda can be sent to him, Ms. Haughey or Ms. Dahlstrom.

Public Comments (Any Topic)

Chair Buckingham opened the floor for public comments on any topic; none were brought forth.

Closing Comments from the Council

Chair Buckingham opened the floor for closing comments from the Council and DNR staff; none were brought forth.

Ms. Haughey stated in light of the meeting being finished early, she'd like to solicit input and feedback from both Council members and DNR staff on how to make the council meetings more effective and/or more efficient as well as thoughts on future topics. Currently, staff attend 6 meetings a year in the Eastern UP and it has been suggested that staff attend less meetings. Comments and suggestions included the following:

- Thank you for allowing council members to be a part of these meetings. The information you provide is excellent, and staff do a great job.

- In previous times, law enforcement had to attend these meetings in mass. Not anymore. More media attention of the items on the agenda would be helpful to encourage more of the public to attend.
- There are staff that do other things, and it would be nice to talk about issues other than wolves and deer.
- State parks are a jewel but hardly any have full hookups and these days, RVs are larger and are finding it difficult to move around in state parks. Topics such as these would be helpful.
- Other matters the general public should be aware of would be beneficial. Spending 45 minutes on wolf management is not necessary, especially since resolutions have been passed that state the Council's opinion. Haven't had to say anything about hiking trails because North Country Trails and the DNR have done a great job.
- It is good to move meetings to different locations to get the word out more and provide an opportunity for other people to come.
- Regarding rotating divisional staff at meetings, meetings are far enough apart to warrant attendance and things come up during the meeting that could go a half a year with no report on it. Moving meetings around is good, but gas prices at this time are a deterrent. Perhaps offer council members more opportunities to attend virtually.
- Fuel prices may rule how we meet in the near future.
- It would sell everyone short if representation from divisions weren't here.
- It was nice to have some of the more senior staff attend once in a while, like they do at the Joint UPCAC meetings when they were held pre-pandemic. **Ms. Haughey** noted the next Joint UPCAC meeting is October 12, 2022.
- Increase the opportunity for college students to attend to get the younger generation involved.
- Arrange a tour with the new fish lab at LSSU.
- Have topics on DNR partnerships; the variety of partnerships and projects are immense and are a vested interest to everyone.
- Thank you to the Council for having these meetings. Make it a point to have a focus on a victory lap, the success of a program like the BOW for instance.
- An educational component to the meetings would be nice, like the school forestry program, CFA or QFA.
- Would be helpful to have an overview of the grants available through the DNR.
- Information about the shore to shore birding trail would be interesting.
- Have been on the Council for 4 years and don't always have a lot of questions. The division report has great information about wildlife and forestry, but an update on invasive species or game land birds would be helpful.
- Perhaps hold a meeting at the Tahquamenon Falls State Park when the new store is done to showcase the bridge and the park itself.
- Showcase different partnerships with other programs to show how the DNR is fostering its many relationships in communities.
- Easements, public to private land would be a great topic. Limitations, successes, how to work better and be more visible.
- Recent listing of bats, habitat conservation plan update.
- Staying current on what is happening in the local area is important, and that includes the eastern UP residents' concerns with wolf management. Discussion ensued on the lack of impact on legislation, being proactive, allowing the public to help with inspections in the field, being ready to act, etc.

Ms. Haughey thanked the Council and staff for their feedback and suggestions for future topics.

Adjourn

There being no further business, **Chair Buckingham** thanked everyone for attending. He adjourned the meeting at 7:43pm Eastern.