



*"Our mission is to upgrade and maintain
a safe and efficient road system"*

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TO: Essential/Emergency Services and News Media
FROM: Grand Traverse County Road Commission
DATE: May 17, 2023
SUBJECT: RECORD EAGLE ARTICLE
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FOR IMMEDIATE RELEASE

Traverse City.

The article this morning in The Record Eagle regarding the DNR, GTCRC, and roadkill contains inaccurate information and misquotes. The author has made uninformed interpretations of a boilerplate statement by the DNR and presented those interpretations as committing the GTCRC to resuming activities which would still present potential legal ramifications for this organization, our employees, waste management organizations, and property owners. A significant misquote also exists in the article. The article reads "It begin (sic) as matter of funding." The quote provided to The Record Eagle explained that this matter did not begin as a matter of funding.

GTCRC has reached out to and engaged with multiple members of The Record Eagle staff on this matter. As of the writing of this memo, it is our understanding that The Record Eagle is removing the story from digital publications and is considering a response in print tomorrow. Unfortunately, regardless of the response by The Record Eagle, this article has already gone to print and been posted online.

Here is what is known to be true:

1. The DNR has authored language that says "...contractors and others have the authority and thus permission to transport road killed deer for proper disposal in landfills or other lands with permission of the landowner."
2. The DNR is interpreting the public road right-of-way as an easement where an adjacent property owner, public or private, can revoke permissions or otherwise obstruct road maintenance activities. Road maintenance authority within the public road right-of-way is codified in several MCLs.



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3. This boilerplate statement by the DNR does not address the requirements set forth in the Natural Resources and Environmental Protection Act (Act 451 of 1994) or the DNR's Wildlife Conservation Order or exempt road agencies or their employees from the responsibilities thereto. Any DNR officer may interpret previously allowed road commission activities as a violation of either of these mandates and cite/fine the organization or employee.
4. This boilerplate statement by the DNR does not address the requirements of property owners, public or private, set forth by EGLE regarding surface and groundwater contamination by animal carcasses. "Permission of the landowner" is not adequate to dispose of roadkill. Significant and additional operational and administrative burdens are incurred by all involved should the DNR's recommendation for using property outside of the road right-of-way be followed and EGLE's requirements be adhered to. Following the DNR's recommendation without consideration of EGLE requirements may result in the GTCRC, its employees, and accommodating property owner(s) being cited/fined.
5. This boilerplate statement by the DNR does not address the requirements of property owners, public or private, set forth in the Bodies of Dead Animals Act (BODA) regarding carcasses other than Cervidae (deer). Deer are not the only large carcasses removed from the path of travel by the GTCRC. Following the DNR's recommendation without consideration of BODA requirements may result in the GTCRC, its employees, and accommodating property owners being cited/fined.

When you see road workers, Drive like YOU work there!