



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

RESUBMITTED: April 11, 2005
May 9, 2005

Memorandum to the Natural Resources Committee

SUBJECT: Bear Baiting

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Currently hunters shall not use bait containers for the purpose of baiting black bears. Concerns include bait containers being left as litter, as well as disease issues.

This order recommends that hunters may not use containers on public or commercial forest lands as defined in Part 511, Commercial Forests of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws. Bait containers will be legal for use on private lands except commercial forest lands as described above. Concrete was added to the list of container materials in response to concerns from the Law Enforcement Division.

Recommendation:

This order is being submitted to the Natural Resources Commission for information and consideration. This item appeared in the April 25, 2005 Calendar and is eligible for approval on June 2, 2005.

William E. Moritz, Chief
Wildlife Division

Alan Marble, Chief
Law Enforcement Division

Arminda S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 10 of 2005

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective June 5, 2005, the following sections of the Wildlife Conservation Order shall read as follows:

3.205 Bear; unlawful acts.

Sec. 3.205. (1) It shall be unlawful to establish or tend a bait station that attracts bear prior to 31 days before the bear hunting season in any management unit. It also shall be unlawful to tend or establish a bait station for the purposes of attracting bear after the close of bear season in any management unit. For the purposes of this section, "bait station" means a site where food or lure is placed that may attract bear.

(2) It shall be unlawful to hunt over an illegal bait. For the purposes of this section, "illegal bait" means bait that attracts bear prior to the legal baiting period defined in subsection (1); or is not placed on the ground on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws; or contains plastic, any wood products, paper, glass, rubber, concrete, or metal on public or commercial forest lands; or has, within 100 yards of the bait site, any containers used to transport bait to the baiting site.

(3) It shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products if the bait is placed in an area when it is unlawful to feed deer or elk or bait deer. In an area where the baiting of deer, or feeding of deer or elk, is regulated by this order or state law, a person may hunt over, place, establish or tend a bait station using food materials that lure, entice or attract deer or elk only if the person uses these food materials in compliance with the volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. Notwithstanding the provisions of this subsection regarding the use of food materials which may lure, entice or attract deer or elk, a person may, except for those counties listed in subsection 3.100(5), use up to 2 gallons of grains at any 1 point in time per bait station prior to October 1 if the grains are placed on the ground in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the grains.

(4) It shall be unlawful to use metal containers, tires, plastic, wood, glass, fabric, cloth, concrete, or paper at a bait station on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws;

(5) It shall be unlawful to place bait other than on the ground at bait stations on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws.

(6) Any containers used to transport bait to the bait station must be removed and disposed of properly.

(7) It shall be unlawful for any person or their authorized representative to establish or tend more than 3 bait stations.

(8) It shall be unlawful for any nonresident to assist in any manner another person in taking bear for a fee or other consideration or service of value, either directly or indirectly.

(9) It shall be unlawful for a person that transfers their success in the bear lottery to a minor hunter or adult hunter with an advanced illness to assist the minor hunter or adult hunter with an advanced illness in any manner in taking bear for a fee or other consideration or service of value, either directly or indirectly.

(10) It shall be unlawful for a person to buy or sell success in the bear license lottery, or an adult to acquire a license after being unsuccessful in the lottery, unless the person has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

(11) It shall be unlawful to take a cub bear. "Cub bear" means a bear less than 1 year of age. It shall be unlawful to take a female bear accompanied by a cub bear.

(12) It shall be unlawful to disturb, harm, or molest a bear in its den at any time.

(13) A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a bear while the bear is swimming in a pond, lake, stream, or other body of water

Issued the 2nd day of June, 2005.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director