JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: January 12, 2009
RESUBMITTED February 9, 2009

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

SUBJECT: Crossbows Regulation
Wildlife Conservation Order Amendment No. 2 of 2009

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, crossbows are legal for use by deer hunters 12 and older during the November 15-30 firearm deer season. Additionally, hunters with certain disabilities which prevent them from hunting with conventional archery equipment may qualify for a crossbow permit to hunt any game. This permit requires a physician or a physical/occupational therapist to certify that the medical condition conforms to specific criteria.

The Natural Resources Commission (NRC) Policy Committee on Wildlife and Fisheries has hosted crossbow discussion meetings in association with the NRC's October-January meetings. Many hunters have testified in favor of allowing crossbows during any hunting season, while others have objected to allowing crossbows during bow and arrow deer seasons. The Wildlife Division has stated that the use of crossbows would not have a detrimental effect on wildlife populations.

Changes being presented for consideration include: making crossbows legal during any hunting season in which a firearm is legal to use; making crossbows legal in Zone 3 during the December 1 to January 1 bow and arrow deer season; and making crossbows legal for seniors (65 and older) during any deer hunting season. These expanded crossbow hunting opportunities would be available to the general hunting community under existing licenses as new hunting regulations without special permits.

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair ● Mary Brown ● Hurley J. Coleman, Jr. ● John Madigan ● J. R. Richardson ● Frank Wheatlake

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The Wildlife Division also recommends a requirement that licensed hunters that intend to hunt with a crossbow be required to obtain a free crossbow stamp from any license agent. The crossbow stamp will be considered a part of the hunting license when crossbow hunting. This requirement will provide the ability to conduct targeted surveys of crossbow hunters which will provide data for evaluating the retention and recruitment benefit of allowing expanded crossbow use.

Pursuant to MCL 324.40116, hunter orange is required for all hunters during daylight hunting hours from August 15 through April 30, except those taking deer or bear with bow and arrow, turkey hunters, or migratory bird (other than woodcock) hunters.

Recommendation:

This order was submitted for information on February 5, 2009, at the Natural Resources Commission Meeting. This item appeared on the Department's February 2009 calendar and may be eligible for approval on March 5, 2009.

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management

David Freed, Chief
Land and Facilities

Ron A. Olson, Chief
Parks and Recreation

Arminda S. Koch
Resource Management 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. 2

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective March 6, 2009, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.
Sec. 2.1. Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "shotgun, handgun, black-powder firearms only area" from November 15 to November 30, or use to take a deer during any firearm deer season in the "shotgun, handgun, black-powder firearms only area," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

(7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(9) Take any animal at any time other than during the hunting hours and open seasons established in this order except as may otherwise be provided in chapter VI.

(10) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(12) Make use of a dog in hunting deer except that a dog may be used to locate a down and mortally wounded deer if the dog is kept on a leash and, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, none of the persons in attendance possess a firearm, crossbow, or bow and arrow. If the tracking is done at night, artificial lights ordinarily carried in the hand may be used. A dog that barks while tracking the deer shall not be used on public lands.

(13) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently disabled person who holds a special permit provided for in part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or this order.

(14) Use aircraft to aid in the taking of a wild bird or wild animal.

(15) Take deer with a crossbow during the open bow and arrow only seasons, except deer in zone 3 during the December 1 to January 1 bow and arrow deer season by hunters age 12 or older, unless they have been issued a crossbow permit pursuant to section 5.95, or if the hunter is age 65 and older.

(a) Notwithstanding any other provisions of this order, a hunter age 11 and younger may not use a crossbow to take game during any open hunting season.

(b) A person licensed to take game as required by part 435, hunting and fishing licensing, of the natural resources and environmental protection act, act no. 451 of the public acts of 1994, who intends to hunt with a crossbow shall request and be issued a free crossbow stamp. The crossbow stamp shall be part of the license to hunt with a crossbow.

(c) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length.

2.4 Permissible use of artificial lights.

Sec. 2.4. (1) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used from September 15 to March 31 by a person traveling afoot with a bow and arrow, crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, the person shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(2) Persons not possessing a bow, crossbow, or firearm while traveling afoot may use lights as defined in subsection (1) during dog training or field dog trials to follow dogs chasing raccoon, opossum, or fox.

2.5 Hunting hours, exceptions; prohibited activities.

Sec. 2.5. (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in subsection (1) and during those dates specified for the use of artificial lights in sections 2.4 and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell may take within their specified open seasons raccoon, opossum, and fox with the aid of dogs; and fox and coyote, during the season open to the taking of fox, with the aid of a game or predator call. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, a person hunting these species during the nighttime hunting hours shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(3) Except for woodcock and crow, the hunting and hawking hours for all waterfowl and migratory birds shall be as listed in the state waterfowl hunting guide. The hunting hours for woodcock shall substantially conform to sunrise to sunset and shall be as published in the Michigan hunting and trapping guide. The hunting hours for crow shall be as specified in subsection (1).

(4) The hunting hours for wild turkey during the spring season shall substantially conform to one-half hour before sunrise to one-half hour before sunset, and shall be those starting times and ending times published in the state hunting guide for wild turkey.

(5) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, except during the hunting hours specified in this section and as otherwise provided by subsection (2), a person shall not possess afield a firearm unless it is unloaded in the barrel, or crossbow or a bow and arrow unless all arrows and bolts are placed in a quiver. A person may, to comply with section 4.1(2), kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm, a cocked crossbow, or bow with nocked arrow only at the time and at the point of kill. Notwithstanding any other provision of this subsection, a person hunting under the authority of a wild turkey license during the spring wild turkey season may load and carry a loaded firearm afield while going to their hunting stand up to one hour prior to the spring wild turkey hunting hours.

2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking deer or bear with firearm from scaffold, raised platform or tree allowed; use of scaffold, platform, ladder, steps or certain other devices in taking an animal on publicly owned lands, exception.

Sec. 2.8. A person may hunt with a crossbow or a bow and arrow from a scaffold, raised platform, or tree. A person taking deer or bear with a firearm may use a scaffold, raised platform, or tree. A person taking fox or coyote with a firearm one-half hour before sunrise to one-half hour after sunset may use a scaffold, raised platform, or tree, pursuant to all other hunting regulations. In taking an animal, a person shall not do any of the following on publicly owned lands:

(1) Permanently construct or affix to a tree or other natural feature a scaffold, platform, ladder, steps or any other device to assist in climbing a tree, or use any item that penetrates the cambium of a tree in the construction or affixing of any device to assist in climbing a tree.

(2) Use or occupy a scaffold, raised platform, ladder, or step that has been permanently affixed or attached to any tree or other natural feature.

(3) Nothing in this section shall prohibit a scaffold or platform temporarily affixed to a tree by use of a T-bolt or similar device supplied by the manufacturer at the time the scaffold or platform was purchased.

(4) Use or occupy a scaffold or raised platform without having first etched, engraved, implanted, burned, printed, or painted on the scaffold or raised platform, the name and address of the user in legible English easily read from the ground.

(5) Use, occupy, or place a scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree if the scaffold, raised platform, ladder, steps, or other device is on public lands earlier than September 1 of each year or is not removed by March 1.

3.2 Elk hunting firearms and bows, exceptions.

Sec. 3.2. Those firearms, crossbows, and bows legal for the taking of deer in Michigan shall be legal to take elk, except that it shall be unlawful to use a shotgun with buckshot to take elk.

3.101 Deer hunting open seasons; type of deer that may be taken; carrying of firearms; season limit.

Sec. 3.101. (1) The open firearm deer season shall be from November 15 to November 30.

(2) The open muzzle-loading and black-powder firearms deer season in zone 1 shall be a total of 10 days from the first Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 2 shall be a total of 10 days from the second Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 3 shall be a total of 17 days from the first Friday in December to 16 days thereafter.

(3) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, a person hunting deer with a muzzleloading firearm during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a muzzle-loading rifle, muzzle-loading shotgun, or black-powder pistol, loaded with black-powder or a commercially manufactured black-powder substitute, or a crossbow.

(4) The open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 1.

(5) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, during the open bow and arrow season, a person hunting deer with a bow and arrow or a crossbow shall not possess or carry afield a pistol, revolver, or any other firearm unless the person is properly licensed to hunt deer with a firearm and is hunting in an area open to firearm deer hunting.

(6) The late antlerless firearm deer season shall be from the first Monday following the third Saturday in December through January 1 upon privately owned lands within Alcona, Allegan, Alpena, Barry, Branch, Calhoun, Cass, Clinton, Crawford, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Montcalm, Montmorency, Oakland, Oscoda, Otsego, Ottawa, Presque Isle, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, and Washtenaw counties. Only a person possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during these seasons.

(7) The deer management assistance firearm hunt period shall be from the first Monday following the third Saturday in December through January 1 upon lands owned by federal, state, county, or local units of government,

non-profit organizations, and other urban or suburban properties in zone 3. Only those areas with a wildlife division approved deer population management plan will be considered for issuance of these special deer management assistance permits. Only a person possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm or a crossbow during this season.

(8) The season limit shall be 1 deer per firearm deer license, 1 deer per bow and arrow deer license, 1 deer per tag issued with a combination deer license, plus 1 deer per antlerless deer license.

(9) Except as provided by sections 3.101a, 3.101c and 3.101d, the kind of deer which may be taken during the respective open seasons for each combination of season and deer license type shall be as follows:

Type of license	Season in which used	Kind of deer that may be taken
Bow and arrow deer license	Bow and arrow only seasons	Antlerless or antlered deer, except if a person takes 2 antlered deer all seasons combined, one of the antlered deer must have at least 1 antler with 4 or more antler points 1 or more inches in length
Firearm deer license	Firearm deer season, muzzle-loading and black-powder firearms only season	Antlered deer, except if a person takes 2 antlered deer all seasons combined, one of the antlered deer must have at least 1 antler with 4 or more antler points 1 or more inches in length
	Youth and 100% disabled veteran firearm deer hunting days	Antlerless or antlered deer
Combination deer license – Regular	Bow and arrow only seasons	Antlerless or antlered deer
	Firearm deer season or muzzle-loading and black-powder firearms only season	Antlered deer
	Youth and 100% disabled veteran firearm deer hunting days	Antlerless or antlered deer
Combination deer license – Restricted	Bow and arrow only seasons	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length
	Firearm deer season or muzzle-loading and black-powder firearms only season	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length
	Youth and 100% disabled veteran firearm deer hunting days	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length

(10) The early antlerless firearm deer season shall be a 5 day hunt starting on the third Thursday in September upon privately owned lands within Alcona, Alpena, Iosco, Montmorency, Oscoda, and Presque Isle counties and upon privately owned lands within zone 3. Only a person possessing a valid private land antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season.

3.101e Youth and 100 percent disabled veteran firearm deer hunting days, season established, limits defined, adult requirements, hunting hours.

Sec. 3.101e. (1)The youth and 100 percent disabled veteran firearm deer hunting days shall be a 2-day hunt starting the fourth Saturday in September.

(2) Individuals wishing to participate in the youth and 100 percent disabled veteran firearm deer hunting days shall be eligible if one of the following applies:

(a) A youth 10 through 16 years of age.

(b) A veteran with 100 percent disability as defined by the United States department of veterans affairs. Documentation from the United States department of veteran's affairs indicating 100 percent disability shall be in the possession of a veteran participating in this hunt.

(c) A resident rated by the United States department of veterans affairs as individually unemployable. Documentation from the United States department of veteran's affairs indicating this rating shall be in the possession of a veteran participating in this hunt.

(3) The following rules shall apply to a person taking deer on the youth firearm deer hunting days:

(a) A person participating in youth and 100 percent disabled veteran firearm deer hunting days may take one deer provided they possess a firearm or combination deer hunting license or an antlerless deer hunting license valid for the unit in which they are hunting. Notwithstanding any other provisions of this order, during the youth firearm deer hunting days a firearm or combination deer hunting license is valid for either an antlered or an antlerless deer.

(b) A parent or legal guardian shall not allow a youth hunter to go afield to hunt deer unless the youth hunter is accompanied by an adult at least 18 years of age or older. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, an adult accompanying a youth firearm deer hunter shall not possess or carry a firearm, a crossbow, or bow and arrow, except a veteran with 100 percent disability may possess a firearm, crossbow, or bow and arrow if hunting under the authority of section 3.101e(2)(b).

(c) The hunting hours shall be one-half hour before sunrise to one-half hour after sunset, local time.

(d) Except as otherwise specifically provided in this section, all regulations of state law and this order regarding the taking, possession, transportation, and storage of deer during a firearm deer season shall apply to persons participating in youth and 100 percent disabled veteran firearm deer hunting days.

3.106 South Fox Island deer management unit, open seasons, permitted hunting arms.

Sec. 3.106. (1) The bow and arrow only deer hunting season shall be from October 1 to October 28 within the South Fox Island deer management unit.

(2) The firearm deer hunting season shall be from October 29 to November 26 within the South Fox Island deer management unit. Permissible firearms, crossbows, and bows and arrows shall be the same as those for zone 2 during the firearm deer season.

(3) A person shall not take a deer from November 27 to January 1 within the South Fox Island deer management unit.

(4) The director may establish hunting periods and quotas for the number of permits to be issued for hunting deer on South Fox Island.

3.203 Bear hunting, open seasons, described.

Sec. 3.203. (1) The open season for taking bear with firearms, crossbows, or bow and arrow in the Carney, Bergland, Baraga, Amasa, Gwinn, and Newberry bear management units in zone 1 shall be from September 10 through October 26.

(2) A person shall not take a bear on Bois Blanc Island.

(3) The open season for taking bear in the Drummond island bear management unit shall be September 10 through October 21.

(4) The open season for taking a bear with firearms, crossbows, or bow and arrow in the red oak bear management unit in zone 2 shall be a total of 7 days from the first Friday following September 15 through 6 days thereafter. The open season for taking a bear with bow and arrow only in the red oak bear management unit shall be a total of 7 days from the first Friday following October 1 through 6 days thereafter.

(5) The open season for taking a bear with firearms, crossbows, or bow and arrow in the Gladwin bear management unit shall be a total of 7 days from the first Friday following September 15 through 6 days thereafter.

(6) The open season for taking a bear with firearms, crossbows, or bow and arrow in the entire Baldwin bear management unit shall be a total of 7 days from the first Friday following September 15 through 6 days thereafter.

(a) The open season for taking a bear with firearms, crossbows, or bow and arrow in the Baldwin bear management unit, north area, as defined in section 12.557, shall be a total of 14 days from 7 days prior to the first Friday following September 15 through 6 days thereafter.

(7) There shall be no open season for the taking of bear in the Dansville bear management unit.

3.310 Taking wild turkey; firearms, bow and arrow, ammunition; unlawful acts.

Sec. 3.310. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, a person shall not use or carry afield a firearm other than a firearm designed and manufactured to fire a fixed shotgun shell or a muzzleloading shotgun while taking wild turkey. A bow and arrow or a crossbow may be used to take wild turkey. A person shall not use or carry afield any ammunition except shotgun shells loaded with no. 4 or smaller shot or no. 4 or smaller loose shot for use in muzzleloading shotguns while taking wild turkey.

3.409 Migratory game bird open season, federal refuges; prohibited acts, exception.

Sec. 3.409. A person shall not possess or carry firearms, crossbows, or bow and arrow, or take any game during the open season for taking migratory game birds on any national wildlife refuge when posted to prohibit unauthorized entry; except on that portion of the Shiawassee national wildlife refuge in Saginaw county on which duck and/or goose hunting is authorized by a daily hunting permit issued by the United States fish and wildlife service or the department.

3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.

Sec. 3.600. It shall be unlawful for any person:

(1) To use a firearm, crossbow, or a bow and arrow to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps, except for youths trapping with a junior fur harvester-trap only license.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and

address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number of the user or person possessing the catching devise.

(4) To use or have in possession 1 or more snares securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 6 inches in height, 6 inches in width, and 24 inches in depth. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take fur-bearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any protected animal or protected bird as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit a person from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season, as bait.

(9) A trap shall not be set on a beaver dam or lodge unless the trap is totally submerged below the water.

(10) To set a body gripping or conibear type trap larger than 6 inches in width as measured inside the jaw hinges on dry land or over frozen submerged bottomlands on publicly owned lands or commercial forest lands as defined by section 51101, Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being section 324.51101 of the Michigan Compiled Laws, unless the trap is 4 feet or more above dry ground or the frozen surface of the ice, as applicable, or the trap is placed in a box or similar container in such a manner that the trap is not accessible to dogs.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless any catch is released or removed upon checking the catching device. Restraining type traps and snares designed to hold an animal alive shall be checked at least once daily in zones 2 and 3 and within a 48 hour period in zone 1, except as noted in Section 5.52 (8).

(13) To use, carry afield, or set a trap with teeth or serrations.

6.3 Hunting with dogs, license requirement.

Sec 6.3. The following persons chasing or locating game with dogs during the open season for that game shall have a current valid hunting license for the game being chased or located:

(a) Any person possessing a firearm, crossbow, or bow and arrow.

(b) The owner, when present, of any dog chasing bear or bobcat.

(c) Any person conducting any activity contributing to the chase or the taking of a bear or bobcat.

13.7 St. John's marsh; additional rules.

Sec. 13.7. Within the St. John's marsh unit, St. Clair county, being that portion of state-owned lands and waters lying in sections 19, 30, and 31, T3N R16E; sections 24, 25, 35, and 36, T3N R15E; and sections 1 and 2, T2N R15E:

(1) Unless authorized by the director, hunting of all wildlife is prohibited west of the old Detroit united railway dike from September 1 until the opening of the general waterfowl season, except for bow and arrow, crossbow, and firearm deer hunting.

(2) It is unlawful to use or possess any shot, whether loose or loaded in shot shells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

Issued this 5th day of March, 2009.

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