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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: February 17, 2015
RESUBMITTED: March 23, 2015

A P P R O V E D
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MICHIGAN NATURAL RESOURCES COMMISSION
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Regulations and License Quotas
Wildlife Conservation Order Amendment No. 2 of 2015

Authority:

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

Discussion and Background:

Regulations Cycle

In keeping with efforts to stabilize bear regulations and quotas by using a two-year cycle, the Department recommends that regulations and license quotas set in 2015 remain in effect for two years. Maintaining consistent regulations and quotas for multiple years aids in evaluating the impact of regulation changes and removes one variable in bear population trend analysis (quota changes). By keeping regulations consistent, the public is better able to understand regulations, and law enforcement is better able to enforce compliance.

Regulations Changes Considered

Based on stakeholder requests and subsequent feedback from Law Enforcement Division (LED), Bear Forum members, and the internal Department Bear Workgroup, current regulations were reviewed with regard to the following possible changes: 1) Allow bear baiting earlier in Michigan, 2) Establish a more pronounced split between bait and hound seasons in the Northern Lower Peninsula (NLP) Region, 3) Limit bear registrations to Department offices only, and 4) Adjust bear season dates to avoid conflict with youth deer hunters in the Lower Peninsula. The Bear Forum is an advisory body which consists of representatives from the Michigan Bear Hunters Association, Michigan Hunting Dog Federation, Upper Peninsula (UP) Bear Houndsmen Association, Michigan United Coon Hunters Association, Michigan Fox Hunters Association, Michigan Archery Bear Hunters Association, Michigan Bow Hunters Association, Michigan Longbow Association and Michigan United Conservation Clubs. In addition, the Forum also includes a representative of the US Forest Service (which represents all three Federal Forests in Michigan), as well as non-affiliated individuals who are bait hunters. The internal Department Bear Workgroup consists of Kevin Swanson (Bear Program Biologist), Monica Joseph (Biologist, UP Region), Mark Boersen (Biologist, NLP Region), Lt. Peter Wright (Law Enforcement Division), Julie Oakes (Biologist, Southeast Region), Nik Kalejs (Biologist SW Region) and Dr. Dean Beyer (Research Scientist, UP Region).

After much consideration of social and biological factors involved, the Department recommends that no action be taken on items 1-3 noted above.

Issue Pros and Cons

During recent consultation with stakeholders and Department staff, different scenarios have been discussed at length regarding Item 4. Based on these discussions, the Department recommends that bear season in the NLP (with the exception of the Baldwin North Unit) begin two days later than present. In 2014, bear season began on a Friday (September 19) for bait hunters and opened on Saturday (September 20) for hound hunters in the Red Oak, Baldwin and Gladwin bear management units (BMUs). The Liberty Hunt, a two-day deer hunt open only to youth and hunters with disabilities, is set to open annually on the Saturday following September 15. The Department has received feedback that this overlap of dates has caused conflict among bear hunters (especially houndsmen) and Liberty Hunt participants. The Department recommends beginning the bear season two days later, on a Sunday, in order to minimize these conflicts, as hound hunters would not be able to partake until Monday. The Department does not recommend adjusting the season length. Accordingly, the season would end on the following Saturday (instead of Thursday) for bait hunters and on Monday (instead of Saturday) for hound hunters.

It is possible that some bear hunters will not be in favor of the date change. Some bait hunters may prefer the season to start on a Friday so they are able to hunt for the entire weekend. Some houndsmen may be opposed to beginning their season on a weekday.

Other States

In Maine, there is no overlap in bear season start dates and any of the deer seasons although there is some overlap with the extended deer archery season and the end of bear season. There is no limit on the number of bear licenses sold in Maine and hunter success rates have been around 25%. Harvest objectives have not been met since 2005 despite the opening of all 29 of the state's BMUs. The bear population is estimated to be over 30,000.

The antlerless deer season in Minnesota begins over a week after bear begins. Minnesota has been reducing bear license quotas since 2010 in limited BMUs in order to allow for a gradual population increase. Currently, the population is estimated to be between 10,000 and 15,000 bears.

The Wisconsin archery and crossbow season will begin on September 12, close to when hunting with dogs in most BMUs (September 9) and hunting with bait (September 16) starts. The Wisconsin bear population is estimated to be between 20,000 and 25,000 bears.

Biological

The Department does not expect adjusting NLP bear season dates to have a significant biological impact on the region.

Social

The Bear Forum is supportive of the change in dates in order to minimize conflict between bear hunters and Liberty Hunt participants.

Economic

The change in season dates is not expected to have a significant economic impact on the NLP region.

License Quotas

Michigan uses recreational hunting as part of bear population management through a zone and quota system of license and harvest allocation. Factors that are considered in recommending license quotas include bear population estimates using mark/recapture techniques, the new statistical catch-at-age (SCAA) analytic, hunter success rates, harvest effort, recreational opportunities, and social concerns about bear-related incidents.

License quota recommendations are designed to spread the bear harvest evenly among the three hunt periods in the UP BMUs. The average hunter success rate for the previous three years is used to calculate the license quota for each hunt period, based upon the total desired harvest for each BMU. This calculation is used so that single-year effects of hunter success due to changes in food availability, weather, and other outside factors do not result in large annual fluctuations in harvest and license quotas.

In accordance with the 2007 Inland Consent Decree, the Department has consulted with the Tribes on bear issues prior to making these recommendations. The five Tribes covered by the 1836 Treaty can authorize up to 10 percent of the available harvest in BMUs within the 1836 ceded territories with the exception of the Baldwin BMU, which can authorize up to 12.5 percent. The remaining harvest is allocated to state-regulated hunters as recommended in this amendment. Proposed desired harvests and associated license quotas are recommended for both the 2015 and 2016 hunting seasons.

In accordance with the practices implemented in previous seasons, any remaining licenses will be distributed first to comprehensive lifetime license holders, then to unsuccessful applicants and finally, if available, to the general public to allow for full distribution of available licenses. Also, to increase the efficiency of license distribution and continue the opportunity for complete distribution of licenses, hunters may continue to make a second choice on their application.

NLP Recommendations

Biological

The habitat quality and capacity of the NLP can support additional growth of the bear population. For the first time, the Department has estimated a NLP-wide bear population using

an SCAA analytic, which estimates an approximate population of 1,975 bears (pre-harvest 2013, yearling and adult). Numerous indicators at the BMU scale are also monitored and used in allocating harvests between BMUs to address local bear abundance concerns. Although the NLP-wide population trend is trending upward, the Department recommends a conservative harvest to allow for further population increases that, when ultimately stabilized, will allow higher recreational harvests. The Department will continue to use the SCAA estimator and local indicators on an annual basis to assess the population trend, and harvests will be closely monitored and recommendations adjusted accordingly during subsequent two-year cycles. The recommended desired state-licensed harvest of 248 bears (42 more than in 2014) in the NLP would require a 4 percent reduction in licenses, due to recent success rate increases. This recommendation would allow for continued growth in the bear population.

Social

All members of the Bear Forum support the continued growth of the NLP bear population over the next four years. Department staff and US Forest Service staff also support this recommendation for continued growth. In December during an “on” year for bear regulations, the three-year average success rates are updated by incorporating the success rate from that previous hunting season. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU. Nuisance and crop damage complaints across the NLP region typically fluctuate annually; however, such complaints have risen in recent years. Nevertheless, these complaints remain manageable by Department field staff.

Economic

The proposed modest reduction of available licenses will slightly reduce the revenue generated by the Department but is not expected to have a significant economic impact on the NLP Region.

Recommendations

All three BMUs in this region are subject to the 2007 Inland Consent Decree and have been adjusted for tribal harvest, including Red Oak BMU (10 percent), Gladwin BMU (10 percent), and Baldwin BMU (12.5 percent).

The license quota recommendation for the 2015 and 2016 seasons in Red Oak, Baldwin, and Gladwin BMU are:

- Red Oak BMU: a total of 650 state licenses; a decrease of 25 from 2014. The tribal allocated harvest is 22 bears.
- Baldwin BMU: a total of 80 licenses; an increase of 10 from 2014. The tribal allocated harvest is 7 bears.
- Gladwin BMU: a total of 90 licenses; a decrease of 20 from 2014. The tribal allocated harvest is 2 bears.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 248 bears for the NLP Region, which is an increase of 42 bears from the desired harvest in 2014.

UP Recommendations

Biological

The habitat quality and capacity of the UP can support additional growth of the bear population. As with the NLP, Department experts have for the first time used an SCAA analytic to estimate a UP-wide bear population of approximately of 8,686 bears (pre-harvest 2013, yearling and adult).

Numerous indicators at the BMU scale are also monitored and used in allocating harvests between BMUs to address local bear abundance concerns. Even though the UP-wide population trend has been stable long-term, the Department recommends a conservative harvest to allow for further population increases that, when ultimately stabilized, will allow higher recreational harvests. The SCAA indicates an approximate decline of seven percent in bear abundance since 2002. The trend over the three previous years, during a regulations cycle of greatly reduced quotas, is flat despite the approved goal to increase bear abundance. The Department will continue to use the SCAA estimator and local indicators on an annual basis to assess the population trend, and harvests will be closely monitored and adjusted accordingly during subsequent two-year cycles. The recommended desired state-licensed harvest of 1,081 bears (70 fewer than in 2014) in the UP would require a 16 percent reduction in licenses, partially due to recent success rate increases. This recommendation would allow for continued growth in the bear population.

Social

All members of the Bear Forum support the continued growth of the bear population over the next four years. Department staff and US Forest Service staff also support this recommendation for continued growth. In December during an “on” year for bear regulations, the three-year average success rates are updated by incorporating the success rate from that previous hunting season. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU. Nuisance and crop damage complaints across the UP region fluctuate annually, primarily due to varying availability of natural foods, but remain manageable by field staff.

Economic

The proposed reduction of available licenses will result in reduced revenue generated by the Department. It may also reduce the collective time that bear hunters spend traveling in the region and contributing to the local economy. However, the proposed reduction is not expected to have a significant economic impact on the UP Region.

Recommendations

Four of the six BMUs within the UP Region are outside of the 1836 Ceded Territories and no adjustments to license quotas have been made for tribal harvest in those units. Ten percent of the desired harvest is allocated to the tribes in the Gwinn and Newberry BMUs.

The license quota recommendations for the 2015 and 2016 seasons in the UP Region are:

- Amasa BMU: a total of 460 licenses for the three hunt periods; a decrease of 45 from 2014.
- Baraga BMU: a total of 1,355 licenses for the three hunt periods; a decrease of 265 from 2014.
- Bergland BMU: a total of 975 licenses for the three hunt periods; a decrease of 290 from 2014.
- Carney BMU: a total of 735 licenses for the three hunt periods; a decrease of 80 from 2014.
- Gwinn BMU: a total of 1,165 licenses for the three hunt periods; a decrease of 85 from 2014. The tribal allocated harvest is 20 bears.
- Newberry BMU: a total of 1,190 licenses for the three hunt periods; a decrease of 330 from 2014. The tribal allocated harvest is 29 bears.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 1,081 bears for the UP Region, which is a decrease of 70 bears from the desired harvest in 2014.

Drummond Island Recommendation

Biological

Indicators have suggested that bear numbers on Drummond Island have declined significantly from 2003 levels. The bait index showed a decrease from a 70% visitation rate in 2003 to a low of 21% in 2008. The most recent survey in 2012 suggests a possible increase in the bear population, where 27% of baits were visited by bears. Given the concern over past declining bear numbers on Drummond Island, and the Department's belief that the Island can ecologically hold more bears, the Department recommends increasing the bear population to a level that provides index readings similar to those of 2004. The survey will be run again in 2015 to provide an index. In an attempt to achieve this increase in bear population density while maintaining the hunting tradition, the Department recommends that the state-licensed harvest goal of one bear on Drummond Island remain for 2015-16. Drummond Island is within the 1836 Ceded Territories and therefore 1 additional bear is allocated for tribal harvest.

Social

No bear complaints have been received from Drummond Island.

Economic

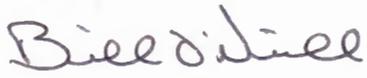
No economic impact is expected.

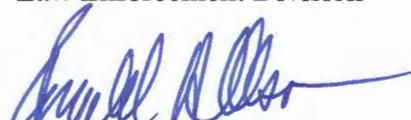
Recommendation:

This order was submitted for information on March 19, 2015 at the Natural Resources Commission Meeting. This item appeared on the Department's February 2015 calendar and may be eligible for approval on April 9, 2015.

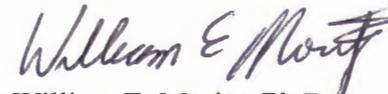

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William E. Moritz, Ph.D.
Natural Resources Deputy

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

Keith Creagh, Director

Date

WILDLIFE CONSERVATION ORDER

Amendment No. 2 of 2015

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 April 10, 2015, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.200b Bear population, harvest quotas.

Sec. 3.200b (1) The black bear hunt seasons and quotas for general licenses valid on all land within the listed units are as shown in table 5:

TABLE 5

Bear Management Unit (BMU) Hunt Periods and License Quotas

BMU Name	Hunt Period	Licenses	Total
Amasa	First	85	
	Second	140	
	Third	235	
Unit total			460
Baraga	First	245	
	Second	400	
	Third	710	
Unit total			1,355
Bergland	First	170	
	Second	245	
	Third	560	
Unit total			975
Carney	First	100	
	Second	160	
	Third	475	
Unit total			735
Drummond	First	1	1
Gwinn	First	195	
	Second	250	
	Third	720	
Unit total			1,165
Newberry	First	240	
	Second	280	
	Third	670	
Unit total			1,190
UP Total			5,881
Baldwin	First	80	
Gladwin	First	90	
Red Oak	First	650	
NLP total			820
State-wide total			6,701

3.203 Bear hunting, open seasons, defined.

Sec. 3.203. (1) The open season for taking bear with a firearm, crossbow, or bow and arrow, on all land within the listed units, shall be as follows:

- (a) The first hunt in Amasa, Baraga, Bergland, Carney, Gwinn, and Newberry shall be from September 10 through

October 21.

(b) The second hunt in Amasa, Baraga, Bergland, Carney, Gwinn, and Newberry shall be from September 15 through October 26.

(c) The third hunt in Amasa, Baraga, Bergland, Carney, Gwinn, and Newberry shall be from September 25 through October 26.

(d) The hunt on Drummond island shall be from September 10 through October 21.

(2) The open season for taking a bear with a firearm, crossbow, or bow and arrow in the Gladwin bear management unit, Baldwin bear management unit, and red oak bear management unit in zone 2 shall be from the first Sunday following September 15 and 8 days thereafter.

(a) The open season for taking a bear with bow and arrow only in the red oak bear management unit shall be from the first Friday following October 1 through 6 days thereafter.

(b) The open season for taking a bear with firearm, crossbow, or bow and arrow in the Baldwin bear management unit, north area, as defined in section 12.557(2), shall be a total of 16 days from 7 days prior to the first Friday following September 15 and 8 days thereafter.

(3) A person shall not take a bear on Bois Blanc island.

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

3.205 Bear; unlawful acts.

Sec. 3.205 (1) It shall be unlawful for an individual to purchase a bear license unless the individual holds a current base license and is not licensed under the mentored youth program.

(2) It shall be unlawful for an individual to hunt bear with dogs in zone 1 from September 5 through September 14.

(3) It shall be unlawful for an individual to hunt bear with dogs in zones 2 and 3 on the first Sunday following September 15, except in the Baldwin north area where it shall be unlawful for an individual to hunt bear with dogs the Friday preceding September 15.

(4) In zones 2 and 3 it shall be unlawful to take a bear without the aid of dogs on the seventh and eighth day after the first Sunday following September 15.

(5) 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.

(6) It shall be unlawful for an individual 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.

(7) It shall be unlawful for an individual 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 individual has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

(8) 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.

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

(10) It shall be unlawful for any individual to 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.

(11) It shall be unlawful for an individual to use a snare, cable restraint, conibear, or any other kind of trap for the taking of bear. This subsection shall not apply to authorized employees of the department performing official job responsibilities or individuals officially authorized by the department or this order.

(12) It shall be unlawful to take a bear by any method while hunting other than by firearm, bow and arrow, crossbow, with the aid of dogs, or with the aid of baiting as described in this order and the regulations of state law.

(13) It shall be unlawful for an individual to take more than 1 bear per valid kill tag in a bear hunting season.

(14) Bear baiting, unlawful acts, definitions.

(a) 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 bear 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.

(b) It shall be unlawful to hunt over bait that attracts bear that was established prior to 31 days before the bear hunting season in any bear management unit. It shall be unlawful to hunt over bait that 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, 1994 PA 451, MCL 324.51101 to 324.51120; 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.

(c) 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 unlawful to feed deer or elk or bait deer. In an area where the baiting of deer, or feeding of deer or elk, is lawful, 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 season, volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. In an area in which it is lawful to bait for deer, a person may use up to 2 gallons of grains at any 1 point in time per bait station prior to the legal deer baiting season 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.

(d) 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, 1994 PA 451, MCL 324.51101 to 324.51120.

(e) 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, 1994 PA 451, MCL 324.51101 to 324.51120.

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

(g) It shall be unlawful for any licensed bear hunter or their designee to establish or tend more than 3 bait stations per hunter.

(h) It shall be unlawful for any individual to establish or tend more than a total of 12 bait stations.

6.4 Hunting with dogs, unlawful acts.

Sec. 6.4 (1) It shall be unlawful for any person to hunt bear with dogs in zone 1 from September 5 through September 14.

(2) It shall be unlawful for any person to hunt bear with dogs in zones 2 and 3 on the first Sunday following September 15, except in the Baldwin north area where it shall be unlawful for any persons to hunt bear with dogs the Friday preceding September 15.

6.5 Dog training, unlawful acts.

Sec. 6.5 (1) It shall be unlawful for any person to dog train on bear in zone 1 from September 5 through September 14.

(2) It shall be unlawful for any person to dog train on bear in zones 2 and 3 from 5 days prior to the first Sunday following September 15 through the first Sunday following September 15, except in the Baldwin north area where it shall be unlawful for any person to train dogs on bear 12 days prior to the first Friday following September 15 for 5 days thereafter.

Issued on this 10th day of April, 2015.

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

John Matonich, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director