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STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: February 18, 2014
RESUBMITTED: March 17, 2014

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

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear License Quotas
Wildlife Conservation Order Amendment No. 4 of 2014

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 of Natural Resources “the Department” recommended that regulations and license quotas set in 2012 should remain in effect for two years.

However, the Natural Resources Commission requested that the Department move from an alternate even-year cycle to an alternate odd-year cycle after 2012 in order to avoid issues due to the timing of available biological data. Although bear regulations are not formally up for review again until 2015, the Department does recommend adjusting license quotas for the Red Oak Bear Management Unit (BMU) consistent with a gradual step down of licenses as discussed in 2012.

Maintaining consistent regulations and quotas for two years aids in evaluating the impact of regulation changes as well as removing 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.

Northern Lower Peninsula (NLP) Recommendations

Biological

The bear population management goal as approved in 2012 for this region is to allow the bear population to decline about 10% from 2012 levels and then stabilize. The 2014 desired state harvest for the Baldwin BMU is 35 with a desired tribal harvest of five; for the Gladwin BMU the desired state harvest is 10 with a desired tribal harvest of one; and for the Red Oak BMU the desired state harvest is 160 with a desired tribal harvest of 18 bears. This makes a total desired state harvest of 205 bears for the NLP and 24 bears for the tribes.

Harvest in the NLP in 2013 exceeded the state desired harvest by 21%. Model projections show a continued decline in the population below the desired levels. This has been a consistent trend for a number of years including prior to 2012. A review of other data for the region shows a lack of agreement with the model. While indices such as the average number of days required to harvest a bear, satisfaction measures and success rates are not as reliable as the model, comparisons should be made to check model projections. Given the number of years the model has projected significant declines, it is reasonable to expect that other indices would begin to pick up such a decline. This is not the case in the NLP. A new genetic mark-recapture estimate will be available in the fall of 2014 to re-calibrate the model. In addition, we anticipate having a new statistical reconstruction estimator available for use in the NLP (and Upper Peninsula) in time for discussions on bear harvest levels for 2015. For these reasons, we recommend continuing on the gradual reduction in licenses as discussed in 2012. The new information described above will help inform discussions for the 2015 regulations cycle.

Both the Gladwin and Baldwin BMU license quotas would remain unchanged. All three BMUs in this region are subject to the 2007 Inland Consent Decree and target harvest numbers have been adjusted 10 % to account for tribal harvest, including Red Oak BMU, Gladwin BMU, and Baldwin BMU. The 2007 Consent Decree indicates that if the tribes are able to harvest 10% of the total desired harvest in a BMU then they shall receive a 12.5% allocation for future years in that BMU. The tribes met that threshold in 2013 in the Baldwin BMU. Accordingly, tribal and state allocations will be based on a 12.5% allocation in the Baldwin BMU from now on. All other BMUs remain at 10%. Although Drummond Island BMU is also at 12.5%, this does not affect the desired harvest of one bear.

For 2014, the licenses issued in Red Oak BMU would be a total of 675; a decrease of 75 from 2013. In the remainder of the region, license options for the 2014 seasons would remain a total of 70 licenses for the Baldwin BMU hunt period and 110 licenses for the Gladwin BMU hunt period.

Social

Stakeholder input for the NLP has been mixed. Some stakeholder groups have requested reductions in licenses and an increase in bears. Other groups have requested licenses stay the same for 2014. The Department also hears from individuals who have concerns about the number of preference points required to purchase a license for Red Oak and Baldwin. The recommendation for the NLP is an attempt to balance these differing perspectives.

Economic

The reduction of licenses available for the Red Oak BMU will reduce the revenue generated by the Department. It could also reduce the time bear hunters spend traveling in the region and contributing to the local economy. However, we expect that the impact would be minimal.

Upper Peninsula (UP) Recommendations

Biological

The desired trend for both the West and East UP eco-regions as set in 2012 is to maintain both populations at 2012 levels. Harvest in 2013 was about 12% over the state desired harvest in 2013. Model projections for both eco-regions show stable populations, however. The Department recommends retaining licenses at 2012 levels for the entire UP for 2014. The total desired state harvest for the Amasa BMU is 150; for the Baraga BMU the desired state harvest is 260; for Bergland BMU the desired state harvest is 190; and for the Carney BMU the desired state harvest is 100 bears. The Drummond Island BMU desired state harvest is one bear with a desired tribal harvest of one bear as well. For the Gwinn BMU, the desired state harvest is 180 with a tribal desired harvest of 20; and the Newberry BMU has a state desired harvest of 270 with a tribal desired harvest of 30 bears. This makes a total desired state harvest of 1,151 bears for the UP and 51 bears for the tribes.

Four BMUs are outside of the 1836 Ceded Territories and no adjustments to license quotas have been made for tribal harvest. Accordingly, license options for the 2014 season are a total of 505 in Amasa, a total of 1,620 in Baraga, a total of 1,265 in Bergland, and a total of 815 in Carney.

The Gwinn and Newberry BMUs were adjusted 10 percent for tribal harvest. Accordingly, license options for the 2014 season in Gwinn is a total of 1,250 and in Newberry is a total of 1,520.

Social

The Department received stakeholder input from the leadership of the major bear user groups and direct feedback from individual bear hunters. The feedback was varied and included requests for license reductions and input against changing license numbers for 2014. However, the Department did not recommend license changes for 2014 because trend goals seem to be on target and a slight reduction in licenses is unlikely to impact the bear population. Eco-regional trend goals, desired harvests and license quotas will be evaluated for 2015.

Economic

As the Department is not recommending a change to license quotas in the Upper Peninsula, there is no expected change to the economic impact that bear hunting has on the area.

Leftover Licenses

In accordance with the practices implemented since the 2010 seasons, any leftover 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. Information on the potential units where leftovers may be available will be noted in the 2014 Black Bear Hunting Guide

Legal Take

When a hunter violates the law by harvesting a bear using an illegal method or without the proper license or tags, the conservation officer writes the violation citing sections of the wildlife conservation order (WCO) or state statute. In order to reduce confusion and allow for better enforcement and communication with prosecutors, the Department recommends updating the sections of WCO on taking, baiting, sealing, and registering bear in order to clearly articulate permissible and prohibited methods.

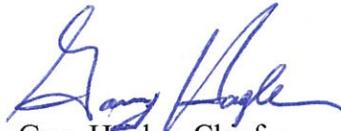
For example, the section on unlawful acts details that bear may not be taken or harassed while in a den. However, it does not specify that traps may not be used when taking bear. That provision is articulated in a more general section of WCO. Updates to the bear sections regarding take only add clarity; they do not indicate regulatory or policy changes.

Recommendation:

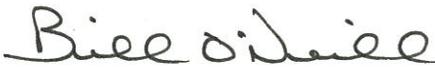
This order was submitted for information on March 13, 2014, at the Natural Resources Commission Meeting. This item appeared on the Department's February 2014 calendar and may be eligible for approval on April 10, 2014.



Russ Mason, Ph.D., Chief
Wildlife Division



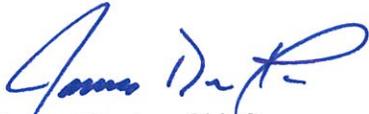
Gary Hagler, Chief
Law Enforcement Division



Bill O'Neill, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



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. 4 of 2014

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 11, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.200a Bear license application, age qualifications, license purchase.

Sec. 3.200a (1) Only a person who will be 10 years of age or older during a hunt period for taking bear may make application.

(2) Only a successful applicant who holds a current base license and is not licensed under the mentored youth program may purchase a bear license.

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	100	
	Second	150	
	Third	255	
Unit total			505
Baraga	First	255	
	Second	470	
	Third	895	
Unit total			1,620
Bergland	First	165	
	Second	370	
	Third	730	
Unit total			1,265
Carney	First	115	
	Second	225	
	Third	475	
Unit total			815
Drummond	First	1	1
Gwinn	First	200	
	Second	290	
	Third	760	
Unit total			1,250
Newberry	First	270	
	Second	360	
	Third	890	
Unit total			1,520
UP Total			6,976
Baldwin	First	70	
Gladwin	First	110	
Red Oak	First	675	

BMU Name	Hunt Period	Licenses	Total
NLP total			855
State-wide total			7,831

3.201 Bear hunting; kill tag requirements; method of take; season limit.

Sec. 3.201 (1) The department shall issue a kill tag as part of the bear hunting license. An individual shall not kill or attempt to kill a bear unless the individual has a valid bear kill tag issued in the individual's name for the bear management unit in which the individual is hunting. The licensee must provide the kill tag and bear license to a conservation officer upon request.

(2) A licensee who kills a bear shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the lower jaw of the bear in a secure and permanent manner. The kill tag shall remain attached to the bear until the animal is registered and sealed by the department. It shall be unlawful to possess a bear that is not tagged with a validated kill tag or a bear that is not sealed unless the provisions of section 3.207 have been met.

(3) A firearm, crossbow, and bow and arrow are legal for the taking of bear, pursuant to all regulations of state law and this order.

(4) Hunting with dogs shall be legal for the taking of bear when meeting the provisions of all regulations of state law and chapters VI and XIV of this order.

(5) A licensee less than 14 years of age may hunt bear with a firearm only on private land and a parent or guardian, or another individual authorized by a parent or guardian who is at least 18 years old, must accompany the minor child.

(6) The season limit shall be 1 bear per bear kill tag.

3.202 Repealed, Am. 4, 2014, Eff. Apr 11, 2014.

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 Friday 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 Friday 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.

3.206 Repealed, Am. 4, 2014, Eff. Apr 11, 2014.

3.207 Bear registration, sealing; examination; possession; exceptions.

Sec. 3.207 (1) Within 72 hours of harvest, the entire bear, or head, shall be presented, by the licensee that killed the bear, to the department for examination, sealing, and registration. The licensee shall provide the identification used to acquire the license and shall provide harvest information and kill location as requested by the department.

(2) During an examination of a bear, the department or department designee shall take possession of at least one tooth.

(3) During the registration of a bear, the department shall attach the confirming seal in such a manner that it cannot be removed without cutting or ripping the bear pelt or damaging the seal. Once sealed by the department, the seal shall remain attached to the bear until any 1 of the following conditions are met:

- (a) The carcass is processed or butchered for consumption by an individual for their personal use.
- (b) The carcass is accepted for processing and recorded by a commercial processor. If the head or hide is returned to the person submitting the animal to the commercial processor, the seal shall accompany the head or hide.
- (c) The carcass is accepted for processing and recorded by a taxidermist.

Issued on this 10th day of April, 2014.

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

J. R. Richardson, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director