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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: March 23, 2015

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Damage Shooting Permit Regulations  
Wildlife Conservation Order Amendment No. 4 of 2015  
FOR INFORMATION ONLY

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:

Conflicts between bears and humans occur at various levels across Michigan. The Department strives to minimize damage to agricultural and horticultural crops caused by bears. Currently, the Department has guidelines for problem bear management that categorizes bear problems based on bear behavior and outlines the appropriate responses. The Department provides technical assistance to landowners to avoid unnecessary bear problems and to maintain public support for sound scientific bear management. The Department does not compensate landowners for damage caused by wildlife, and in situations where bears continue to be a problem or cause property damage, the Department may remove offending animals if all recommended control measures fail.

Under the current law, the Department may issue permits to hunt deer outside of an open season if the deer are damaging crops; there was no such program for bear. To align with Public Act 407 of 2014, which became effective earlier this month, the Department may issue Bear Damage Shooting Permits outside the open season to landowners of specific lands with significant documented agricultural or horticultural crop damage caused by bears. The permittee or authorized designee must meet the following conditions:

- The permittee or authorized designee must have a valid base license and a valid, current year bear license for that bear management unit (BMU);
- An individual cannot take more than one bear under a bear license during the same calendar year;
- An individual cannot use bait to take a bear;
- An individual cannot take a cub bear or a female bear accompanied by a cub bear; and
- An individual must register and have the bear sealed within 72 hours of taking it.

Public Act 407 of 2014 mandates the following procedures when issuing a Bear Damage Shooting Permit:

- The Department must respond and evaluate the request within 4 days of receiving the request, and grant or deny the permit within 10 days of responding to the request;

- The Department shall not allow more than 5% of the bear licenses issued for a BMU to be part of the bear damage program;
- In a BMU that offers fewer than 20 bear hunting licenses, the Department may allow one of those licenses to be used for a Bear Damage Shooting Permit; and
- Within three years, the Department must issue a report in electronic form to each member of the Legislature, including the number of bear damage shooting permits issued, the number of bears taken, and any recommendations for changes to the permit.

#### *Issue Pros and Cons*

The Department has received complaints from landowners about damage to agricultural and horticultural crops caused by bears. Bear Damage Shooting Permits will provide an additional management tool to address crop damage done by bears outside of the open season.

The Department has received feedback from some members of the public regarding concerns about the issuance of Bear Damage Shooting Permits and whether the permits are necessary. In addition, the Department receives few reports of damage to crops caused by bears annually. Of the complaints the Department does receive, the majority are related to apiaries, which are not covered under the legislation.

#### *Neighboring States*

The Department polled natural resources professionals in Illinois, Indiana, Kentucky, Maine, Minnesota, Missouri, Ohio and Wisconsin to determine whether these states allow individuals to obtain a bear permit to hunt bear outside of an open season if a bear is determined by the Department to be the cause of damage to emerging, standing, or harvested crops, or properly stored feed. The results were the following:

- Illinois, Indiana, Ohio, and Kentucky: Do not have an out-of-season permitting program.
- Maine: Yes; a person may take a bear at any time to protect the person's orchard or growing crop. A licensed beekeeper or the beekeeper's designee may obtain a permit to take a bear causing damage to beehives. The beekeeper must report the incident within 12 hours.
- Minnesota: Yes; Minnesota will validate a bear license before bear season if a bear is damaging crops, forage or livestock. In addition, a permit may be issued out-of-season with department approval. The permittee must report any bear taken to the department within 48 hours.
- Missouri: Yes; a bear may be taken with approval from the department. The person must surrender the carcass to the department within 24 hours.
- Wisconsin: Yes; a permit may be issued in or out of a bear season with department approval. In addition, the permittee must also possess a valid Class A or B bear hunting license.

*Biological*

The bear damage shooting permit program will not increase the overall quota for the number of bears taken in a year. The Department does not expect any biological changes.

*Social*

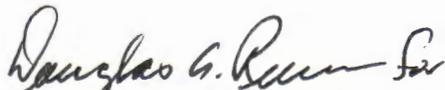
The Michigan Farm Bureau, Michigan United Conservation Clubs, Michigan Bear Hunters Association, Michigan Hunting Dog Federation, The UP Bear Houndsmen Alliance, and Michigan Commercial Beekeepers are in support of these changes.

*Economic*

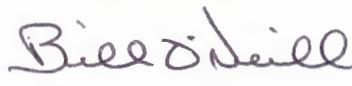
The Department expects the changes to have moderate budgetary implications for administrative duties. New costs would be related to processing requests for Bear Damage Shooting Permits, determining whether bears are responsible for damage to crops or stored feed, and providing advice on controlling bear damage.

Recommendation:

The Department recommends making the changes described above in the Wildlife Conservation Order to align with Public Act 407 of 2014. This order is being submitted for information and consideration. This item appeared on the Department's March calendar and may be eligible for approval on May 7, 2015.

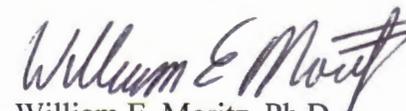
  
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# **WILDLIFE CONSERVATION ORDER**

## **Amendment No.4 of 2015**

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107, 40113a and 40114 of 1994 PA 451, MCL 324.40107, 324.40113a and 324.40114, it is ordered that effective May 8, 2015, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **5.45 Bear damage shooting permit, definitions.**

**Sec. 5.45** For the purposes of sections 5.46 and 5.47 of this order, the terms in this section shall have the meaning ascribed to them in this section.

(1) "Permit" means a bear damage shooting permit.

(2) "Permittee" means a person who has applied for and been issued a bear damage shooting permit by the department.

(3) "Authorized designee" means a person who has been designated, in writing, by a permittee to implement the provisions of a bear damage shooting permit. The department reserves the right to deny a person, including the permittee, the authority to personally implement the provisions of a permit if such authority would conflict with a court order, administrative rule, or law.

### **5.46 Bear damage shooting permit; standards, conditions, records; unlawful acts.**

**Sec. 5.46 (1)** Bear damage shooting permits may be issued statewide to owners to specific lands with significant agricultural or horticultural crop damage documented by the department.

(2) A bear damage shooting permit shall not be valid:

(a) Except during the time period authorized by the permit.

(b) During an open season for bear.

(3) The permittee shall keep records as may be required by the department and present them for inspection at the request of a peace officer or wildlife biologist.

(4) An individual shall not accept, carry afield, use or attempt to use a bear damage shooting permit unless in possession of a current base license and bear license. A permittee shall not sell, lend, barter, or trade a bear damage shooting permit. The licensee must provide the kill tag and bear license for the Bear Management Unit to a peace officer upon request.

(5) The permittee or authorized designee shall meet the provisions of section 3.205 of this order when exercising a permit issued under this section. In addition, unless otherwise provided in this section, an individual issued a bear damage shooting permit shall comply with lawful hunting hours and all regulatory requirements for the lawful taking of bear, except as follows:

(a) It shall be unlawful to take a bear over bait under the authority of a bear damage shooting permit.

(6) The permittee or authorized designee killing the 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.

(7) Within 72 hours of killing a bear and before removing any bear from the Bear Management Unit open to bear hunting, a permittee or authorized designee shall call the official checking station to arrange an appointment to register the bear. The permittee or authorized designee shall take the animal to the official checking station where a confirming seal or seals shall be attached by the department and all provisions of section 3.207 of this order are met.

**5.47 Bear damage shooting permit, prohibited acts; failure to comply.**

Sec. 5.47 (1) It shall be unlawful for a permittee under a bear damage shooting permit to allow more than one authorized shooter to implement the provisions of the permit.

(2) It shall be unlawful for a permittee or an authorized designee to:

(a) Take more than one bear under a bear hunting license issued during that calendar year.

(b) Kill more than one bear authorized by the permit.

(c) Use bait to take a bear under the permit.

(d) Take a bear without a valid bear license for the Bear Management Unit for which the bear damage shooting permit is given.

(e) Possess a bear killed under the authority of a permit without having a validated bear hunting license for that bear management unit and calendar year attached to the bear.

(3) It shall be unlawful for an individual to buy, offer to buy, sell, offer to sell, or exchange for anything of value any bear killed under the authority of a bear damage shooting permit unless meeting the provisions of section 4.3 of this order.

(4) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take a bear under the authority of a valid permit.

(5) For failure to comply with this section or other requirement of the bear damage shooting program, the department shall deny a permittee or authorized designee to be eligible to participate in the next calendar year.

Issued on this 7th day of May, 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