



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: February 9, 2009

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Quotas and Regulations
Wildlife Conservation Order Amendment No. 5 of 2009
FOR INFORMATION ONLY

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:

In recent years there has been an increasing call from bear hunters to attempt to reduce real or perceived conflicts between bait and hound hunters. While hound activity may not alter bear behavior in all situations, there is a perception among bait hunters that hound activity prior to the start of season reduces their chances at harvesting a bear. This issue was one of three operational items the Natural Resources Commission (NRC) requested be specifically addressed through the statewide bear planning effort and by the Bear Consultation Team (BCT). The BCT is a group of interested stakeholders convened to assist in developing the statewide strategic bear plan. During the course of this discussion, recommendations were made to try to alleviate some of the conflict between bait and hound hunters. The hound training and hunting days proposed in this amendment are a result of the consensus recommendation decisions made by the BCT.

The other two operational issues addressed at the request of the NRC were (a) standardization of regulations between the Upper and Lower Peninsula and (b) appropriateness of current bear management unit (BMU) boundaries.

Upper Peninsula

This proposal recommends no bear hound training for the five days prior to the start of the first bear hunting period. Currently, hounds may be trained on bears right up to the start of the first hunt period. The first five days of this hunt are bait-only. By prohibiting the training of bear hounds for the five days prior to the hunt, bears may establish visitation patterns to bait sites without being pursued by hounds. This reduction in training time will not significantly impact the hound hunter's ability to enjoy their recreational pursuits, especially if additional time is made available in the early summer for training purposes.

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

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Lower Peninsula

Similar to the proposal for the Upper Peninsula (UP), this proposal recommends no bear hound training for the five days prior to the start of the first bear hunting period. Currently, hounds may be trained on bears right up to the start of the season in the Lower Peninsula (LP). It is recommended that the first day of bear hunting in the LP (all bear management units) be bait only. By prohibiting the training of bear hounds for the five days prior to the hunt and creating a one-day bait-only hunting period, bears have the opportunity to establish visitation patterns to bait sites without being pursued by hounds. Since the LP season is much shorter than the UP seasons and only one hunt period exists, this recommendation extends the season by two days for hound-only to allow both hunting methods some time without competition from the other method.

Statewide

Throughout the bear planning process, concern over the loss of hound training time presented a significant obstacle to developing recommendations to reduce bait/hound hunter conflicts. In these discussions, the possibility of extending dog training activities in the month of July were proposed. The no-dog training period in spring currently runs from April 15-July 15. The intent of this period has been to reduce potential impacts on young animals. Many states allow spring dog training and have not seen negative effects on wildlife populations. To retain similar hound training and recreational opportunities, we recommend that dog training on wild animals be allowed from July 8 through April.

The Department of Natural Resources (DNR) is also recommending a change to the “participation” or “no kill tag” language in the Wildlife Conservation Order (WCO) to conform to PA 347 of 2008, which clarifies who is required to have a “no kill tag” license to participate in a bear or bobcat hunt.

In recent years there has been increasing concern and conflict surrounding commercial guiding operations, especially in the UP. While the BCT and the draft bear plan do not identify specific changes to current baiting regulations, they do recommend that the DNR develop a strategy to license guides. This is likely a long-term change that will take some time and considerable input from the public. In the interim, the DNR is recommending a change to the WCO that will maintain the restriction of three bait stations per hunter, and restrict the total number of bait stations any individual can establish or maintain to 12 bait stations.

Red Oak BMU Changes

The DNR has received comments regarding the Red Oak BMU and the distribution of bears and harvest opportunities. Concern has been expressed that current regulations and license quotas are insufficient to address issues associated with the dense bear population in the portion of the Red Oak BMU, commonly known as “club country” of the unit. Concern has also been expressed over the potential impact to hunting opportunities in the rest of the Red Oak BMU if bear numbers are reduced in “club country.” In the development of the statewide strategic bear

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plan, the BCT recommended evaluation of this issue. There is a need to identify the negative components of higher bear densities and alternatives for how they may be addressed. Some of the questions that remain unanswered include the following: What are the tools available to reduce bear densities and the impacts of these tools on hunting opportunities? Will reducing bear populations in club country have biological impacts on the rest of the Northern LP bear populations? This year, the NRC has requested alternatives for consideration that would assist in evaluating the Red Oak bear distribution issue. The alternatives are:

Option “A”- Create Private-Land Only Zone in the Red Oak BMU

The creation of a new private-land only zone within the Red Oak BMU encompassing club country would allow the DNR to increase licenses available to club country without affecting license quotas for the rest of the Red Oak unit. By creating a private-land only zone within the Red Oak BMU, the DNR can maintain the license quota in the remainder of the Red Oak BMU as previously determined while providing targeted licenses for a sub unit. This would be useful to determine the actual interest in bear hunting in the club country, along with success rates and hunter effort information specifically for club country. Increasing harvest in this area may also assist in evaluating source/sink dynamics within the Red Oak BMU.

The license quota for Red Oak would remain constant and successful applicants would be able to hunt all lands in the entire Red Oak BMU (including the White Oak sub BMU). Individuals that apply for White Oak would only be able to hunt private land within the White Oak sub BMU. The license quota for the White Oak sub BMU would be determined by calculating the number of permits needed to achieve the same proportion of harvest as seen from the club country area (22% of the total Red Oak harvest). Assuming the same success rate as the entire Red Oak for the White Oak area, the license quota for the private-land only White Oak area would be 300. It is generally well accepted that this portion of Red Oak has a much higher success rate than the rest of the unit. Individuals interested in hunting the small amount of public land in the White Oak area or having more flexibility have the option of applying for a Red Oak BMU hunt.

Implementation of this alternative would allow the assessment of the ability of a private-land only “sub” BMU to reduce social issues associated with localized higher bear densities within a larger BMU. The DNR would also be able to monitor the biological and social impacts that increased bear harvest in club country has on the rest of Red Oak. It may be possible to monitor bear movements between the two areas to determine if the increased harvest in club country reduces the “source” nature of club country for the rest of Red Oak. It may also be possible to evaluate impacts on hunter success and opportunity in the rest of the Red Oak BMU. The White Oak area regulations should be in place for three years prior to evaluation, resulting in potential regulations changes in the fourth year.

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The recommended boundaries of the White Oak sub BMU are:

"White Oak" means private lands in that area of Montmorency, Alpena, Alcona, and Oscoda counties bounded by a line beginning at the junction of highway M-32 and highway M-33 in eastern Montmorency county, then easterly on highway M-32 to highway M-65, southerly on M-65 to the Alpena-Alcona county line, easterly on the Alpena-Alcona county line to Hurbert road, easterly on Hurbert road to Hubbard Lake road (also known as Scout road), southerly on Hubbard Lake road to Spruce road, continue southerly on Hubbard Lake road to highway M-72, westerly on highway M-72 past the city of Curran and crossing the Alcona-Oscoda county line to highway M-72 and highway M-33 near the city of Fairview, northerly on highway M-33 crossing the Oscoda-Montmorency county line to the point of beginning.

Option "B"- One Week Season Extension

The DNR created an extended season in the northern portion of the Baldwin BMU in 2008 to help increase harvest in areas with significant nuisance complaints and historically low bear harvest. Five bears were harvested in the north area. Three of these bears were harvested in the early extension of the season. It appears that a season extension may be an effective way to increase harvest in targeted areas of a given BMU. Application of this approach in club country may also serve to increase harvest. A three year trial season extension in the club country of Red Oak would allow for an evaluation of the effectiveness of this technique. The evaluation would also cover the impact of localized bear density reduction on biological and social factors in the remainder of the Red Oak BMU. If this technique proves effective, it may function to address club country concerns without having a dramatic impact on recreational opportunities outside of the club country area.

The recommended boundaries of the extended zone are:

"White Oak" means that area of Montmorency, Alpena, Alcona, and Oscoda counties bounded by a line beginning at the junction of highway M-32 and highway M-33 in eastern Montmorency county, then easterly on highway M-32 to highway M-65, southerly on M-65 to the Alpena-Alcona county line, easterly on the Alpena-Alcona county line to Hurbert road, easterly on Hurbert road to Hubbard Lake road (also known as Scout road), southerly on Hubbard Lake road to Spruce road, continue southerly on Hubbard Lake road to highway M-72, westerly on highway M-72 past the city of Curran and crossing the Alcona-Oscoda county line to highway M-72 and highway M-33 near the city of Fairview, northerly on highway M-33 crossing the Oscoda-Montmorency county line to the point of beginning.

Option "C"- Retain Present Hunt Structure in Red Oak

Currently, bear harvest within the Red Oak BMU closely mirrors reported bear density differences. While "club country" composes only approximately 5% of the land area of the Red Oak unit, it makes up approximately 22% of the total Red Oak harvest. An increase in licenses for the entire Red Oak BMU increases harvest in club country.

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License Quotas

Michigan black bear management includes using recreational hunting to manipulate bear populations using a zone and quota system of license and harvest allocation. Factors that have been considered in recommending these quotas include bear population estimates using mark/recapture techniques, population models, hunter success rates, harvest effort, recreational opportunities, and social concerns about bear-related incidents.

License quotas are designed to spread the bear harvest relatively evenly among the hunt periods, except when adjusted to avoid leftover licenses. The average hunter success rate for the previous three years is used to calculate the estimated harvest and license quota for each hunt period. This calculation is used so 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 DNR has consulted with the tribes on bear issues prior to making these recommendations. The DNR determined the desired regional population trend (increase, decrease, or stabilize) for the Eastern Upper Peninsula (EUP), Western Upper Peninsula (WUP), and the Northern Lower Peninsula (NLP). Using population models, desired harvests were calculated which result in the recommended population outcome in each of the regions. The five tribes covered by the 1836 Treaty can authorize up to ten percent of the available harvest in BMU within in the 1836 ceded territories. The remaining harvest is allocated to state-regulated hunters as recommended in this amendment.

The desired harvest for the WUP in 2008 is 930 bears. Based on the average hunter success rates from 2006 – 2008 for each hunt period, the license quota for the WUP in 2009 is 4,600; 21% percent less than the number of licenses available in 2008. The three WUP BMUs are outside of the 1836 ceded territories and no adjustments were made for tribal harvest. Based on the population model and hunter harvest estimates, this harvest level will result in a stabilized population in the WUP this year.

The desired harvest for the EUP (excluding Drummond Island BMU) is 875 bears. The Carney BMU is outside of the 1836 ceded territories and was not adjusted for tribal harvest. The Gwinn and Newberry BMUs were adjusted ten percent for tribal harvest (24 and 41 bears respectively). With these adjustments, the number of state-regulated licenses was calculated based on a desired harvest of 810 bears by state-licensed hunters. Based on the average hunter success rates from 2006 – 2008, the proposed license quota for the EUP in 2009 is 4,995; two percent more than the number of licenses available in 2008. Based on the population model and hunter harvest estimates, this harvest level will result in an estimated two percent increase in population over the next ten years.

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The desired harvest for the Drummond Island BMU is one bear. Using average hunter success rates from 2006 – 2008, the proposed state-regulated license quota for Drummond Island BMU is three licenses; a decrease from eight in 2008. Tribal harvest for Drummond Island is also one bear.

The desired harvest in the NLP is 360 bears. All three BMUs in the NLP were adjusted for tribal harvest (Red Oak-32 bears, Gladwin-two bears, Baldwin-three bears). With these adjustments, the number of state-regulated licenses was calculated based on a desired harvest of 282 bears by state-licensed hunters. Based on the average hunter success rates from 2006 – 2008, the proposed license quota for the NLP is 1,575; a decrease (30%) from 2,240 in 2008. Based on the population model, this harvest level will result in an estimated population decline of five percent over two or three years in the NLP bear population. A primary reason for the reduction of licenses was the higher than anticipated success rate in the Red Oak unit in 2008, resulting in a greater reduction in the NLP bear population than anticipated. In order to continue a gradual five per cent reduction in the population it was necessary to reduce the desired harvest for 2009. If Option A is implemented the private land only quota for “White Oak” would be 300 licenses.

Leftover licenses have occurred during the third hunt period in some of the UP bear management units. This situation indicates interest in recreational opportunities in the third hunt period has been exceeded by license quotas. Quotas have been adjusted to the first and second hunt periods where demand exceeds permit availability. Any leftover licenses will be distributed to unsuccessful applicants 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 are able to make a second choice on their application. Information on the potential units where leftovers may be available will be noted in the *2009 Black Bear Hunting Guide*.

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Recommendation:

This order is being submitted for information and consideration. This item appeared on the DNR's February, 2009, calendar and may be eligible for approval on April 2, 2009.

Russ Mason, Chief
Wildlife Division

Ronald A. Olson, Chief
Parks and Recreation Division

Lynne Boyd, Chief
Forest, Mineral and Fire Management Division

Gary Hagler, Chief
Law Enforcement Division

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

Option "A"

Amendment No. 5 of 2009

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 3, 2009, 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 shall be as follows:

BMU Name	Hunt Period	Licenses		Total	
Amasa	First	205	135		
	Second	280	190		
	Third	485	355		
Unit total				970	680
Baraga	First	500	380		
	Second	850	690		
	Third	1,560	1,270		
Unit total				2,910	2,340
Bergland	First	610	350		
	Second	620	605		
	Third	725	625		
Unit total				1,955	1,580
Carney	First	225	205		
	Second	340	435		
	Third	550	540		
Unit total				1,115	1,180
Drummond	First	8	3	8	3
Gwinn	First	250	260		
	Second	390	360		
	Third	740	870		
Unit total				1,380	1,490
Newberry	First	375	400		
	Second	500	490		
	Third	1,540	1,435		
Unit total				2,415	2,325
UP Total				10,753	9,598
Baldwin	First	65	60		
Gladwin	First	175	150		
Red Oak	First	2,000	1,365		
White Oak Area			300		
NLP total				2,240	1,875
State-wide total		205		12,993	11,473

3.203 Bear hunting, open seasons, described.

Sec. 3.203. (1) The open season for taking bear with firearms 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 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 ~~AND through 6~~ 8 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.

(A) THE OPEN SEASON FOR TAKING A BEAR WITH FIREARMS OR BOW AND ARROW IN THE RED OAK BEAR MANAGEMENT UNIT, WHITE OAK AREA, AS DEFINED IN SECTION 12.551, SHALL BE FROM THE FIRST FRIDAY FOLLOWING SEPTEMBER 15 AND 8 DAYS THEREAFTER. THE OPEN SEASON FOR TAKING A BEAR WITH BOW AND ARROW ONLY IN THE RED OAK BEAR MANAGEMENT UNIT, WHITE OAK AREA, SHALL BE FROM THE FIRST FRIDAY FOLLOWING OCTOBER 1 THROUGH 6 DAYS THEREAFTER.

(5) The open season for taking a bear with firearms or bow and arrow in the Gladwin bear management unit shall be ~~a total of 7 days~~ from the first Friday following September 15 ~~AND through 6~~ 8 days thereafter.

(6) The open season for taking a bear with firearms 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 ~~AND through 6~~ 8 days thereafter.

(a) The open season for taking a bear with firearms 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 ~~AND through 6~~ days thereafter.

(7) 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) **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.**

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

(23) It shall be unlawful to hunt over an illegal bait. For the purposes of this section, "illegal bait" means bait that attracts bear prior to the legal baiting period defined in subsection (42); or is not placed on the ground on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws; or contains plastic, any wood products, paper, glass, rubber, concrete, or metal on public or commercial forest lands; or has, within 100 yards of the bait site, any containers used to transport bait to the baiting site.

(34) It shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products if the bait is placed in an area ~~when it is~~ unlawful to feed deer or elk or bait deer. In an area where the baiting of deer, or feeding of deer or elk, is ~~regulated~~ **LAWFUL** ~~by this order or state law~~, a person may hunt over, place, establish or tend a bait station using food materials that lure, entice or attract deer or elk only if the person uses these food materials in compliance with the **SEASON**, volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. ~~Notwithstanding the provisions of this subsection regarding the use of food materials which may lure, entice or attract deer or elk, a person may, except~~

~~for those counties listed in subsection 3.100(5);~~ **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** ~~October 1~~ if the grains are placed on the ground in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the grains.

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

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

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

(78) (A) It shall be unlawful for any **LICENSED BEAR HUNTER** ~~person~~ or their designee ~~authorized representative~~ to establish or tend more than **3** bait stations **PER HUNTER**.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ESTABLISH OR TEND MORE THAN A TOTAL OF 12 BAIT STATIONS.

(89) 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.

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

~~(1011)~~ It shall be unlawful for a person to buy or sell success in the bear license lottery, or an adult to acquire a license after being unsuccessful in the lottery, unless the person has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

~~(112)~~ 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.

~~(1213)~~ It shall be unlawful to disturb, harm, or molest a bear in its den at any time.

~~(1314)~~ A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a bear while the bear is swimming in a pond, lake, stream, or other body of water.

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 **IS ALLOWED IF** ~~shall have~~ a current valid hunting license for the game being chased or located **IS POSSESSED BY THE FOLLOWING:**

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

(b) The owner, when present, **OR INDIVIDUAL IN POSSESSION** of any dog chasing **OR LOCATING** bear or bobcat **IF ACCOMPANYING A LICENSED INDIVIDUAL ON A HUNT.**

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

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 ~~10~~ **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 FRIDAY 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 ~~10~~ 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 FRIDAY FOLLOWING SEPTEMBER 15 THROUGH THE FIRST FRIDAY FOLLOWING SEPTEMBER 15, EXCEPT IN THE BALDWIN NORTH AREA WHERE IT SHALL BE UNLAWFUL FOR ANY PERSONS TO TRAIN DOGS ON BEAR 12 DAYS PRIOR TO THE FIRST FRIDAY FOLLOWING SEPTEMBER 15 FOR 5 DAYS THEREAFTER.

12.551 "Red Oak bear management unit" defined.

Sec. 12.551. (1) "Red Oak bear management unit" means all of Alcona, Alpena, Antrim, Charlevoix, Cheboygan, Crawford, Emmet, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, and Roscommon counties; those portions of Grand Traverse, Kalkaska, and Wexford counties located east of US-131; and those portions of Ogemaw and Iosco counties located north of a line beginning at the Roscommon-Ogemaw county line intersection with M-55, easterly on M-55 into Tawas city to the end of M-55 (also known there as Hemlock street) at intersection with US-23 (also known as lake street in Tawas), then heading due southeast (crossing US 23 for about 100 feet) from said intersection into Tawas bay and into Lake Huron.

(2) "WHITE OAK AREA" MEANS PRIVATE LAND IN THAT AREA OF MONTMORENCY, ALPENA, ALCONA, AND OSCODA COUNTIES BOUNDED BY A LINE BEGINNING AT THE JUNCTION OF HIGHWAY M-32 AND HIGHWAY M-33 IN EASTERN MONTMORENCY COUNTY, THEN EASTERLY ON HIGHWAY M-32 TO HIGHWAY M-65, SOUTHERLY ON M-65 TO THE ALPENA-ALCONA COUNTY LINE, EASTERLY ON THE ALPENA-ALCONA COUNTY LINE TO HURBERT ROAD, EASTERLY ON HURBERT ROAD TO HUBBARD LAKE ROAD (ALSO KNOWN AS SCOUT ROAD), SOUTHERLY ON HUBBARD LAKE ROAD TO SPRUCE ROAD, CONTINUE SOUTHERLY ON HUBBARD LAKE ROAD TO HIGHWAY M-72, WESTERLY ON HIGHWAY M-72 PAST THE CITY OF CURRAN AND CROSSING THE ALCONA-OSCODA COUNTY LINE TO HIGHWAY M-72 AND HIGHWAY M-33 NEAR THE CITY OF FAIRVIEW, NORTHERLY ON HIGHWAY M-33 CROSSING THE OSCODA-MONTMORENCY COUNTY LINE TO THE POINT OF BEGINNING.

14.3 Dog training, seasons, exceptions.

Sec. 14.3. (1) Dogs may only be trained on game which can be lawfully hunted with dogs as defined in section 6.2 during the period of July ~~15~~ 8 of one year to April 15 of the following year, except as provided in subsections (2) and (3), sections 14.4 and 15.2, or as otherwise permitted by law.

Issued this 2nd day of April 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

WILDLIFE CONSERVATION ORDER

Option "B"

Amendment No. 5 of 2009

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 3, 2009, the following section(s) of the Wildlife Conservation Order shall read as follows:

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Red Oak	First	2,000	1,365		
NLP total				2,240	1,875
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3.203 Bear hunting, open seasons, described.

Sec. 3.203. (1) The open season for taking bear with firearms 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 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 ~~AND through 6~~ 8 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.

(A) THE OPEN SEASON FOR TAKING A BEAR WITH FIREARMS OR BOW AND ARROW IN THE RED OAK BEAR MANAGEMENT UNIT, WHITE OAK AREA, AS DEFINED IN SECTION 12.551, SHALL BE A TOTAL OF 16 DAYS FROM 7 DAYS PRIOR TO THE FIRST FRIDAY FOLLOWING SEPTEMBER 15. THE OPEN SEASON FOR TAKING A BEAR WITH BOW AND ARROW ONLY IN THE RED OAK BEAR MANAGEMENT UNIT, WHITE OAK AREA SHALL BE FROM THE FIRST FRIDAY FOLLOWING OCTOBER 1 THROUGH 6 DAYS THEREAFTER.

(5) The open season for taking a bear with firearms or bow and arrow in the Gladwin bear management unit shall be ~~a total of 7 days~~ from the first Friday following September 15 ~~AND through 6~~ 8 days thereafter.

(6) The open season for taking a bear with firearms 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 ~~AND through 6~~ 8 days thereafter.

(a) The open season for taking a bear with firearms 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 ~~AND through 6~~ days thereafter.

(7) 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) **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.**

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

(23) It shall be unlawful to hunt over an illegal bait. For the purposes of this section, "illegal bait" means bait that attracts bear prior to the legal baiting period defined in subsection (42); or is not placed on the ground on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws; or contains plastic, any wood products, paper, glass, rubber, concrete, or metal on public or commercial forest lands; or has, within 100 yards of the bait site, any containers used to transport bait to the baiting site.

(34) It shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products if the bait is placed in an area ~~when it is~~ unlawful to feed deer or elk or bait deer. In an area where the baiting of deer, or feeding of deer or elk, is ~~regulated~~ **LAWFUL** ~~by this order or state law~~, a person may hunt over, place, establish or tend a bait station using food materials that lure, entice or attract deer or elk only if the person uses these food materials in compliance with the **SEASON**, volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. ~~Notwithstanding the provisions of this subsection regarding the use of food materials which may lure, entice or attract deer or elk, a person may, except~~

~~for those counties listed in subsection 3.100(5);~~ **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** ~~October 1~~ if the grains are placed on the ground in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the grains.

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

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

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

(78) (A) It shall be unlawful for any **LICENSED BEAR HUNTER** ~~person~~ or their designee ~~authorized representative~~ to establish or tend more than **3** bait stations **PER HUNTER**.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ESTABLISH OR TEND MORE THAN A TOTAL OF 12 BAIT STATIONS.

(89) 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.

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

~~(1011)~~ It shall be unlawful for a person to buy or sell success in the bear license lottery, or an adult to acquire a license after being unsuccessful in the lottery, unless the person has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

~~(112)~~ 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.

~~(1213)~~ It shall be unlawful to disturb, harm, or molest a bear in its den at any time.

~~(1314)~~ A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a bear while the bear is swimming in a pond, lake, stream, or other body of water.

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 **IS ALLOWED IF** ~~shall have~~ a current valid hunting license for the game being chased or located **IS POSSESSED BY THE FOLLOWING:**

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

(b) The owner, when present, **OR INDIVIDUAL IN POSSESSION** of any dog chasing **OR LOCATING** bear or bobcat **IF ACCOMPANYING A LICENSED INDIVIDUAL ON A HUNT.**

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

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 ~~10~~ **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 FRIDAY 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 ~~10~~ 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 FRIDAY FOLLOWING SEPTEMBER 15TH THROUGH THE FIRST FRIDAY FOLLOWING SEPTEMBER 15, EXCEPT IN THE BALDWIN NORTH AREA WHERE IT SHALL BE UNLAWFUL FOR ANY PERSONS TO TRAIN DOGS ON BEAR 12 DAYS PRIOR TO THE FIRST FRIDAY FOLLOWING SEPTEMBER 15 FOR 5 DAYS THEREAFTER.

12.551 "Red Oak bear management unit" defined.

Sec. 12.551. (1) "Red Oak bear management unit" means all of Alcona, Alpena, Antrim, Charlevoix, Cheboygan, Crawford, Emmet, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, and Roscommon counties; those portions of Grand Traverse, Kalkaska, and Wexford counties located east of US-131; and those portions of Ogemaw and Iosco counties located north of a line beginning at the Roscommon-Ogemaw county line intersection with M-55, easterly on M-55 into Tawas city to the end of M-55 (also known there as Hemlock street) at intersection with US-23 (also known as lake street in Tawas), then heading due southeast (crossing US 23 for about 100 feet) from said intersection into Tawas bay and into Lake Huron.

(2) "WHITE OAK AREA" MEANS THAT AREA OF MONTMORENCY, ALPENA, ALCONA, AND OSCODA COUNTIES BOUNDED BY A LINE BEGINNING AT THE JUNCTION OF HIGHWAY M-32 AND HIGHWAY M-33 IN EASTERN MONTMORENCY COUNTY, THEN EASTERLY ON HIGHWAY M-32 TO HIGHWAY M-65, SOUTHERLY ON M-65 TO THE ALPENA-ALCONA COUNTY LINE, EASTERLY ON THE ALPENA-ALCONA COUNTY LINE TO HURBERT ROAD, EASTERLY ON HURBERT ROAD TO HUBBARD LAKE ROAD (ALSO KNOWN AS SCOUT ROAD), SOUTHERLY ON HUBBARD LAKE ROAD TO SPRUCE ROAD, CONTINUE SOUTHERLY ON HUBBARD LAKE ROAD TO HIGHWAY M-72, WESTERLY ON HIGHWAY M-72 PAST THE CITY OF CURRAN AND CROSSING THE ALCONA-OSCODA COUNTY LINE TO HIGHWAY M-72 AND HIGHWAY M-33 NEAR THE CITY OF FAIRVIEW, NORTHERLY ON HIGHWAY M-33 CROSSING THE OSCODA-MONTMORENCY COUNTY LINE TO THE POINT OF BEGINNING.

14.3 Dog training, seasons, exceptions.

Sec. 14.3. (1) Dogs may only be trained on game which can be lawfully hunted with dogs as defined in section 6.2 during the period of July ~~15~~ 8 of one year to April 15 of the following year, except as provided in subsections (2) and (3), sections 14.4 and 15.2, or as otherwise permitted by law.

Issued this 2nd day of April 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

WILDLIFE CONSERVATION ORDER

Option "C"

Amendment No. 5 of 2009

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 3, 2009, 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 shall be as follows:

BMU Name	Hunt Period	Licenses	Total		
Amasa	First	205	135		
	Second	280	190		
	Third	485	355		
Unit total				970	680
Baraga	First	500	380		
	Second	850	690		
	Third	1,560	1,270		
Unit total				2,910	2,340
Bergland	First	610	350		
	Second	620	605		
	Third	725	625		
Unit total				1,955	1,580
Carney	First	225	205		
	Second	340	435		
	Third	550	540		
Unit total				1,115	1,180
Drummond	First	8	3	8	3
Gwinn	First	250	260		
	Second	390	360		
	Third	740	870		
Unit total				1,380	1,490
Newberry	First	375	400		
	Second	500	490		
	Third	1,540	1,435		
Unit total				2,415	2,325
UP Total				10,753	9,598
Baldwin	First	65	60		
Gladwin	First	175	150		
Red Oak	First	2,000	1,365		
NLP total				2,240	1,875
State-wide total		205		12,993	11,473

3.203 Bear hunting, open seasons, described.

Sec. 3.203. (1) The open season for taking bear with firearms 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 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 ~~AND through 6 8~~ 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 or bow and arrow in the Gladwin bear management unit shall be ~~a total of 7 days~~ from the first Friday following September 15 ~~AND through 6 8~~ days thereafter.

(6) The open season for taking a bear with firearms 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 ~~AND through 6 8~~ days thereafter.

(a) The open season for taking a bear with firearms 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 ~~AND through 6~~ days thereafter.

(7) 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) **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.**

(~~2~~) It shall be unlawful to establish or tend a bait station that attracts bear prior to 31 days before the bear hunting season in any management unit. It also shall be unlawful to tend or establish a bait station for the purposes of attracting bear after the close of bear season in any management unit. For the purposes of this section, "bait station" means a site where food or lure is placed that may attract bear.

(~~3~~) It shall be unlawful to hunt over an illegal bait. For the purposes of this section, "illegal bait" means bait that attracts bear prior to the legal baiting period defined in subsection (~~4~~2); or is not placed on the ground on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws; or contains plastic, any wood products, paper, glass, rubber, concrete, or metal on public or commercial forest lands; or has, within 100 yards of the bait site, any containers used to transport bait to the baiting site.

(~~4~~) It shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products if the bait is placed in an area ~~when it is~~ unlawful to feed deer or elk or bait deer. In an area where the baiting of deer, or feeding of deer or elk, is ~~regulated~~ **LAWFUL** by this order or state law, a person may hunt over, place, establish or tend a bait station using food materials that lure, entice or attract deer or elk only if the person uses these food materials in compliance with the **SEASON**, volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. ~~Notwithstanding the provisions of this subsection regarding the use of food materials which may lure, entice or attract deer or elk, a person may, except for those counties listed in subsection 3.100(5),~~ **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** ~~October 1~~ if the grains are placed on the ground in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the grains.

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

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

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

(78) (A) It shall be unlawful for any **LICENSED BEAR HUNTER** ~~person~~ or their designee ~~authorized representative~~ to establish or tend more than **3** bait stations **PER HUNTER**.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ESTABLISH OR TEND MORE THAN A TOTAL OF 12 BAIT STATIONS.

(89) 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.

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

(1011) It shall be unlawful for a person to buy or sell success in the bear license lottery, or an adult to acquire a license after being unsuccessful in the lottery, unless the person has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

(1112) 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.

(1213) It shall be unlawful to disturb, harm, or molest a bear in its den at any time.

(1314) A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a bear while the bear is swimming in a pond, lake, stream, or other body of water.

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 **IS ALLOWED IF** ~~shall have~~ a current valid hunting license for the game being chased or located **IS POSSESSED BY THE FOLLOWING:**

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

(b) The owner, when present, **OR INDIVIDUAL IN POSSESSION** of any dog chasing **OR LOCATING** bear or bobcat **IF ACCOMPANYING A LICENSED INDIVIDUAL ON A HUNT.**

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

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 ~~4~~ **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 FRIDAY 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 ~~10~~ 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 FRIDAY FOLLOWING SEPTEMBER 15 THROUGH THE FIRST FRIDAY FOLLOWING SEPTEMBER 15, EXCEPT IN THE BALDWIN NORTH AREA WHERE IT SHALL BE UNLAWFUL FOR ANY PERSONS TO TRAIN DOGS ON BEAR 12 DAYS PRIOR TO THE FIRST FRIDAY FOLLOWING SEPTEMBER 15 FOR 5 DAYS THEREAFTER.

14.3 Dog training, seasons, exceptions.

Sec. 14.3. (1) Dogs may only be trained on game which can be lawfully hunted with dogs as defined in section 6.2 during the period of July ~~15~~ 8 of one year to April 15 of the following year, except as provided in subsections (2) and (3), sections 14.4 and 15.2, or as otherwise permitted by law.

Issued this 2nd day of April 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