



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

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SUBMITTED: February 8, 2010
RESUBMITTED: March 8, 2010

A P P R O V E D
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION

(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Quotas and Regulations
Wildlife Conservation Order Amendment No. 05 of 2010

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:

Regulations Cycle

In an effort to expand opportunity for comments on regulations changes and provide consistency in regulations and quotas, the Wildlife Division is recommending that the following changes and quotas remain in place until 2012. Maintaining consistent regulations and quotas for two years will aid in the evaluation of the impacts of regulations changes as well as remove one variable in bear population trend analysis (quota changes) to aid in future recommendations. Consistent regulations will also assist in enforcement and the public’s ability to understand regulations. Bear populations will be monitored and a report provided in 2011 to ensure bear license quotas are still appropriate. If there is compelling need (such as dramatic fluctuations in harvest or other factors), quota adjustments may be recommended.

Red Oak Bear Management Unit (BMU) and Problem Bear Issues

The Department has received comments regarding the Red Oak Bear Management Unit (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 potentially higher bear density in the portion of the Red Oak BMU commonly known as “club country.” Concern also has been expressed over the potential impact to hunting opportunities and Tribal allocations in the rest of the Red Oak BMU if bear numbers are reduced in “club country” through the issuance of higher numbers of licenses restricted to that area. In the development of the statewide strategic bear plan, the Bear Consultation Team recommended evaluation of this issue. There is a need to evaluate the negative components of reported higher bear densities in specific areas within BMUs and to evaluate alternatives for how issues may be addressed.

Several options were developed and discussed during last year's regulations cycle. During those discussions, the Wildlife Division committed to conducting two surveys. One would determine the success rate of hunters within an area in the northeast portion of the Red Oak BMU that is predominately (95%) private land. In one of the options presented during the 2009 bear hunting season regulations cycle, this was referred to as the "White Oak" study area. Survey results from Red Oak BMU hunters show that approximately 430 hunters hunted within the "White Oak" study area in 2008. Overall, there was little difference between hunters within the White Oak study area and those in the rest of the Red Oak BMU. Success rates were only marginally higher (28% versus 26%) within the "White Oak" study area when compared to the remainder of the Red Oak BMU. Hunter effort was slightly lower in the "White Oak" study area than the Red Oak BMU (14.6 days per harvested bear compared to 19 days per harvested bear). This survey was also conducted in 2009. Results from the 2009 survey are still preliminary, but show a larger difference in hunter success (40% versus 26%) and days to harvest and bear (10.8 versus 19.1) between the "White Oak" study area and outside of "White Oak" study area. In general, landowners seemed satisfied with bear numbers in the White Oak study area.

The second survey evaluated landowners' social values and concerns regarding bears in the "White Oak" study area. Results of this survey showed that landowners are generally satisfied with the number of bears and with the present bear management framework within the "White Oak" study area. A moderate number of landowners have experienced some sort of damage caused by bears in the last five years (32%). A high proportion of landowners recognized that simple techniques were able to resolve most bear related problems (75%). Landowners also felt that they were responsible for resolving their bear problems (68% of landowners). At this time, survey results do not suggest a direct resolution of the Red Oak BMU situation. Two options are presented for consideration to begin to address within BMU bear density differences. Genetic research continues within the Red Oak BMU to look at bear densities and source-sink dynamics. Implementation of Option 1 or 2 will allow evaluation of these techniques concurrent with this research.

OPTION 1

Option 1 will create general (public and private land) and private land only licenses. Much of the concern regarding bear densities involves a perceived overabundance of bears on private land. Option 1 splits licenses to allow the issue of perceived high bear densities on private land to be addressed through regulated hunting rather than killing nuisance bears out of season.

The desired harvest for hunt periods will remain the same as presented in March and as is in Option 2. However, two different types of licenses will be available for each hunt period. One license type will be valid on private land only. The second license will be a general license, valid on both public and private lands. Commercial Forest (CF) lands will be considered public lands for this purpose and a general license will be required to hunt on those lands. The preference point system will remain intact- hunters will compete with those hunters applying for the same license type in their hunt period of choice.

For the next 2 years, licenses will be distributed based on the percentage of the land area that is public (including CF lands) or private land within each BMU.

Predicting bear harvest will be complicated by this option but overall license quotas are similar to the quotas recommended with only one license type with only an increase of 10 licenses statewide.

OPTION 2

Option 2 would result in no changes made to the current bear management structure within the Red Oak area. The existing BMU and license quota allocation system provide an effective and efficient means to distribute hunters and harvest within the Red Oak BMU. Approximately 22% of the entire Red Oak harvest comes from the “White Oak” area, which comprises only 5% of the total land area within Red Oak. In addition, the current structure was preferred by Tribes party to the 2007 Consent Decree during consultations on bear management and by interested bear stakeholder organizations, including the Bear Consultation Team, during bear plan development.

The landowner survey did uncover some issues that the Division recommends be explored for further action. About one- third of the landowners in the “White Oak” area indicated they have had some problem with bears in the past five years. While most of these were minor issues, such as a bear damaging a bird feeder, others included issues such as damage to structures and/or perceived threats to humans. Most landowners also indicated they expect that they should be responsible for resolving bear problems and are willing to do so.

The Department implemented a Nuisance and Problem Bear Procedure, which is a stepwise approach to resolve most conflicts with bears without lethal removal of the bear. However, in some cases, problems escalate and earlier steps may not be adequate to resolve the issues faced by some landowners. The final stage of this procedure currently involves significant staff time with bear relocations or lethal control. The Wildlife Division recommends that, over the course of the next three months, we consider and develop a more liberalized approach to resolve problem and nuisance bear issues. This process will need to involve government to government consultations with the 1836 Tribes and discussions with stakeholders. During this process, the Department will solicit input regarding development of additional opportunities for landowners with specific bear problems to harvest bears on private property. Landowners experiencing persistent bear conflicts would be required to follow a series of steps before being eligible for lethal control. The details, need, and support for such a program will be explored both internally and with interest groups. A recommendation on a liberalization of control of nuisance and problem bears shall be brought for consideration to the Natural Resources Commission in July for information.

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. 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 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 Department 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 BMUs within the 1836 ceded territories. The remaining harvest is allocated to state-regulated hunters as recommended in this amendment.

The 2010 regulation cycle is the initial implementation of two year standardized regulations for Michigan black bears. Thus, proposed harvest quotas will be for both the 2010 and 2011 hunting seasons. The desired harvest for the WUP has been adjusted from 900 bears to 810 bears (10% reduction) as a result of public input on the Information Memo submitted for the March 2010 NRC meeting. Based on the average hunter success rates from 2007 – 2009 for each hunt period, the license quota for the WUP is 3,115 general license and 1,670 private licenses (Option 2 = 4,800). The three WUP BMUs are outside of the 1836 ceded territories and no adjustments were made for tribal harvest. The population model and hunter harvest estimates predict this harvest level will result in a 4% increase per year in the WUP population for the next two years.

The desired harvest for the EUP in the 2010 and 2011 seasons (excluding Drummond Island BMU) is 950 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 (30 and 50 bears respectively). With these adjustments, the number of state-regulated licenses was calculated based on a desired harvest of 870 bears by state-licensed hunters. Based on the average hunter success rates from 2007–2009, the proposed license quota for the EUP is 3,087 general licenses and 2,490 private licenses (Option 2 = 5,635 licenses); an increase from the number of licenses available in 2009 primarily based on no adjustments to prevent leftover licenses. Based on the population model and hunter harvest estimates, this harvest level will result in an estimated two percent increase in population per year.

The desired harvest for the Drummond Island BMU is one bear. Using average hunter success rates from 2007 – 2009, the proposed state-regulated license quota for Drummond Island BMU is two licenses; a decrease from three in 2008. Tribal harvest for Drummond Island is also one bear.

The desired harvest in the NLP is 325 bears. All three BMUs in the NLP were adjusted for tribal harvest (Red Oak - 28 bears, Gladwin - 2 bears, Baldwin - 3 bears). With these adjustments, the number of state-regulated licenses was calculated based on a desired harvest of 292 bears by state-licensed hunters. Based on the average hunter success rates from 2007 – 2009, the proposed license quota for the NLP is 455 general licenses and 935 private licenses (Option 2 = 1,385 licenses). For Option 2 which is directly comparable, this represents a decrease (27%) from the final quota of 1,910 in 2009. Based on the population model, this harvest level will result in an estimated population decline of 5% 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 and 2009, resulting in a greater reduction in the NLP bear population than anticipated. In addition, the license quota was increased through the Commission process last year by over 300 licenses which resulted in a higher harvest than desired. In order to meet the population goal of a gradual 5% reduction in the population, it will be necessary to reduce the desired harvest for the next two years.

Leftover licenses have occurred in the past during the second and third hunt period in some of the UP BMUs. Adjustments to the license allocation were made to try to avoid leftovers and still harvest the desired number of bears to meet population goals. Beginning this year no adjustments will be made in order to accommodate a recent legal agreement with comprehensive lifetime license holders. 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. The result is an increase in licenses available but in hunt periods with lower success rates. The increase in licenses will not result in an increase in the bear harvest. In Option 1, it is difficult to predict where leftovers may occur or what license type will have leftovers. However since the number of available licenses is similar, there should be leftovers, although they may be private land licenses.

Also, to increase the efficiency of license distribution and continue the opportunity for complete distribution of licenses, hunters may make a second choice on their application. Information on the potential units where leftovers may be available will be noted in the *2010 Black Bear Hunting Guide*.

Recommendation:

This order was submitted for information on March 4, 2010, at the Natural Resources Commission Meeting. This item appeared on the Department's February 2010 calendar and may be eligible for approval on April 8, 2010.

Russ Mason, Ph.D., Chief
Wildlife Division

Ronald A. Olson, Chief
Recreation Division

Lynne Boyd, Chief
Forest Management Division

Gary Hagler, Chief
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Arminda S. Koch
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I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 05 of 2010

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources and Environment by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective April 9, 2010, 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	110	
	Second	170	
	Third	360	
Unit total			640
Baraga	First	390	
	Second	630	
	Third	1,275	
Unit total			2,295
Bergland	First	260	
	Second	520	
	Third	1,085	
Unit total			1,865
Carney	First	190	
	Second	340	
	Third	670	
Unit total			1,200
Drummond	First	2	2
Gwinn	First	295	
	Second	400	
	Third	1,040	
Unit total			1,735
Newberry	First	460	
	Second	560	
	Third	1,600	
Unit total			2,620
UP Total			10,357
Baldwin	First	50	
Gladwin	First	140	
Red Oak	First	1,195	
NLP total			1,385
State-wide total			11,742

Issued this 8th day of April, 2010.

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

(Approved Unanimously on 4/8/10 by the NRC)
Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director