STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

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DIRECTOR

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

APPROVED
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION
_____
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Elk Regulations and License Quotas
Wildlife Conservation Order Amendment No. 5 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:

In an effort to stabilize elk regulations and quotas, reduce confusion, and enhance communications, the Natural Resources Commission and Wildlife Division (WLD) have agreed to begin a two-year regulatory cycle. Accordingly, the WLD recommends that the following changes and quotas remain in place until 2016. This amendment establishes the hunt dates, license quotas, and Elk Management Units (EMUs) for the 2014 and 2015 elk seasons.

Biological
A variety of estimates and indicators provide perspective on the status and distribution of the elk population. Data collected and consulted includes trends in harvest, population estimates (estimated during aerial surveys conducted in January of even years), bovine tuberculosis testing results, biological data collected at check stations, reported elk-vehicle collisions, crop and property damage complaints, and observations by conservation officers, foresters, and wildlife habitat biologists.

Social
Public input gathered through comments and opinion surveys is also consulted when determining recommendation for elk regulations. Maintaining consistent regulations and quotas for two years will aid in evaluating the impact of regulation changes on recreational opportunity, agricultural conflicts, and nuisance control.

Economics
Compared to white-tailed deer which can be found throughout Michigan, the elk herd range is quite small, concentrated in the northeast portion of the Lower Peninsula. The elk season has an economic impact on that region, due to the seasonal influx of elk hunters and elk hunt guiding operations, and visitors also come into the region for elk viewing opportunities during other times of the year.

Elk Season Dates and Units

Elk Hunt Period 1 is designed to target elk outside the primary elk range before these elk move for the breeding season. This elk hunt period is recommended to be twelve days long, consisting of a four-day hunt in late August, a four-day hunt in mid-September and a four-day hunt in late September. The recommended dates for Hunt Period 1 in 2014 are Tuesday, August 26 through Friday, August 29, Friday, September 12 through Monday, September 15 and Friday, September 26 through Monday, September 29. This recommendation would retain the same structure for Elk Hunt Period 1 as was established in 2012 and continue with this structure through 2015.

Elk Hunt Period 2 will focus harvest where it is needed within individual EMUs F and G in the core elk range and allow additional harvest outside the core area. The recommended dates for Hunt Period 2 in 2014 are to start on Saturday, December 6 through Sunday, December 14. This recommendation would retain the same structure for Elk Hunt Period 2 as was established in 2012 and continue with this structure through 2015.

The Department also recommends maintaining the opportunity to hold a January harvest if necessary, because this allows the opportunity to address management issues remaining after the earlier hunts conclude. The January hunt period was not used in 2010, 2011, 2012, or 2013. There are no recommended changes to the January 14 through 18, 2015, dates for Hunt Period 3.

Elk License Quotas

Results from the 2014 winter survey provided an elk herd estimate of 668 animals. This reflects a reduction of the population size that had previously exceeded the population goal range to now fall within the desired range of 500 to 900 animals. Accounting for this reduced number of animals and the potential effects of the current severe winter on future population growth rates will require a reduction of elk license quotas. The Department proposes establishing elk license quotas of 100 per year for the 2014 and 2015 season. The number of permits is recommended to be equally split between the early hunt period and the December hunt period.

The recommended quota of 100 elk licenses is designed to achieve a harvest of approximately 85 elk by state hunters based on past hunter success rates. In addition to animals taken by state hunters drawn in the regular lottery, there will be three Pure Michigan Hunters with elk licenses, and tribal hunting will be allocated in accordance with the 2007 Inland Consent Decree. Depending on future rates of productivity, the expected harvest level of a little less than 100 per year (which includes elk taken under the state quota, by Pure Michigan Hunt participants, and tribal harvest) may result in a stable or potentially further reduced population, but still expected to be sustained within the population goal range.

The recommendation for Hunt Period 1 is 50 elk licenses; 15 any-elk licenses and 35 antlerless-only elk licenses. For Hunt Period 2, the recommendation is 50 licenses; 15 any-elk licenses and 35 antlerless-only elk licenses, with 20 licenses in unit F (5 any-elk and 15 antlerless-only) and 30 of the licenses in unit G (10 any-elk and 20 antlerless-only). The recommended maximum quota for Hunt Period 3 is 40. The Director, in consultation with and concurrence of the Chair or

Vice Chair of the Natural Resources Commission, may determine the number and type of licenses available and the Elk Management Units open for Hunt Period 3.

Legal Take

When a hunter violates the law by harvesting an elk 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, tagging, and sealing elk in order to clearly articulate permissible and prohibited methods.

In addition, the Department recommends allowing the use of a raised platform when taking elk. This adds consistency with permissible methods of take for hunting white-tailed deer. The Department does not expect allowing the use of tree stands to affect hunter success rates nor have a negative impact on the species. Licensees have previously asked to use this method.

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. 5 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:

2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking deer, elk, or bear with firearm from scaffold, raised platform or tree allowed; use of scaffold, platform, ladder, steps or certain other devices in taking an animal on publicly owned lands, exception.

Sec. 2.8 An individual may hunt with a crossbow or a bow and arrow from a scaffold, raised platform, or tree. An individual taking deer, elk, or bear with a firearm may use a scaffold, raised platform, or tree. An individual taking fox, coyote, or wolf with a firearm one-half hour before sunrise to one-half hour after sunset may use a scaffold, raised platform, or tree, pursuant to all other hunting regulations. In taking an animal, an individual shall not do any of the following on publicly owned lands:

(1) Permanently construct or affix to a tree or other natural feature a scaffold, platform, ladder, steps or any other device to assist in climbing a tree, or use any item that penetrates the cambium of a tree in the construction or affixing of any device to assist in climbing a tree.

(2) Use or occupy a scaffold, raised platform, ladder, or step that has been permanently affixed or attached to any tree or other natural feature.

(3) Nothing in this section shall prohibit a scaffold or platform temporarily affixed to a tree by use of a T-bolt or similar device supplied by the manufacturer at the time the scaffold or platform was purchased.

(4) Use or occupy a scaffold or raised platform without having first etched, engraved, implanted, burned, printed, or painted on the scaffold or raised platform, the name and address of the user in legible English easily read from the ground.

(5) Use, occupy, or place a scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree if the scaffold, raised platform, ladder, steps, or other device is on public lands earlier than September 1 of each year or is not removed by March 1.

3.1 Elk open season, hunt periods; season limit.

Sec. 3.1 (1) The open season and hunt periods for taking elk shall be as shown in table 1:

TABLE 1

Elk Season and Hunt Periods

Hunt Period	Open Season 2014	Open Season 2015
1	August 26 to August 29 and September 12 to September 15 and September 26 through September 29, in elk management unit "L."	August 25 to August 28 and September 11 to September 14 and September 25 through September 28, in elk management unit "L."
2	December 6 to December 14, in elk management units "F," "G," and "X."	December 5 to December 13, in elk management units "F," "G," and "X."
3	A total of five days beginning on the Wednesday closest to January 15 for four days thereafter, only in elk management unit(s) where additional harvest is deemed necessary to meet elk management objectives.	A total of five days beginning on the Wednesday closest to January 15 for four days thereafter, only in elk management unit(s) where additional harvest is deemed necessary to meet elk management objectives.

(2) The season limit shall be one elk per license.

3.2 Elk hunting method of take, exceptions.

Sec. 3.2 (1) Those firearms, crossbows, and bows legal for the taking of deer in Michigan shall be legal to take elk, except that it shall be unlawful to use a shotgun with buckshot to take elk.

(2) A licensee less than 14 years of age may hunt elk 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.

(3) A licensee may hunt elk from a scaffold, raised platform, or tree under the provisions of 2.8 of this order.

3.6 Elk hunting, tagging, sealing, requirements; unlawful acts.

Sec. 3.6 (1) The department shall issue a kill tag as part of the elk hunting license. An individual shall not kill or attempt to kill an elk unless the individual has an valid elk kill tag issued in the individual's name for the elk management units in which the individual is hunting. The licensee must provide the kill tag and elk license to a conservation officer upon request.

(2) (a) A person who kills an elk shall immediately validate the kill tag by notching out the appropriate areas of the kill tag and shall immediately attach the kill tag to the antler, lower jaw, or gambrel of the elk in a secure and permanent manner. The kill tag shall remain attached to the elk until the animal is registered and sealed by the department.

(b) A person who kills an elk shall clearly mark the kill site and other locations as instructed at the half-day training session.

(3) Within 24 hours of killing an elk and before removing any elk from the area open to elk hunting, a licensee shall take the animal to the official checking station where a confirming seal or seals shall be attached by the department and an examination will be made for such biological or other information as may be desired. The carcass need not be entire, but all parts must be readily identifiable and presented for sealing.

(4) Within 2 weeks of killing an elk, a licensee shall take the head of the animal to a department management unit or field office for submission to the department.

(5) It shall be unlawful to possess or transport an elk or parts of an elk without a kill tag and confirming seal attached. A confirming seal shall remain attached to the elk until the conditions in section 3.103(2) are met. A person, corporation, or common carrier shall not receive for transportation or have in possession at the initial billing station the carcass or dead body of an elk more than 48 hours after the closing time when the taking of elk is authorized by law.

(6) It shall be unlawful to take an elk over bait. For the purposes of this section, "bait" means a substance composed of grain, fruit, vegetables, or other food placed to lure or entice elk. This does not apply to standing farm crops under normal agricultural practices or other natural growing grains, fruits, or vegetables.

(7) It shall be unlawful for a hunter with an antlerless-only license to take or possess an elk with antlers. It shall be unlawful for an individual to take more than 1 elk per valid kill tag.

(8) It shall be unlawful for an individual to pursue, capture, shoot, kill, chase, follow, harass, or harm an elk while the elk is swimming in a pond, lake, stream, or other body of water.

(9) It shall be unlawful for an individual to hunt an elk with a dog.

(10) It shall be unlawful to take an elk by any method other than by firearm, bow and arrow, or crossbow.

3.8 Elk license quota, hunters restricted to assigned management unit, exception.

Sec. 3.8. (1) The license quotas for elk hunt period 1, as specified in Section 3.1(1), shall be elk management unit L, 15 any elk licenses and 35 antlerless elk licenses.

(2) The license quotas for elk hunt period 2, as specified in section, 3.1(1) shall be:

(a) Elk management unit F, 5 any elk licenses and 15 antlerless elk licenses.

(b) Elk management unit G, 10 any elk licenses and 20 antlerless elk licenses.

(3) The license quota for elk hunt period 3, as specified in section 3.1(1), shall be no more than 40. The director, in consultation with and concurrence of the chair or vice chair of the natural resources commission, may determine the number and type of license available and the elk management units, as described in chapter XII, open during this season.

(4) An elk hunter shall hunt in their assigned season and elk management unit except elk hunters assigned to hunt in elk management units F or G may hunt in elk management unit X.

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