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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: April 24, 2015
RESUBMITTED: May 11, 2015

<p><u>A P P R O V E D</u></p> <hr/> <p style="text-align: right;">, 20</p> <hr/> <p style="text-align: center;">MICHIGAN NATURAL RESOURCES COMMISSION</p> <hr/> <p style="text-align: center;">(ASSISTANT TO THE COMMISSION)</p>
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MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Harvest Reduction Regulations in the Upper Peninsula
Wildlife Conservation Order Amendment No. 5 of 2015

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:

Deer regulations are on a multiple-year regulations cycle. The deer regulations were updated in 2014 and set for a three-year term. The Department acknowledges the benefits of the 2014-2016 stabilized regulations cycle for deer. Due to a precipitous decline in deer in the Upper Peninsula (UP) and associated concern by sportspersons, the Wildlife Division brought forward six potential regulation options to be considered mid-cycle during the Natural Resources Commission meeting that took place on May 7th. These options were discussed, and the Commission narrowed its consideration down to two regulatory options for discussion and potential action at the June meeting. This timeframe will allow for inclusion of any approved regulatory changes in printed 2015 hunting guides.

The deer herd in the UP has declined to levels comparable to the early 1980s. Preliminary reports indicate that the 2014 deer season success was low. Hunter success during the 2015 deer hunting seasons in the UP will also be low, due to several severe winters. The Department and Commission have responded to declining deer numbers in the UP by implementing highly conservative 2014-2016 antlerless license quotas, expanding the period in which supplemental deer feeding is allowed recognizing that such action increases the risk of establishing or increasing the incidence of disease and/or parasites, and intensifying habitat management efforts. The Wildlife Division is bringing forward for consideration two options for further reduction of the UP deer harvest as another means of addressing public concerns regarding low UP deer numbers. Deer harvest reduction could be accomplished in a variety of ways, including closing seasons, changing season length, and modifying license regulations. Conversely, such changes could negatively affect participation in seasons and/or may not achieve desired population responses. The Division anticipates deer populations will continue to be depressed across the UP region, and a conservative approach to harvest may be supported by many hunters.

The options for discussion include:

- A. Maintaining the current season and license structure in the UP. If this option is selected, then no further action will be necessary.
- B. Eliminating the antlerless option during archery season for hunters hunting on deer licenses in the UP, including the combination license. If this option is selected then the appended language amending the Wildlife Conservation Order must be approved for action.

Note: On May 20, 2015, the National Veterinary Services Laboratory in Ames, Iowa, positively confirmed CWD in a free-ranging deer from Ingham County. The positive confirmation prompted the Director to issue an interim order (Interim Order of the Director No. 1 of 2015), on May 26, 2015, authorizing the implementation of CWD Plan protocols and control measures. Accordingly, section 3.101 in the attached amendment No. 5 has been further amended to remain consistent with CWD response measures should option B be approved.

Option A: Maintain the current season and license structure in the UP

Pros: The winters of 2012 and 2013 were extremely hard on deer in the UP. Given these concerns, the Department and Commission made several adjustments to the deer hunting season, closing down nearly all Deer Management Units (DMUs) in the UP to antlerless harvest with firearms and muzzleloaders, as well as instituting an early supplemental feeding period. Based on the severe winters in 2012 and 2013, the Department predicted a reduced harvest in the UP for the 2014 season, and preliminary indications supported that initial prediction. Any changes made to the 2015 hunting season to account for this loss cannot reverse the effects of several years of severe winters. Maintaining the current regulation allows the Division to fully evaluate three years of deer harvest data through its multi-year regulations package and will be easier for public comprehension. There are no anticipated economic impacts to keeping the season and license structure similar to last year.

Cons: The disadvantage of not interrupting the multi-year regulations cycle would be the perceived lack of responsiveness amongst certain hunting constituencies. The deer harvest in the UP is anticipated to be at one of its lowest points in ~30 years, and harvest declines are often accompanied by increasing hunter dissatisfaction and the need to respond accordingly.

Option B: Eliminate the antlerless option during archery season for hunters hunting on deer licenses in the UP, including the combination license

Pros: There have been between ~5,000 – 6,300 antlerless deer harvested with archery equipment in the UP each year over the past 4 years. This option would have no effect on hunters who participate only in the firearm season, but all of the deer offered protection by this option would be antlerless, which would reduce harvest of potentially reproductive deer going into next year. This option would effectively turn deer licenses into “buck-only” tags for the UP region for the 2015-2016 season. Antlerless harvest could still be permitted through the allotment of private land antlerless quotas in DMUs needing antlerless harvest maintained (055, 122, and 155).

Cons: Option B limits opportunity for archery hunters in the UP. The overall impact at a population level will likely be negligible, accounting for the protection of approximately 0.5 deer per square mile. The change would be contrary to options in the Lower Peninsula, which would increase complexity and complicate enforcement. The economic impacts for this proposal would likely be minimal resulting in a few reduced efforts by hunters and either fewer licenses sold (combination licenses have already been on sale for the 2015 season since March 1, 2015), or the migration of hunters from purchasing a combination license to a single deer license.

Approximately one-fifth of this antlerless archery harvest occurs in DMUs in the conditional deer range with moderate winters (055, 122, and 155), so impacts are further reduced. Since winter is a primary driver of deer populations in the UP, it's possible that many of the deer that are not harvested by hunters will succumb to winter loss. Some hunters have already purchased licenses with the expectation that they could use them for antlerless deer in the UP. This option could have implications for current license holders as well as future deer license sales.

Neighboring States

The Division polled natural resources professionals in Illinois, Indiana, Minnesota, Missouri, Ohio and Wisconsin to determine regulations for the 2014-2015 or 2015-2016 deer hunting seasons regarding the take of antlerless deer. These results found that all states have reduced their antlerless quotas or opportunities to take antlerless deer during the firearms and/or muzzleloader seasons.

Indiana has reduced quotas for the past two years and will potentially again in 2015.

Minnesota has a bucks-only management strategy that has been implemented in a number of northern permit areas this year. No antlerless deer may be taken in any of these areas by any hunters during any season with all license types (including youth, bow hunters, and individuals with disabled permits). There are also no disease management areas in Minnesota this year.

For the 2014 season, Wisconsin closed 19 of its northern-most counties to antlerless deer hunting in an effort to increase the deer population after the previous two harsh winters.

Biological

In the winter of 2014-2015, significant snow occurred by the start of firearm deer season in mid-November and persisted at depths of 20-30 inches across much of the region all winter. Additionally, temperatures of -10 to -20 degrees were common in February, further stressing animals that had limited mobility. Rump fat thickness of adult does captured this winter on the Mississippi State University predator-prey research area (Iron County) is less than that measured in 2014—a year in which high mortality of adult females was noted toward winter's end. Though this year's survival data for adult females is much higher than previous years (currently 80% this year versus 38% and 54% the previous two years, respectively), the peak time for winter mortality occurs in late April. Given the recent declines in deer harvest in the UP, the likelihood of continued low deer harvest in this region during 2015 is high.

The attached Wildlife Conservation Order Amendment No. 5, opening section 3.101 eliminates the antlerless option during archery season for hunters hunting on deer licenses in the UP, including the combination license. The amended portion would enact option B described in this order. If the NRC chooses option A, no amended language is needed.

Recommendation:

This order was submitted for information on May 7, 2015, at the Natural Resources Commission Meeting. This item appeared on the Department's April 2015 calendar and may be eligible for approval on June 11, 2015.



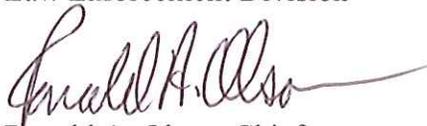
Russ Mason, Ph.D., Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



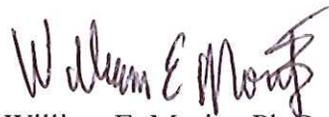
Bill O'Neill, Chief
Forest Resources Division



Ronald A. Olson, Chief
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Fisheries Division



William E. Moritz, Ph.D.
Natural Resources Deputy



Kristin Phillips, Chief
Marketing and Outreach Division

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 2015

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 June 12, 2015, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.101 Deer hunting open seasons; type of deer that may be taken; carrying of firearms, season limit.

Sec. 3.101. (1) The open firearm deer season shall be from November 15 to November 30.

(2) The open muzzle-loading and black-powder firearms deer season in zone 1 and zone 2 shall be a total of 10 days from the first Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 3 shall be a total of 17 days from the first Friday in December to 16 days thereafter.

(3) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, an individual hunting deer with a muzzle-loading firearm during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a muzzle-loading rifle, muzzle-loading g shotgun, or black-powder pistol, loaded with black-powder or a commercially manufactured black-powder substitute, or a crossbow.

(4) The open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 1.

(5) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, during the open bow and arrow season, an individual hunting deer with a bow and arrow or a crossbow shall not possess or carry afield a pistol, revolver, or any other firearm unless the individual is properly licensed to hunt deer with a firearm and is hunting in an area open to firearm deer hunting.

(6) The late antlerless firearm deer season shall be from the first Monday following the third Saturday in December through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mecosta, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Oscoda, Ottawa, Presque Isle, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne counties, and upon privately- owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season.

(7) The deer management assistance firearm hunt period shall be from the first Monday following the third Saturday in December through January 1 upon lands owned by federal, state, county, or local units of government, non-profit organizations, and other urban or suburban properties in zone 3. Only those areas with a wildlife division approved deer population management plan will be considered for issuance of these special deer management assistance permits. Only an individual possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm or a crossbow during this season.

(8) The season limit shall be 1 deer per deer license.

(9) Except as provided by sections 3.101a, 3.101c and 3.101d, the kind of deer which may be taken during the respective open seasons for each combination of season and deer license, except antlerless deer license, shall be as shown in table 2:

TABLE 2

License, Season, Deer to be Taken

Type of license	Season in which used	Kind of deer that may be taken
Deer license, deer combination regular license, mentored youth deer license	Bow and arrow only seasons (zone 1)	Antlered deer. Antler point restrictions apply for individuals not hunting with a mentored youth license
Deer license, deer combination regular license, mentored youth deer license	Bow and arrow only seasons (zones 2 and 3)	Antlerless or an antlered deer. Antler point restrictions apply for individuals not hunting with a mentored youth license
Deer license, deer combination regular license, mentored youth deer license	Firearm deer season, muzzleloading and black-powder firearms only season	Antlered deer or antlerless deer in deer management units 333 and 487. Antler point restrictions apply for individuals not hunting with a mentored youth license
	Liberty hunt and independence hunt	Antlerless or antlered deer.
Deer combination restricted license	Bow and arrow only	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length
	Firearm deer season or muzzleloading and black-powder firearms only season	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length, or antlerless deer in deer management units 333 and 487
	Liberty hunt and independence hunt	Antlerless or antlered deer.

(10) The early antlerless firearm deer season shall be a 2-day hunt starting the Saturday following September 15 upon privately owned lands within Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Clinton, Genesee, Grand Traverse, Hillsdale, Huron, Ingham, Iosco, Isabella, Jackson, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Midland, Monroe, Montmorency, Oakland, Oscoda, Presque Isle, St. Clair, Saginaw, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne counties and upon privately owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid private land antlerless deer license issued for the deer management unit in which they are hunting or a mentored youth hunting license may take a deer during this season.

Issued on this 11th day of June, 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