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DEPARTMENT OF NATURAL RESOURCES
LANSING



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MICHIGAN NATURAL RESOURCES COMMISSION
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Open/Closed DMUs; Limited Firearm Deer Zone; Deer Baiting and Feeding; Hunters with Disabilities; Muzzle-loading Season; Early and Late Antlerless Seasons; UP and DMU 487 Hunter's Choice; DMU Boundaries; Crossbow Stamp Wildlife Conservation Order Amendment No. 6 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:

Open/Closed DMUs

This order establishes the open/closed status for antlerless deer license availability for each Deer Management Unit (DMU). The availability status of public land antlerless deer licenses and private land antlerless deer licenses must be determined prior to establishing the antlerless deer license quotas. The status of each DMU for both public land and private land antlerless deer licenses will be published in the 2014 Antlerless Deer Hunting Digest to provide hunters with the information needed to make decisions regarding antlerless deer hunting opportunities. Antlerless deer license quota recommendations will be presented to the Natural Resources Commission (NRC) at the June meeting.

The initial recommendations included in the for information memorandum at the May 8, 2014, NRC meeting have been updated to reflect further analyses regarding deer management in the Upper Peninsula (UP). Accordingly, the recommendations made for several DMUs were revised as of May 12, 2014. The recommendations included in this memorandum reflect the final analysis.

Within the UP, deer populations decreased as a result of severe conditions in the later portions of the winter of 2012-2013. The winter of 2013-2014 was markedly more severe, with prolonged periods of below zero temperatures and above average snowfall levels across the region. The Department anticipates deer populations will decline across the region, and a conservative approach to antlerless harvest will be required for multiple years to allow populations to recover in many areas. Of the 22 DMUs in the UP region, Wildlife Division biologists have provided recommendations to allow just three units to be open to antlerless license issuance during 2014-2016. These three units (one fewer than in 2013) have a proposal for issuance of private land

licenses only. There are no recommended units for issuance of public land licenses (six fewer than in 2013).

For several years prior to 2013-2014, the Northern Lower Peninsula experienced relatively mild winters and staff observed deer populations steadily increase. Although the winter of 2013-2014 has proven to be a very severe winter, the increased deer population size should buffer the declines experienced following this winter. All DMUs within the region are recommended to be open for antlerless licenses on both private and public land during 2014-2016, with the exception of private land licenses for DMU 145 (North Manitou Island) and public land licenses for DMU 487, the multi-county unit through which private land licenses are allocated for Presque Isle, Montmorency, Alpena, Oscoda, Alcona, and Iosco counties. In areas that have had deer numbers impacted by the severe winter of 2013-2014, staff will recommend a more conservative quota in order to still offer some hunter opportunity but not hinder deer populations from rebounding during the next three years.

It is recommended that all DMUs in the Southern Lower Peninsula be open for antlerless deer licenses during 2014-2016. The sole exception is to leave DMU 025 (Genesee County) closed for public land antlerless deer licenses, as no public land is contained within that DMU.

Biological

Biologists throughout the state look at the following factors when determining whether to have a DMU open or closed and how the quota should be allocated:

- Winter severity index
- Deer vehicle collisions
- Deer harvest survey data
- Deer damage permit numbers
- Deer management assistance hunting permit issuance
- Hunter numbers, behavior and success
- Forest regeneration (UP)
- Deer condition data
- Support/opposition from local and/or regional groups

The primary reason for recommending closure of a given DMU to antlerless licenses is to minimize the biological/population impact on deer populations. Antlerless licenses are recommended to be available to provide an opportunity for regulated harvest to contribute to population management, mitigation of deer damage, or an amount of recreational opportunity and venison consumption consistent with biologically sustainable populations. Antlerless quotas (to be recommended later) will determine the potential opportunity for these different management outcomes.

Individual DMU write-ups are available upon request.

Social

Wherever feasible, units are recommended to be open for antlerless harvest even if quota recommendations will limit harvest to a level providing only social benefits through recreational opportunity and for the use of venison. Hunter harvest survey data is consulted as well when making recommendations for open or closed DMUs.

Economic

Antlerless harvest opportunities provide economic benefits by enhancing the amount of recreation and hunting-related expenditures that can occur and utilizing regulated harvest to mitigate deer damage.

Shotgun, Handgun, Black-powder Firearms Only Area

The Department has received requests from deer hunters to allow for the use of .35 caliber or larger rifles capable of using certain traditional pistol cartridges to take deer in the Shotgun, Handgun, Black-powder Firearms Only Area herein referred to as the "Shotgun Zone." These straight-walled cartridges have a minimum case length of 1.16 inches and a maximum case length of 1.80 inches. The longer barrel of the rifle with these cartridges should increase accuracy as compared to a short-barreled pistol.

Use of these rifles could ensure that a firearm is sized appropriately to fit the physical abilities of participants in the Mentored Youth Hunting Program. Under current regulations, many firearms require modification to meet this standard.

In addition, the Department has received requests from deer hunters to allow for the use of a .35 caliber or larger air rifle or pistol charged only from an external high compression power source (external hand pump, air tank, or air compressor). These large-bore air rifles are not as powerful as a black-powder gun and do not shoot as far as a muzzleloader.

In the Shotgun Zone, firearm deer hunters are currently restricted to the use of the following firearms:

- A shotgun with a smooth or rifled barrel.
- A .35 caliber or larger pistol that can hold up to nine rounds in the barrel and magazine combined and loaded with straight-walled cartridges.
- A muzzle-loading rifle or black-powder rifle loaded with black powder or a commercially manufactured black powder substitute.

Restrictions in the Shotgun Zone were intended to prevent the use of rifles in an area with high population densities based on concern for public safety during firearm deer seasons.

Indiana has allowed the use of certain rifle calibers for deer hunting, with regulations similar to the ones being proposed in this memorandum. Indiana has allowed the use of these rifles since

2007 and has seen no increase in the number of hunter injuries or fatalities attributable to the use of these rifles. The use of rifles accounts for approximately 10% of their deer harvest.

The Ohio Wildlife Council is currently exploring the use of rifles to take deer in Ohio. The proposed change would allow the use of pistol cartridge rifles for deer hunting. The rifles would be the same caliber and use the same straight-walled cartridges that are currently legal for use in handguns.

In Missouri, hunters may use air-powered guns, .40 caliber or larger, charged only from an external high compression power source (external hand pump, air tank, or air compressor) to take deer.

Biological

There is no expected biological impact.

Social

Some user groups and hunters feel that allowing the use of these rifles in the Shotgun Zone would attract and recruit additional hunters. Youth or small-statured hunters and hunters with limited upper body strength may prefer to use these lighter rifles with less recoil than a shotgun.

For the last several years, legislative bills have also been developed to allow for the use of similar types of firearms. However, to date, the bills have not become law.

There is the concern by some citizens and political subdivisions in the Shotgun Zone that the use of rifles in densely populated areas may increase the likelihood of people, homes or buildings being struck by errant rounds traveling long distances. Michigan law does allow the Department to prohibit hunting and the use of firearms through a process prescribed in statute under PA 451 of 1994, Part 419, Hunting Area Control. There is some concern that the use of these centerfire rifles for deer hunting in the Shotgun Zone could result in more interest by local political subdivisions to request hunting area controls (closures). The Michigan United Conservation Clubs (MUCC) supports the use of these rifles in the Shotgun Zone and will provide proactive communications at the township level.

The Law Enforcement Division routinely receives requests from local political subdivisions expressing interest in hunt area controls. While some investigations do result in hunting closures, most problems can be addressed through enforcement of current laws and regulations.

Economics

There is no perceived economic effect other than the possible increase of interest in certain makes and models of rifles.

Recommendations

The Department recommends allowing the limited use of certain rifles capable of using .35 caliber or larger ammunition, with a straight-walled cartridge that has a minimum case length of 1.16 and a maximum case length of 1.80 inches to take deer in the Shotgun Zone. It is recommended that this provision be allowed for three years for evaluation with a 2017 sunset clause. The Department also recommends allowing for the limited use of a .35 caliber or larger air rifle or pistol charged only from an external high compression power source (external hand pump, air tank, or air compressor) to take deer in the Shotgun Zone.

In addition, the Department recommends renaming the “Shotgun, Handgun, Black-powder Firearms Only Area” as the “Limited Firearm Deer Zone.”

Deer Baiting and Feeding

Michigan has the first recorded, self-sustaining outbreak of bovine tuberculosis (bTB) in wild white-tailed deer in North America. Since there are no effective vaccines for disease prevention and no effective medications for treatment of bTB in wild deer, a combination of wildlife disease surveys, including data collected at deer check stations, and deer management strategies are being used to mitigate the disease in wild deer. The information collected at deer check stations in particular helps us monitor the spread and prevalence of the disease, while hunters are asked to examine their deer from all areas of the state.

Surveillance of the wild deer herd shows that instances of bTB have been reduced from 4.9% in 1995 to 1.7% in 2013. This is a 65% decrease.

The current deer baiting regulations and deer and elk feeding regulations are set to expire on June 9, 2014. Accordingly, the Department recommends retaining the conditions under which hunters may use bait to hunt deer and the conditions under which deer and elk feeding may occur. In addition, the Department recommends continuing the prohibition on deer baiting in Alcona, Alpena, Montmorency, and Oscoda counties. The Department also recommends that deer and elk feeding continue to be prohibited in Deer Management Unit 487.

In addition, the Department recommends changing the opening date for legal baiting from October 1 to September 15. The early antlerless firearm hunt and the Liberty Hunt take place in September. We have received feedback from stakeholders indicating an interest in baiting during these early hunts in order to increase success rates. The Department recommends allowing for baiting beginning September 15 of each year.

Biological

Since the Department began implementing bTB management strategies in 1995, evidence has continued to indicate that the area of self-sustained bTB infection within deer includes Alcona, Alpena, Montmorency, and Oscoda counties. There is also no evidence that bTB has become established in other Michigan wildlife species. In addition, fewer cattle herds have been reported

as becoming infected with bTB. Accordingly, the Department recommends continuing to use restricted baiting and feeding as a management strategy in order to continue seeing these positive effects.

Social

According to the 2012 Michigan Deer Harvest Survey Report, only 1,348 of the approximate 418,000 deer harvested were taken during the Liberty or Independence Hunts. This was a 30% decrease from 2011.

The NRC revised baiting and feeding regulations in 2011 and acquired information from scientists and the public alike during that time. No surveys have been conducted within the past 5 years regarding baiting and feeding in Michigan. As the Department is not proposing any additional baiting or feeding restrictions, we are not anticipating any changes to social impacts or considerations.

Economic

As the Department is not proposing any additional baiting or feeding restrictions, we are not anticipating any economic impact.

APR Applicability to Hunters with Disabilities

Under current regulations, antler point restrictions in Zone 1 and in DMU 487 do not apply during the Liberty Hunt to hunters who qualify to participate. This year, the Liberty Hunt will take place September 20 and 21, 2014, and is open to hunters who are:

- Under 17 years of age
- A veteran with 100 percent disability
- A resident rated as individually unemployable by the U.S. Department of Veteran Affairs
- An individual with a permit to hunt from a standing vehicle
- An individual with a permit to use a laser sighting device
- An individual who is blind

The Independence Hunt takes place for a total of four days in October. This year's hunt will be from October 16 to 19, 2014. The hunt is open to the same participants as the Liberty Hunt with the exception of youth under 17 years of age. However, antler point restrictions in Zone 1 and DMU 487 do apply.

The Department recommends removing antler point restrictions for participants during both the Liberty Hunt and Independence Hunt regardless of the DMU in which they are hunting. The Department expects the change to simplify regulations and provide an increase in recreational opportunity.

Biological

Survey data show that the number of total deer taken during the Liberty Hunt and Independence Hunt combined in 2011 was 460 and in 2012 was 283. Even if success rates increase, we do not anticipate the level of harvest having a negative biological impact.

Social

The 2011 and 2012 Deer Harvest Survey Report showed that the number of participants in the Liberty and Independence Hunts were 2,045 and 1,348 combined. Many hunters qualifying for either the Liberty Hunt or the Independence Hunt have complicated health histories that may require special staffing, frequent health care appointments, and sudden medical emergencies that keep them from hunting all or some of the available hunt days. Eliminating restrictions on deer that may be harvested, may help to increase hunter success rates and satisfaction during the Liberty and Independence Hunts.

Allowing qualifying participants in these hunts to take either antlered or antlerless deer, has resulted in some social conflict communicated by individual hunters to field staff and through electronic formats.

Economic

The Department does not expect a significant increase in participation, and therefore, does not expect a change to economic impact.

Muzzle-loading and Black-Powder Firearms Only Season

Under current regulations, the opening day for the muzzle-loading deer hunting season occurs later in Hunting and Trapping Zone 2 of the Northern Lower Peninsula (NLP) than in the other regions. In years past, the entire Lower Peninsula (Hunting and Trapping Zones 2 and 3) opened on the same date, with an earlier opening date in the Upper Peninsula (UP, Hunting and Trapping Zone 1) established to minimize the opportunity that snow accumulation prior to this date would substantially reduce hunting access or lead to deer populations already concentrated in wintering areas where they could be overly vulnerable to muzzleloader harvest. The opening date in the Southern Lower Peninsula (SLP, Hunting and Trapping Zone 3) was then moved up to coincide with the UP opening date, but then allowed to remain open throughout the dates during which the season is open in the NLP. This arrangement maximized the recreational opportunity and potential for population management in the region that generally has the highest deer densities and milder winter conditions that are less likely to substantially limit hunter access or aggregate deer in locations where they are overly vulnerable to harvest.

Following the 2013 deer season, several individuals requested that the Department consider establishing an earlier opening date for the NLP, primarily to minimize the opportunity that snow

accumulation prior to this date would substantially reduce hunting access during the muzzle-loading season in this region. The request was likely brought about by greater than typical snow accumulation in portions of the NLP prior to the opening of the 2013 Zone 2 muzzle-loading season. This change would involve establishing coinciding opening dates in all Hunting and Trapping Zones, and allow the season in Zone 3 to continue to remain open longer than in the other regions. This recommendation simplifies the start date of the muzzle-loading season for the whole state and may alleviate some confusion.

Biological

Minimal to no biological impacts would be expected to result from this change.

Social

The Department does not possess any survey information or extensive insight as to hunter preferences regarding this change. The change would create the possibility for conflicts between elk hunters and muzzle-loading deer hunters by creating overlap with the December elk hunt period, but conflicts are unlikely to be extensive.

Economic

During years that experience greater than average winter severity in early portions of the NLP winter, this change may allow for additional recreation and hunting-related expenditures than would otherwise occur in the NLP.

Areas to be Open for Early and Late Antlerless Seasons

The Department is recommending expansion of areas open to both the early and late antlerless seasons during 2014-2016 in the NLP Region. Benzie, Grand Traverse, Leelanau, and Manistee counties, plus that portion of northwestern Arenac County that was previously closed, are now recommended to be open for these seasons in order to provide additional means of addressing the occurrence of deer damage within localized areas of these counties. The Department is also recommending that the portion of Newaygo County north of M-20 be opened to the late antlerless season so that areas open will be consistent with DMU boundaries (the rest of DMU 361 has been previously open).

The Department is recommending that all counties within the Southwest Region be closed to the early antlerless season during 2014-2016. Deer populations within this region have been reduced in recent years by a combination of aggressive management and repeated outbreaks of Epizootic Hemorrhagic Disease. The overriding hunter sentiment throughout much of the DMUs in the region is that the reduction of deer numbers over the last few years is starting to impact the quality of some hunters' experience; i.e. they aren't seeing as many deer as they would like to see. More important to the consideration regarding the early season status, antlerless license availability as well as the issuance of Deer Management Assistance Permits and Deer Damage

permits will provide ample opportunities to address damage, even in the absence of the two additional days of antlerless hunting that would be lost due to closure of this season.

Biological

The Deer Harvest Survey Report shows that overall participation and harvest in both the early and late antlerless seasons is much less than in other Michigan deer hunting seasons. Biologists throughout the state look at the following factors when determining whether to have an early or late antlerless season:

- Winter severity index
- Deer vehicle collisions
- Deer harvest survey data
- Deer damage permit numbers
- DMAP issuance
- Hunter numbers, behavior and success
- Forest regeneration (UP)
- Deer condition data
- Support/opposition from local, regional groups

According to the 2012 Deer Harvest Survey Report, approximately 11,000 antlerless deer were previously taken in the early antlerless season, which declined to near 6,000 after the season was shortened to just 2 days. Approximately 17,400 antlerless deer have been taken in recent years during the late antlerless season, compared to approximately 80,000 antlerless deer taken in the Lower Peninsula during the regular firearm season. Success of participating hunters, however, is higher. Generally 20-30% of hunters in these special seasons take at least 1 antlerless deer, compared to 10-15% of Lower Peninsula hunters in the regular firearm season. These seasons are also open only on private land. Therefore, overall biological impact is likely minimal, but these seasons likely provide some benefits to efforts to manage deer populations and impacts (e.g., crop damage) on private land at a local scale.

Social

Among 280,000 NLP hunters and 340,000 SLP hunters, approximately 30,000 have participated in the early antlerless season and 75,000 in the late antlerless season in recent years according to the 2012 Deer Harvest Survey Report. Participation is less in the early antlerless season, and it is also a less popular means of providing additional opportunity for antlerless harvest. Among respondents to the Department's 2012 Deer Hunter Opinion Survey, only 32% supported or strongly supported a September firearm antlerless season, compared to 64% for a December firearm antlerless season. Closing the Southwest Region is therefore expected to produce minimal negative impacts on recreational opportunity.

Economic

Given reduced deer densities in the Southwest Region and the existence of other methods for mitigating damage, negative economic impacts are not expected to increase. Antlerless quotas are generally more restrictive in the portions of the NLP where the early and late antlerless season is recommended to be expanded, thus additional hunting days can provide an opportunity to ensure landowners that are experiencing damage have the best possible opportunity to address these impacts. In the Southwest Lower Peninsula (SWLP), the number of hunter recreation days will potentially decrease because these extra seasons aren't available.

UP and DMU 487 "Hunter's Choice" regulations

In 2008, the NRC applied new regulations to the use of single and combination deer hunting licenses in the UP. Since that time, hunters who purchased a firearm license or an archery license were limited to harvest only one antlered deer in the UP. Hunters who purchased a combination license were permitted to harvest two antlered deer but one had to have at least 3 antler points on one side and the other had to have at least 4 antler points on a side. At the time of implementation, the Department agreed to evaluate the impacts of these regulations in the future to determine whether the regulation should continue permanently or not. As is indicated below, public interest also led to evaluation of potential impacts and support for a variety of alternative buck harvest restrictions. Overall, the "Hunter's Choice" regulations appear to have offered some protection of yearling cohorts of bucks, but impacts of winter severity have likely been more significant. Slight decreases in revenue may have resulted as a consequence of these regulations changes. Hunters often generally indicate they prefer regulations that are as simple as possible, but public opinion among UP hunters in this case appears to be slightly in favor of retaining the restrictions. At this point, the Department believes that either retaining the "Hunter's Choice" regulations or removing these UP restrictions and returning to regulations that existed prior to 2008 would be acceptable outcomes of this review.

Biological

Using data from deer check stations and the yearly Deer Hunter Harvest Survey from 2004-2007, Wildlife Division was able to estimate that 1.5 year -old bucks made up 47% of the antlered buck harvest (on average). Between 2008-2011, 1.5 year -old bucks made up 37% of the buck harvest (on average). At first consideration, it would appear that the Hunter's Choice regulations may have accounted for protecting an additional 10% of 1.5 year old bucks. However, other factors – mainly winter severity – complicate the evaluation. Winter is the primary driver of deer populations in the UP. For several years heading up to 2008, winters had become increasingly severe. Deer numbers and numbers of yearling bucks declined as a consequence across much of the UP landscape. Conversely, the winters between 2009-2011 were relatively mild, with 2011 being one of mildest winters on record. Improved recruitment led to an increase in yearling bucks and overall population rebound. Hunters reported seeing more deer, and deer check station data as well as UP biologist observations indicated deer that were seen were in better condition. The smaller proportion of yearlings in the antlered buck harvest after Hunter's Choice regulations were implemented may therefore have been due to initially lower availability of

yearling bucks, followed by an increase in number and condition of bucks leading to more selective harvest in addition to the protection created through the regulations. Overall, the Hunter's Choice restriction is likely offering some increased protection of 1.5 year old bucks, but the effects appear minimal in light of the likely winter weather impacts.

Social

In December of 2011 the UP Deer Advisory Team (DAT) indicated an interest in providing input on UP buck harvest regulations. They requested that Wildlife Division complete an evaluation of the current regulations in the UP to determine what impact they may be having regarding protection of 1.5 year old bucks. The DAT also asked for evaluation of other regulation options to determine what proportion of 1.5 year old bucks would be protected and whether regulations would be simplified under each option. The UP Wildlife Division staff authored a paper that outlined several options and also evaluated the current regulations' impacts. After deliberation, the DAT members each submitted a recommendation of their top two option selections. The summary of DAT preferences are provided as follows:

UPDAT Buck Management Options Paper Recommendations						
Organization	1 (One Buck)	2 (2 Pt APR)	3 (3 Pt APR)	4 (HC as-is)	5 (HC w/ single tag modif)	6 (pre-2008)
Eastern UPCAC					1st Choice	
Hiawatha Sportsmans Club				1st Choice		
At Large Member (Luce County)					1st Choice	
UP Whitetails Assoc Inc				1st Choice		
Northwoods Chapter SCI				2nd Choice		1st Choice
Wildlife Unlimited of Dickinson County				1st Choice		
Western UPCAC				1st Choice		
UP Sportsmens Alliance				1st Choice		
MI Crossbow Federation				1st Choice		
At Large Member (Delta County)				1st Choice		
At Large Member (Baraga County)	2nd Choice					1st Choice

The "HC w/ single tag modif" option reflected a preference to create a single tag that could be used in any season within the UP, as opposed to continuing to offer a separate archery and firearm license. Under the new statewide license package that was implemented after these preferences were formally indicated by DAT members, this option would be the closest to retaining the "Hunter's Choice" regulations as they have existed since 2008 (support for which is shown in the "HC as-is" column), though some DAT members indicated dissatisfaction that the

single tag good for any season was implemented by the new license package in place of the separate archery and firearm licenses.

In order to determine how the hunting public felt about the current regulations and to share the potential outcomes of other buck management options, Wildlife Division hosted a series of Open Houses across the UP. Attendees at each Open House were asked to complete a survey asking them which option they would choose. The options were a two point antler point restriction (to apply to all license types), a three point antler point restriction (to apply to all license types), the current Hunter's Choice regulations (this included the modification of going from the single archery and single firearm licenses to one single license good for all seasons), pre-2008 regulations (i.e. one antlered deer would only need to have one 3-inch antler and one buck would need to have at least 4 antler points on one side, these are also the current regulations in Zone 3 and parts of Zone 2) and finally a 'other' choice (people were able to add in what they thought the regulation should be). The overall results are indicated below.

Open House Location	2 Points on a Side APR	3 Points on a Side APR	Modified Hunter's Choice (with Single Tag Modification)	Pre-2008 Regulations	Other
All Combined (217 Total)	16	27	63	68	43
Sault Ste Marie	3	3	4	8	2
Ironwood	4	1	12	5	6
Iron Mountain	3	15	11	13	12
Marquette	2	2	8	5	4
Munising	3	0	13	5	4
Baraga	0	1	8	8	3
Newberry	0	4	2	3	4
Escanaba	1	1	5	21	8

The two most popular options as indicated by preferences of the DAT and participants in the Open House surveys are for the "Hunter's Choice" regulations to remain in place or to return to the regulations that were in place prior to 2008. Support by UP hunters for the "Hunter's Choice" regulations each year since they have been implemented has also been assessed through the Department's annual deer harvest survey. Support has varied from 53% to 59% with no increasing or decreasing trend over time.

Economic

Assessing retail sales system data indicated that in the UP the number of individuals purchasing licenses has remained relatively stable, but an average of approximately 5,500 fewer deer tags

were purchased each year from 2008-2011. This represents \$82,500 in revenue loss per year. Part of this effect appears to be from hunters electing to purchase a firearm license rather than a combination license, possibly to avoid being subject to a minimum point restriction under the "Hunter's Choice" regulations. However, combination license sales at the statewide level also declined slightly over this period, so the regulation changes were likely not the only factor responsible for the decline in UP license sales.

DMU 487 "Hunter's Choice" regulations

A self-sustained infection of bovine tuberculosis (TB) continues to persist within deer in northeast Michigan. While the long-term trend in TB prevalence still demonstrates a decline, the trend since 2005 indicates no change. Beginning with the 2010 season, the Department recommended implementing regulations in Deer Management Unit 487 to expand antlerless harvest opportunities while restricting harvest of young bucks that were the most common target of hunters in the TB area. The intent was to increase the proportion of antlerless deer in the harvest while not constraining the harvest of older bucks. Ultimately, "Hunter's Choice" regulations were passed, such that hunters who purchased a firearm license or an archery license were limited to harvest only one antlered deer in DMU 487, while hunters who purchased a combination license were permitted to harvest two antlered deer but one had to have at least 3 antler points on one side and the other had to have at least 4 antler points on a side. Firearm and combination licenses were authorized to be used to take antlerless deer in the firearm or muzzleloader season in DMU 487.

The Department has assessed these regulations changes in light of any benefits they are providing to TB eradication. The 2013 deer harvest survey has not yet been finalized to evaluate the full effects over the past four years, so recommendations may be updated as these additional data become available. Overall, minimal success has been indicated at this point. The Department recommends retaining the liberalized antlerless tagging options in DMU 487. The "Hunter's Choice" regulations should either be removed, or remain in place to provide a longer period for evaluation of this strategy over 2014-2016.

Biological

Under aggressively liberalized antlerless harvest regulations in northeast Lower Peninsula, the deer population in the region declined an estimated 50% before once again increasing as antlerless harvest declined. Only 50-60% of hunters in DMU 487 purchased one or more antlerless licenses for the area, and in most years buck harvest has exceeded antlerless harvest. As the most vulnerable age class of antlered deer, 1.5 year old bucks make up more than half of antlered deer harvested. Data indicate at ages 2 years and older, males are increasingly more likely to be TB positive than females of the same age class. Furthermore, the risk of bucks being TB positive continuously increases with age, while the risk for does levels off at ages of 4 years and up. Allowing the use of combination and firearm licenses for taking antlerless deer during the firearm and muzzleloader seasons therefore provided nearly all hunters with a legal option for harvesting an antlerless deer, while protecting the most vulnerable antlered bucks potentially

increased the likelihood that hunters would exercise this option. Harvest estimates indicate buck harvest declined in the first season under this restriction, but increased in 2011 and again slightly in 2012. Antlerless harvest has exceeded or equaled the take of bucks, but did not increase substantially in the first three seasons under these regulations.

Social

Support by northeast Lower Peninsula hunters for the “Hunter’s Choice” regulations in DMU 487 each year since they have been implemented has been assessed through the Department’s annual deer harvest survey. Support increased slightly from 2010 to 2011, but remained below 50% in the first three years under the regulations.

Economic

The primary economic impact concerns relate to the impacts of Michigan’s loss of TB-free status.

DMU Boundary Changes

The Department recommends combining DMU 012 (Branch County) with DMU 339 (Vicksburg Unit – Kalamazoo and St. Joseph Counties) to create a new DMU 312 (Sherwood Unit – Branch, Kalamazoo, and St. Joseph Counties). Population indicators suggest that deer populations and impacts throughout all three of these counties are relatively consistent, and thus all may be feasibly combined for management purposes into a single unit.

Biological

The goal is to stabilize the population trend in all counties within this proposed DMU, which will be approached through the recommended 2014-2016 antlerless license quota to be recommended at a future date.

Social

The Department intends to maintain recreational opportunities for hunters while minimizing negative conflicts with agriculture and maintaining recently reduced levels of deer-vehicle collisions throughout all three counties recommended to be combined within DMU 312.

Economic

Utilizing the largest feasible area for DMU boundaries reduces the number of antlerless licenses that must be purchased by individuals that hunt in more than one of the counties incorporated. This would result in a positive economic impact on affected hunters, and due to the still relatively small size of the DMU, is not expected to produce any noticeable negative impact on the Department through reduced license sales.

Pure Michigan Hunt Transfers

The Department recommends creating a hunt transfer program for the Pure Michigan Hunt (PMH). PMH winners would be able to transfer their opportunity to purchase some of their PMH licenses (retaining some licenses for themselves), or transfer the entire PMH hunting package including base license to any other individual who meets the PMH applicant criteria. This change would allow PMH applications to be more easily purchased as gifts, enhancing the PMH program as a whole. Given that only three PMH winners are selected per year, the Department's administrative burden for PMH transfers is expected to be minimal.

Biological

Because the same number of PMH winner licenses would be used, the Department does not expect any negative biological effects.

Social

Current requests to transfer PMH licenses have included the ability to transfer to veterans and to youth hunters. The Department recommends allowing for transfer to any individuals who satisfy eligibility requirements established for PMH applicants and are eligible to purchase licenses for the hunts being transferred. Transfers facilitate the sharing of positive hunting experiences.

Economic

We do not anticipate any economic impact.

Crossbow Stamp Technical Change

In September, the Governor signed Public Act 108 of 2013, which authorized a new structure for hunting and fishing licenses. Effective March 1, 2014, hunting and trapping license prices and types changed. In order to address the new structure, the Department will continue to review and propose modifications to the Wildlife Conservation Order. Accordingly, the Department recommends removing the regulation requiring a free crossbow stamp as part of the license to hunt with a crossbow. Under the new license structure, licenses are not device-type specific.

In addition, the crossbow stamp is unnecessary for public management purposes, as crossbow use is recorded in surveys.

The permit to take game with a crossbow for hunters who are permanently or temporarily disabled is not affected by the license restructure or this amendment.

Recommendation:

This order was submitted for information on May 8, 2014, at the Natural Resources Commission Meeting. This item appeared on the Department's April 2014 calendar and may be eligible for approval on June 12, 2014.



Russ Mason, Ph.D., Chief
Wildlife Division



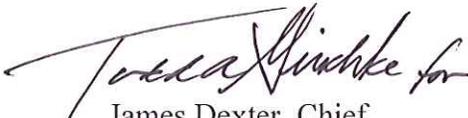
Gary Hagler, Chief
Law Enforcement Division



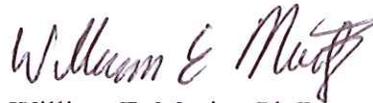
Bill O'Neill, Chief
Forest Resources Division



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. 6 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 June 13, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

1.2 Definitions.

Sec. 1.2 (1) Definitions in part 3 of 1994 PA 451, as amended, MCL 324.301; part 401, wildlife conservation, 1994 PA 451, as amended, MCL 324.40101 to 324.40119; and part 435, hunting and fishing licenses, 1994 PA 451, as amended, MCL 324.43501 to 324.43561, and in this order shall have the same meanings in this order. Additional definitions for terms used in this order are as defined in this section.

(2) "Advanced illness" means a medical or surgical condition with significant functional impairment that is not reversible by curative therapies and that is anticipated to progress toward death despite attempts at curative therapies or modulation, the time course of which may or may not be determinable through medical prognostication.

(3) "Antlered deer" means a deer having at least 1 antler that extends 3 inches or more above the skull. For the purposes of determining if an antler extends 3 or more inches above the skull, the measurement shall be taken on the longest antler beginning at the line where the antler and pedicel join, along the back of the antler, following the curve, if any, to the tip of the longest antler point. For the purposes of this section, "pedicel" means the bone of the skull to which the antler is attached.

(4) "Antlerless deer" means a deer without antlers or a deer with antlers where the longest antler extends less than 3 inches above the skull.

(5) "Modified bow" means a bow, other than a crossbow, that has been physically altered so that the bow may be held, aimed, and shot with one arm.

(6) "Game" means any animal designated as game under the authority of section 40110 of 1994 PA 451, as amended, MCL 324.40110, and any of the following animals: badger, bear, beaver, bobcat, brant, coot, coyote, crow, deer, duck, elk, fisher, Florida gallinule, fox, geese, hare, Hungarian partridge, marten, mink, moose, muskrat, opossum, otter, pheasant, quail, rabbit, raccoon, ruffed grouse, sharptailed grouse, skunk, snipe, sora rail, squirrel, Virginia rail, weasel, wild turkey, wolf, woodchuck, and woodcock. "Game" does not include privately owned cervidae species located on a cervidae livestock facility registered under 2000 PA 190, MCL 287.951 to 287.969.

(7) "Migratory game bird" means a bird as defined by 50 C.F.R. §20.11 (1988).

(8) "Physical therapist" means the same as defined in article 15 of the public health code, 1978 PA 368, MCL 333.17801.

(9) "Physician" the same as defined in article 15 of the public health code, 1978 PA 368, MCL 333.17001.

(10) "Raptor" means any bird species of the orders strigiformes, accipitriformes, and falconiformes.

(11) "Limited firearms deer zone" means that area south of a line beginning at a point on the Wisconsin-Michigan boundary line directly west of the west end of highway M-46; then east to M-46 and east along M-46 to its junction with freeway US-131; then south along freeway US-131 to M-57; then east along M-57 to its intersection with Montcalm road on the Kent-Montcalm county line; then south along that county line and the Ionia-Kent county line to its intersection with M-44; then east along M-44 to its intersection with M-66; then north along M-66 to its intersection with M-57; then east along M-57 to its intersection with M-52; then north along M-52 to its intersection with M-46; then east along M-46 to its intersection with M-47; then north along M-47 to its junction with US-10;

then east along US-10 to its junction with I-75; then north along I-75 and US-23 to its junction with beaver road, Kawkawlin township, Bay county; then east along beaver road to Saginaw bay; then north 500 east to the international boundary with Canada.

(12) "Waterfowl hunting north zone" or "north zone" means all of the Upper Peninsula.

(13) "Waterfowl hunting middle zone" or "middle zone" means that area of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line in Lake Michigan, due west of the mouth of Stoney creek in section 31, T14N R18W, Oceana county, then easterly and southerly along the south shore of Stoney creek to Scenic drive, easterly and southerly on Scenic drive to Stoney lake road in section 5, T13N R18W, Oceana county, easterly on Stoney lake and Garfield roads to highway M-20 (Hayes road) in section 33, T14N R17W, Oceana county, easterly on highway M-20 through Oceana, Newaygo, Mecosta, Isabella, and Midland counties to highway US-10 business route in the city of Midland, easterly on highway US-10 business route to highway US-10 at the Bay county line, easterly on highway US-10 to highway I-75/US-23, northerly on highway I-75/US-23 to the highway US-23 exit at Standish, easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, and from that point on a line directly east 10 miles into Saginaw bay, and from that point on a line directly northeast to the international boundary with Canada in Lake Huron.

(14) "Waterfowl hunting south zone" or "south zone" means all of that area of the Lower Peninsula south of the line described in middle zone.

(15) "Zone 1" means all of the Upper Peninsula.

(16) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line due west of the Lake Michigan shoreline which is north of Muskegon lake and due west of the western terminus of memorial drive at Scenic drive in Muskegon county, then easterly to said western terminus of memorial drive at Scenic drive, easterly on memorial drive to Ruddiman drive, northeasterly on Ruddiman drive to lake avenue, northeasterly on lake avenue to highway M-120 (also known as Holton road) in North Muskegon, northeasterly and then northerly on highway M-120 to highway M-20, easterly on highway M-20 to highway business route US-10 in the city of Midland, easterly on combined highway M-20 and highway business route US-10 to highway US-10 at the Midland-Bay county line, easterly on highway US-10 to Garfield road in Bay county, northerly on Garfield road to Pinconning road, easterly on Pinconning road to seven mile road, northerly on seven mile road to the Bay-Arenac county line (where seven mile road changes name to Lincoln school road), northerly on Lincoln school road (also known as county road 25) in Arenac county to highway M-61, easterly on highway M-61 to highway US-23, northeasterly then easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, easterly 90° east for 7 miles into Saginaw bay, then northerly 78° east (dividing Arenac county islands from Huron county islands) to the international boundary line between the United States and the dominion of Canada.

(17) "Zone 3" means all that part of the Lower Peninsula south of the line described in zone 2.

2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, 1994 PA 451, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "limited firearms deer zone" from November 15 to November 30, or use to take a deer during any firearm deer season in the "limited firearms deer zone," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(d) A .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches.

(e) A .35 caliber or larger air rifle or pistol charged only from an external high-compression power source such as an external hand pump, air tank, or air compressor.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

(7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(9) Take any animal at any time other than during the hunting hours and open seasons established in this order, except as may otherwise be provided in chapter VI.

(10) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(12) Make use of a dog in hunting deer, except as noted in section 2.1a of this order.

(13) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently or temporarily disabled person who holds a special permit provided for in section 40101 to 40119 of 1994 PA 451, MCL 324.40101 to 324.40119, or section 5.95 of this order.

(14) Use aircraft to aid in the taking of a wild bird or wild animal.

(15) Take game with a crossbow unless the hunter possesses a valid license to take game and uses only arrows, bolts, and quarrels for taking deer, bear, elk, wolf, and turkey with a broadhead hunting type of point not less than 7/8 of an inch wide with a minimum of 14 inches in length.

(16) Take deer with a crossbow or a modified bow in zone 1 from December 1 to March 31. This subsection shall not apply to a person who holds a special permit provided for in part 401, wildlife conservation, natural resources

and environmental protection act, 1994 PA 451, as amended, MCL 324.40101 to 324.40119, or section 5.95 of this order.

2.12 Pure Michigan hunt; eligibility requirements, definition, open area, exceptions.

Sec. 2.12 (1) A pure Michigan hunt applicant must meet the age requirement and all other eligibility requirements established in statute to purchase a regular (not apprentice) hunting license to hunt bear, deer, or elk with a firearm.

(2) Notwithstanding any other provisions of this order, and subject to the requirements of applicable statutes, a pure Michigan hunt license shall include the opportunity to purchase:

- (a) One any-elk license (Michigan resident only).
- (b) One bear license (not valid for Drummond island bmu).
- (c) One spring turkey license.
- (d) One fall turkey license.
- (e) One antlerless deer license.
- (f) One base license.

(3) Successful applicants shall be determined by a drawing. Pure Michigan hunt drawing success does not affect or involve any preference points or ineligibility periods related to other hunting licenses or lifetime licenses.

(4) Three pure Michigan packages shall be awarded each year allowing the successful applicant to purchase the above licenses for the prices established by the department pursuant to law.

(5) The nonrefundable application fee for a pure Michigan hunt license is \$5.00.

(6) Pure Michigan hunt applicants may purchase multiple pure Michigan hunt applications.

(7) Licenses purchased by a successful pure Michigan hunt applicant shall be valid for the following:

- (a) Pure Michigan hunt unit defined in section 12.999 for each game species.
- (b) During any open season for that species, with the appropriate hunting devices authorized by this order.
- (c) On any lands open to hunting for those licenses in section 2.12(2) with permission of the private landowner, if applicable.
- (d) The party hunt leader with the first selection at any managed waterfowl area during the reserved hunt period.

(8) A pure Michigan hunt applicant must meet all the requirements to participate in any season covered by the pure Michigan hunt license.

(9) Successful pure Michigan hunt applicants are not prohibited from:

- (a) Applying for a limited draw license authorized by any other provision of this order.
 - (b) Purchasing a license authorized by other provisions of this order.
 - (c) Utilizing a kill tag authorized by other provisions of this order.
 - (d) Retention of any preference points or chances accumulated by other provisions of this order.
- (10) Nonresidents are not eligible to purchase a Michigan elk hunting license.

(11) Successful Pure Michigan Hunt applicants may transfer authorization to purchase Pure Michigan Hunt licenses to individuals who satisfy eligibility requirements established for Pure Michigan Hunt applicants, and are eligible to purchase licenses for the hunts being transferred.

3.100 Take of deer; prohibited firearms, legal weapons, “bait” and “baiting” defined, conditions for baiting established in certain area(s); unlawful acts.

Sec. 3.100 (1) “Take” means the same as defined in section 40104, 1994 PA 451, MCL 324.40104.

(2) An individual must possess while hunting deer the unused kill tag issued with the deer license, pursuant to section 3.103, and provide it to a conservation officer upon request.

(3) Unless otherwise specified in this order, an individual shall not do any of the following:

(a) Take a deer without possessing a valid license with kill tag.

(b) Take a deer other than during the open seasons established in this order.

(c) Take a deer outside of lawful hunting hours.

(d) Take a deer by any method other than by firearm, bow and arrow, or crossbow.

(e) Take a deer with a rimfire firearm .22 caliber or smaller.

(f) Take a deer during any firearm deer season in the “limited firearms deer zone,” with a firearm other than a shotgun with a smooth or rifled barrel, a .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges, a .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches, a .35 caliber or larger air rifle or pistol charged only from an external high-compression power source, or a muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(g) Take a deer, or have in possession while hunting deer, a semiautomatic shotgun or rifle, capable of holding more than six shells in the magazine and barrel combined, or use a cartridge containing a tracer or explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(h) Possess or use an apparatus known as a silencer on a gun while hunting deer.

(i) Take a deer using an arrow, bolt, or quarrel with a broadhead hunting type of point less than 7/8 of an inch wide and/or a length less than 14 inches.

(j) Take a deer with a crossbow or a modified bow in zone 1 from December 1 to March 31 unless issued a disability crossbow permit by the department.

(k) Take a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(l) Make use of a dog in hunting a deer, except as noted in section 2.1a of this order.

(m) Use aircraft to aid in the taking of a deer.

(n) Set afire or assist in setting afire any land for the purpose of driving out a deer, or take or attempt to take a deer so driven out of any land.

(o) Purchase a deer license unless the individual holds a current base license.

(p) Subsection (f) shall be rescinded on May 12, 2017.

(4) For the purposes of this section and sections 3.100a, and 3.205, “bait” means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure,

entice or attract deer. "Bait" does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(5) It shall be unlawful for a person to make use of bait to aid in the taking of a deer within Alcona, Alpena, Montmorency, and Oscoda counties.

(6) In remaining portions of Michigan not described in subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from September 15 to January 1.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used at any 1 point in time shall not exceed 2 gallons at any 1 hunting site.

(e) Subsection (6) is subject to Section 3.100a (2) of this order.

(7) It shall be unlawful for a person to make use of bait to aid in the taking of a deer if the bait and baiting does not meet all of the conditions specified in subsection (6) unless specifically authorized .

3.100a Deer and elk feeding; prohibitions and conditions; words and phrases.

Sec 3.100a (1) A person shall not engage in deer and elk feeding within deer management unit 487.

(2) Deer and elk feeding prohibited except for recreational viewing and supplemental feeding, conditions for baiting and feeding in certain areas.

In remaining portions of Michigan not described in subsection (1), a person shall not engage in deer and elk feeding except for recreational viewing and supplemental feeding conducted as prescribed in this section. In the event chronic wasting disease (CWD) is documented within Michigan, within 10 miles of Michigan's border with another state or Canadian province, or as determined by the director, the director shall issue an interim order banning the use of bait and banning the feeding of deer and elk, at a minimum, within the relevant CWD management zone.

(3) Recreational viewing in areas not closed to feeding, conditions.

In remaining portions of Michigan not described in subsection (1) or identified by provisions of subsection (2), a person may engage in deer and elk feeding for recreational viewing only if all of the following conditions are met:

(a) The feed is placed not more than 100 yards from a residence of the person and upon land owned or possessed by that person.

(b) The feed is placed, scattered, or dispersed at least 100 yards from any area accessible to cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae and no more than 100 yards from a residence.

(c) The feed is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection.

(d) The volume of feed placed, scattered, or distributed does not exceed 2 gallons per residence at any 1 point in time.

(e) The feed placed, scattered, or distributed may be of any food type.

(4) Deer or elk feeding on property under a person's ownership or lease, prohibited conduct, "person" defined.

A person shall not allow deer or elk feeding on property under their ownership or control in violation of this section. For the purposes of this subsection, "person" means an individual, partnership, corporation, association, or other non-governmental legal entity except if the property is leased it shall mean the individual, partnership, corporation, association, or other non-governmental legal entity with control or authority over the property except it shall not include the owner of lands enrolled under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(5) Meaning of words and phrases. For the purposes of sections 3.100 through 3.123:

(a) "CWD management zone" means an area defined in chapter XII of this order subject to Michigan's surveillance and response plan for chronic wasting disease.

(b) "Deer and elk feeding" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(c) "Feed" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(d) "New world camelids" means animals belonging to the genus llama and vicuna of the family camelidae of the order artiodactyla including, but not limited to, the llama, alpaca, vicuna, and guanaco.

(e) "Residence" shall have the same meaning as defined by section 40103 of 1994 PA 451, MCL 324.40103.

(6) Supplemental feeding of deer, counties listed, conditions.

A person may engage in the supplemental feeding of deer in Ontonagon, Houghton, Keweenaw, Baraga, Alger, Luce, Gogebic, and those portions of Marquette and Chippewa counties north of the T43N-T44N boundary line if all of the following conditions are met:

(a) The placement of feed shall not begin prior to the Monday following January 1 and shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (9) of this order are met.

(7) A person may engage in the supplemental feeding of deer in Iron, Dickinson, Delta, Menominee, and that portion of Marquette county south of T43N-44N boundary line if all the following apply:

(a) The average snow accumulation reported by the Crystal falls and Escanaba department field offices reaches 48 inches by the Monday nearest January 15.

(b) The placement of feed shall not begin prior to the Monday following January 15 and shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(c) All conditions in section 3.100a (9) of this order are met.

(8) A person may engage in the supplemental feeding of deer in Schoolcraft, Mackinac and that portion of Chippewa county south of T43N-44N boundary line if all the following apply:

(a) The average snow accumulation reported by the Manistique and Naubinway department field offices reaches 60 inches by the Monday nearest January 15.

(b) The placement of feed shall not begin prior to the Monday following January 15 and shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(c) All conditions in section 3.100a (9) of this order are met.

(9) The following conditions must be met to engage in the supplemental feeding of deer in areas noted in section 3.100a (6) to (8) of this order:

(a) Prior to placing any feed, the person first acquires permission of the respective public land administrator and private property owner and a supplemental deer feeding permit issued by a department wildlife biologist. A person engaged in supplemental deer feeding shall possess a copy of the supplemental deer feeding permit and shall produce the permit upon the request of a conservation officer.

(b) The supplemental deer feeding is conducted in compliance with all of the following criteria:

(i) All feed shall be placed $\frac{1}{4}$ mile or more from the nearest paved public highway unless otherwise specified in the supplemental deer feeding permit.

(ii) All feed shall be placed at least 1 mile from cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae unless otherwise specified in the supplemental deer feeding permit.

(iii) All feed shall be placed at least 1 mile from wheat fields, potato fields, commercial fruit orchards, commercial plantings of nursery stock or Christmas trees, unless otherwise specified in the supplemental deer feeding permit.

(iv) The feed shall consist solely of grains, second cut alfalfa and clover, and pelletized food materials containing no animal protein which is scattered or dispersed directly upon the ground to a depth which shall not exceed 3 inches.

(c) A person issued a supplemental deer feeding permit shall agree to assist the department in the collection of deer tissue samples for disease surveillance.

(d) A person issued a supplemental deer feeding permit shall report by May 30 the quantity and type of feed used, dates and duration of feeding, and other information as may be specified in the supplemental feeding permit. The department shall report to the commission the number of permits issued, quantity of feed used, and other relevant supplemental deer feeding information.

(e) Failure to comply with all provisions of a supplemental deer feeding permit shall make the permittee ineligible for any future supplemental deer feeding permits.

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 muzzleloading 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 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	Antlerless or 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 unit 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 seasons	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 unit 487
	Liberty hunt and independence hunt	Antlerless or antlered deer.

(11) 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, Genesee, Grand Traverse, Hillsdale, Huron, Iosco, Isabella, Jackson, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Midland, Monroe, Montmorency, Oakland, Oscoda, Presque Isle, St. Clair, Saginaw, Sanilac, 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.

3.101a Deer hunting in zone 1 season limit and, antler restriction.

Sec. 3.101a (1) Notwithstanding any other provisions of this order, except sections 3.101e and 3.101g, an individual possessing a deer combination regular license shall not take an antlered deer unless the deer has at least 1 antler with 3 or more antler points each 1 or more inches in length in zone 1.

3.101b Deer hunting in deer management unit 487, antler restriction.

Sec. 3.101b (1) Notwithstanding any other provisions of this order, except sections 3.101e and 3.101g, an individual possessing a deer combination regular license shall not take an antlered deer unless the deer has at least 1 antler with 3 or more antler points each 1 or more inches in length in dmu 487.

3.101c Deer hunting in deer management unit 117 and 135 antler restriction.

Sec. 3.101c (1) Notwithstanding any other provisions of this order, except sections 3.101e and 3.101g, in deer management unit 117 an individual shall not take an antlered deer unless the deer has at least 1 antler with 2 or more antler points each 1 or more inches in length.

3.101d Deer hunting in deer management units 045, 115, and 122 antler restriction.

Sec. 3.101d Notwithstanding any other provisions of this order, except sections 3.101e and 3.101g, in deer management units 045, 115, and 122, an individual shall not take an antlered deer unless the deer has at least 1 antler with 3 or more antler points each 1 or more inches in length.

3.101i Deer hunting in the northwest Lower Peninsula, antler restriction.

Sec. 3.101i (1) Notwithstanding any other provisions of this order, except sections 3.101e and 3.101g, in deer management units 005, 010, 015, 024, 028, 040, 043, 051, 053, 057, 067, and 083, an individual shall not take an antlered deer unless the deer has at least 1 antler with 3 or more antler points each 1 or more inches in length.

3.102 Antlerless deer license; validity; authority; types; restrictions; units.

Sec. 3.102. (1) Antlerless deer licenses are only valid in their specified deer management unit when the unit has a season open to the taking of deer. Antlerless deer licenses do not grant permission to hunt on private property without the permission of the owner.

(2) It shall be unlawful for an individual to purchase an antlerless deer license unless the individual holds a current base license.

(3) Antlerless deer licenses shall only be valid for taking an antlerless deer.

(4) Except as otherwise provided in this subsection, the holder of a valid public land antlerless deer license shall only take a deer from publicly owned lands within the deer management unit specified on the antlerless deer license. Public land antlerless deer licenses shall not be valid on any privately owned lands except lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(5) The holder of a valid private land antlerless deer license shall only take a deer from privately owned lands within the deer management unit specified on the private land antlerless deer license. The private land antlerless deer license shall not be valid on publicly owned lands and lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(6) The deer management units, as defined in chapter XII, listed in section 3.105a are open to the taking of antlerless deer by public land antlerless deer license or private land antlerless deer license, or any combination.

(7) The director, in consultation with and concurrence of the natural resources commission, may require an application to obtain an antlerless deer license or may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units.

(8) The director in consultation with and concurrence of the natural resources commission may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units when the director determines that antlerless deer licenses remain unsold after the drawing, provided for in section 3.104, has been held or where such issuance is in the best interest of deer management. An

application for the current year is not required to purchase an antlerless deer license that remains after the drawing, provided for in section 3.104, has been held.

(9) Requirements; restrictions for young hunters:

(a) A hunter under the age of 10 must be licensed through the mentored youth hunting program and accompanied by a qualified mentor. A deer kill tag issued under the mentored youth hunting license shall be valid for any deer in any deer management unit, except during antlerless-only seasons.

(b) A hunter 10 to 16 years of age on or before the 4th Saturday in September may purchase 1 private or public land antlerless deer license, over the counter, on a first-come, first-served basis, during the application period for antlerless licenses for any deer management unit with antlerless licenses available.

(10) For deer management units 452 and 487, an individual shall not purchase more than 5 antlerless deer licenses per calendar day until the quota has been met. For all other deer management units an individual shall not purchase more than 2 antlerless deer licenses per calendar day until the quota has been met.

(11) For deer management units 452 and 487, an individual may purchase up to a season limit of 10 private land antlerless deer licenses until the quota has been met. For all other deer management units an individual may purchase up to a season limit of 5 private land antlerless deer licenses until the quota has been met.

3.105a Deer management units open to antlerless license quotas.

Sec. 3.105a (1) Notwithstanding any other provision of this section the status of each deer management unit for antlerless deer licenses shall be as shown in table 4:

**TABLE 4
Open and Closed DMU Status**

DMU Number	DMU Name	Private Land License	Public Land License
001	Alcona County	Open	Open
003	Allegan County	Open	Open
004	Alpena County	Open	Open
005	Antrim County	Open	Open
006	Arenac County	Open	Open
007	Big Bay Unit	Closed	Closed
008	Barry County	Open	Open
009	Bay County	Open	Open
010	Benzie County	Open	Open
011	Berrien County	Open	Open
012	Branch County	Open	Open
013	Calhoun County	Open	Open
014	Cass County	Open	Open
015	Charlevoix County	Open	Open
016	Cheboygan County	Open	Open
017	Sault Ste. Marie Unit	Closed	Closed
018	Clare County	Open	Open
019	Clinton County	Open	Open
020	Crawford County	Open	Open
021	Manistique Unit	Closed	Closed
022	Crystal Falls Unit	Closed	Closed
023	Eaton County	Open	Open
024	Emmet County	Open	Open
025	Genesee County	Open	Closed
026	Gladwin County	Open	Open
027	Watersmeet Unit	Closed	Closed
028	Grand Traverse County	Open	Open
029	Gratiot County	Open	Open
030	Hillsdale County	Open	Open
031	Nissula Unit	Closed	Closed

DMU Number	DMU Name	Private Land License	Public Land License
032	Huron County	Open	Open
033	Ingham County	Open	Open
034	Ionia County	Open	Open
035	Iosco County	Open	Open
036	Amasa/Michigamme Unit	Closed	Closed
037	Isabella County	Open	Open
038	Jackson County	Open	Open
039	Kalamazoo County	Open	Open
040	Kalkaska County	Open	Open
041	Kent County	Open	Open
042	Keweenaw Unit	Closed	Closed
043	Lake County	Open	Open
044	Lapeer County	Open	Open
045	Leelanau County	Open	Open
046	Lenawee County	Open	Open
047	Livingston County	Open	Open
048	Newberry Unit	Closed	Closed
050	Macomb County	Open	Open
051	Manistee County	Open	Open
053	Mason County	Open	Open
054	Mecosta County	Open	Open
055	Menominee Unit	Open	Closed
056	Midland County	Open	Open
057	Missaukee County	Open	Open
058	Monroe County	Open	Open
059	Montcalm County	Open	Open
060	Montmorency County	Open	Open
061	Muskegon County	Open	Open
063	Oakland County	Open	Open
064	Oceana County	Open	Open
065	Ogemaw County	Open	Open
066	Ontonagon County	Closed	Closed
067	Osceola County	Open	Open
068	Oscoda County	Open	Open
069	Otsego County	Open	Open
070	Ottawa County	Open	Open
071	Presque Isle County	Open	Open
072	Roscommon County	Open	Open
073	Saginaw County	Open	Open
074	St. Clair County	Open	Open
075	St. Joseph County	Open	Open
076	Sanilac County	Open	Open
078	Shiawassee County	Open	Open
079	Tuscola County	Open	Open
080	Van Buren County	Open	Open
081	Washtenaw County	Open	Open
082	Wayne County	Open	Open
083	Wexford County	Open	Open
115	Beaver Island	Open	Open
117	Drummond Island	Closed	Closed
121	Bay De Noc	Closed	Closed
122	Norway Unit	Open	Closed
127	Ironwood Unit	Closed	Closed
131	Twin Lakes Unit	Closed	Closed
135	Tawas Unit	Open	Open
145	North Manitou Island	Closed	Open
149	Round/Bois Blanc Island	Open	Open
152	Gwinn Unit	Closed	Closed

DMU Number	DMU Name	Private Land License	Public Land License
155	Gladstone Unit	Open	Closed
162	South Newaygo Unit	Open	Open
174	St. Clair Flats	Open	Open
245	South Fox Island	Open	Open
249	Trout Lake Unit	Closed	Closed
252	Rock Unit	Closed	Closed
255	La Branche Unit	Closed	Closed
262	North Newaygo Unit	Open	Closed
273	Shiawassee Unit	Closed	Open
308	Bellevue Unit (Barry - Calhoun - Eaton)	Open	Open
311	Keeler Unit (Berrien - Cass - Van Buren)	Open	Open
312	Sherwood Unit (Branch - Kalamazoo - St. Joseph)	Open	Open
319	Laingsburg Unit (Clinton - Gratiot - Ingham - Shiawassee)	Open	Open
332	Greenleaf Unit (Huron - Sanilac - Tuscola)	Open	Open
341	Sparta Unit (Kent - Muskegon south - Ottawa)	Open	Open
349	Engadine Unit	Closed	Closed
354	Lakeview Unit (Mecosta-Montcalm)	Open	Open
361	Fremont Unit (Muskegon north - Newaygo - Oceana)	Open	Open
452	Core Area	Open	Open
486	SLP Multi-County Unit	Open	Closed
487	NLP Multi-County Unit	Open	Closed

12.12a “Deer management unit 312 (Sherwood Unit; Branch - Kalamazoo - St. Joseph)” defined.

Sec. 12.12a “Deer management unit 312 (Sherwood Unit ; Branch - Kalamazoo - St. Joseph)” means all of Branch, Kalamazoo, and St. Joseph counties.

12.39a Repealed. Am. 6, 2014, Eff. June 13, 2014

Issued on this 12th day of June, 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