



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: March 10, 2008

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Regulations
Wildlife Conservation Order Amendment No. 7 of 2008
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

This amendment corrects the minimum age to participate in the youth firearm deer hunting season, eliminates the personal limit of private land antlerless licenses, eliminates the requirement of 40 acres to purchase a private land antlerless license, eliminates the requirement of the landowners' telephone number to purchase a private land antlerless license, adds two days to the disabled deer hunt, and creates an early firearm antlerless deer season.

The Wildlife Conservation Order (WCO) authorizes youths 12 to 16 to participate in the youth firearm deer season. Statute authorizes youths 10 and 11 to archery hunt for deer. This order corrects WCO to authorize youths 10 to 16 to participate in the youth firearm deer season, as youths 10 and 11 may use archery equipment under the authority of a combination and antlerless license.

Presently, to purchase a private land antlerless deer license the contact telephone number of a landowner granting permission to hunt is required. In addition, for private land antlerless licenses in Zones 1 and 2 the contact telephone number is also required to be for a landowner of at least 40 contiguous acres within that deer management unit (DMU). An individual hunter is currently limited to three private land antlerless licenses, of which no more than two may be from Zones 1 and 2 combined.

These three regulations were designed to provide for a more equitable distribution of private land antlerless licenses which are sold over the counter on a first-come first-served basis. An application period and lottery for private land antlerless deer licenses will be established in 2008. Should any DMU be undersubscribed, the remaining private land antlerless licenses will be made available over the counter on a first-come first-served basis. The application and lottery will

Deer Regulations

Wildlife Conservation Order Amendment No. 7 of 2008

Page 2

March 10, 2008

provide for a more equitable distribution of private land antlerless licenses. Requiring a telephone number, 40 acres, and a limit of three private land antlerless licenses is not necessary with an application and lottery. Furthermore, Law Enforcement Division believes requiring the telephone number has not provided the enforcement tool expected

Expansion of the disabled deer hunt to would provide increased opportunities for recreational hunting without adversely affecting the resource. This amendment recommends that the Thursday and Friday prior to the third weekend in October be added to this special hunt. This will allow areas such as the Fort Custer Training Center to offer significantly increased hunting opportunities, as weekends have been traditionally busy with military drills.

The estimated deer population in the Southern Lower Peninsula (Zone 3) remains above the desired population goal. Additional tools are needed to reduce this deer population. An early firearm antlerless deer season will provide deer hunters with additional opportunities to take antlerless deer and assist the Department with population control. The Department recommends establishing a five-day early firearm antlerless deer season beginning the second Saturday in October within Zone 3 to help reduce the deer population and within five counties in the Special Regulation Units to help address bovine tuberculosis.

Deer Regulations
Wildlife Conservation Order Amendment No. 7 of 2008
Page 3
March 10, 2008

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's March 31, 2008 calendar and may be eligible for approval on May 8, 2008.

Douglas A. Reeves, Acting Chief
Wildlife Division

Ronald A. Olson, Chief
Parks and Recreation Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division

Patricia A. Spitzley, Chief
Office of Legal Services

Rodney Stokes, Acting Chief
Law Enforcement Division

Arminda S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 7 of 2008

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources orders that, effective May 9, 2008, the following sections 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 only deer season in zone 1 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 only deer season in zone 2 shall be a total of 10 days from the second Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms only 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, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, a person hunting deer with a muzzleloading firearm during the muzzle-loading and black-powder firearms only 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.

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

(5) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, during the open bow and arrow only season, a person hunting deer with a bow and arrow shall not possess or carry afield a pistol, revolver, or any other firearm unless the person 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, Alpena, Barry, Branch, Calhoun, Cass, Clinton, Crawford, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Montcalm, Montmorency, Oakland, Oscoda, Otsego, Ottawa, Presque Isle, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, and Washtenaw counties. Only a person possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during these seasons.

(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 a person possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm during this season.

(8) The season limit shall be 1 deer per firearm deer license, 1 deer per bow and arrow deer license, 1 deer per tag issued with a combination deer license, plus 1 deer per antlerless deer license.

(9) Except as provided by sections 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 type shall be as follows:

<u>Type of license</u>	<u>Season in which used</u>	<u>Kind of deer that may be taken</u>
Bow and arrow deer license	Bow and arrow only seasons	Antlerless or antlered deer, except if a person takes 2 antlered deer all seasons combined, one of the antlered deer must have at least 1 antler with 4 or more antler points 1 or more inches in length
Firearm deer license	Firearm deer season, muzzle-loading and black-powder firearms only season	Antlered deer, except if a person takes 2 antlered deer all seasons combined, one of the antlered deer must have at least 1 antler with 4 or more antler points 1 or more inches in length
	Youth firearm deer hunting days	Antlerless or antlered deer
Combination deer license – Regular	Bow and arrow only seasons	Antlerless or antlered deer
	Firearm deer season or muzzle-loading and black-powder firearms only season	Antlered deer
	Youth firearm deer hunting days	Antlerless or antlered deer
Combination deer license – Restricted	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 muzzle-loading 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
	Youth firearm deer hunting days	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length

(10) The early antlerless firearm deer season shall be a 5 day hunt starting on the second Saturday in October upon privately owned lands within Alcona, Alpena, Montmorency, Oscoda, and Presque Isle, counties and upon privately owned lands within zone 3. Only a person possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during these seasons.

3.101e Youth firearm deer hunting days, season established, limits defined, adult requirements, hunting hours.

Sec. 3.101e. The youth firearm deer hunting days shall be a 2-day hunt starting the fourth Saturday in September. The following rules shall apply to a person taking deer on the youth firearm deer hunting days:

(1) Youths 10 through 16 years of age may take one deer provided the youth has a firearm or combination deer hunting license or an antlerless deer hunting license valid for the unit in which they are hunting. Notwithstanding any other provisions of this order, during the youth firearm deer hunting days a firearm or combination deer hunting license is valid for either an antlered or an antlerless deer.

(2) A parent or legal guardian shall not allow a youth hunter to go afield to hunt deer unless the youth hunter is accompanied by an adult at least 18 years of age or older. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, an adult accompanying a youth firearm deer hunter shall not possess or carry a firearm or bow and arrow.

(3) The hunting hours shall be one-half hour before sunrise to one-half hour after sunset, local time.

(4) Except as otherwise specifically provided in this section, all regulations of state law and this order regarding the taking, possession, transportation, and storage of deer during a firearm deer season shall apply to persons participating in youth firearm deer hunting days.

3.101g Special firearm disabled hunter deer hunting days, season established, participation requirements, limits defined

(1) The special firearm deer hunt for disabled hunters shall be a total of 4 days starting the Thursday prior to the third Saturday in October and for 3 days thereafter upon privately owned lands, or public lands requiring an access permit and open to the special firearm deer hunt for disabled hunters by lottery.

(2) Individuals wishing to participate in the special firearm deer hunt for disabled hunters shall be eligible if one of the following applies:

(a) A person is in possession of a permit issued by the department to hunt from a standing vehicle.

(b) A veteran with 100 percent disability as defined by the United States Department of Veterans Affairs. Documentation from the United States Department of Veterans Affairs indicating 100 percent disability shall be in the possession of a veteran participating in this hunt.

(c) A blind person, as defined by section 1 of Act No. 260 of the Public Acts of 1978, being section 393.351 of the Michigan Compiled Laws.

(3) Eligible individuals wishing to participate in the special firearm deer hunt for disabled hunters on public land must apply for a permit through a lottery system in accordance with instructions provided by the land manager.(4) Except as already provided in section 40114, part 401, wildlife conservation, Act No. 451 of the Public Acts of 1994, being section 324.40114 of the Michigan Compiled Laws, authorizing the taking of a deer of either sex by persons with a permit to hunt from a standing vehicle, all regulations of state law and this order regarding the taking,

possession, transportation, and storage of deer during a firearm deer season shall apply to a person participating in this hunt.

(4) Except as already provided in section 40114, part 401, wildlife conservation, Act No. 451 of the Public Acts of 1994, being section 324.40114 of the Michigan Compiled Laws, authorizing the taking of a deer of either sex by persons with a permit to hunt from a standing vehicle, all regulations of state law and this order regarding the taking, possession, transportation, and storage of deer during a firearm deer season shall apply to a person participating in this hunt.

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. A person purchasing an antlerless deer license over the counter shall do so in person.

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

(3) 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, Act 451 of the Public Acts of 1994, being sections 324.51101 to 324.51120 of the Michigan Compiled Laws.

(4) 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, Act 451 of the Public Acts of 1994, being sections 324.51101 to 324.51120 of the Michigan Compiled Laws.

(5) 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.

(6) The director, in consultation with and concurrence of the chair or vice chair 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.

(7) The director in consultation with and concurrence of the chair or vice chair 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.

(8) Young hunters 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.

(9) A person shall not purchase more than 1 antlerless deer hunting license per calendar day.

3.104 Antlerless deer hunting license application procedures; qualifications; unlawful acts.

Sec. 3.104. (1) A person desiring to acquire an antlerless deer hunting license, that is available by application, must make application for a license through the retail sales system in accordance with instructions provided by the department. The fee for each antlerless deer license shall be established by the director. If the number of

applications for a license in any unit exceeds the quota of licenses to be issued, a random drawing will determine the successful applicants.

(2) A person shall not make more than 1 application for an antlerless deer hunting license per license year.

(3) Applications must be submitted in accordance with instructions no later than August 15 of the year in which application was made to be eligible for the drawing.

Issued this 8th day of May, 2008.

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

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director