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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: April 14, 2014
RESUBMITTED: May 12, 2014

<u>A P P R O V E D</u>
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations
Wildlife Conservation Order Amendment No. 7 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:

Furbearer regulation changes were moved to a two-year cycle in 2009. This change was made in an effort to provide some consistency in regulations for better understanding by hunters and trappers, as well as to facilitate monitoring of the impacts of regulation changes. Beginning this cycle, furbearer regulations will be reviewed on even years. This change is being made to switch years with bear regulations to help resolve some timing issues with bear information and the bear management process. Since a number of issues were changed in 2013, we did not wish to make a large number of changes in 2014. An extensive list of potential changes – generated by stakeholders and from within the Department – was used to select topics for review in 2014.

There are two relatively minor changes recommended in 2014, which are explicitly described below. The proposed issues reviewed were selected from a running list of issues developed at the Furtaker User Group meeting, from input internally, and from other stakeholders. These were the only two issues which were reviewed for 2014. Recommendations are the result of discussions with stakeholder groups and Department staff. The primary purpose of the proposed changes are to increase recreational opportunities and to provide clarity regarding live trap activities and equipment.

Live Traps

For several years, stakeholders (primarily trappers) have asked that the Department allow the use of “live” traps outside the safety zone. Because many traps are designed to hold the animal alive, such as foot-hold traps or cable restraints, the Department recommends changing language restricting the use of “live traps” to “live-restraining cage traps.” Current language regarding “live” traps was drafted to allow the use of cage-type live traps.

Live-restraining cage traps may only be capable of taking one animal at a time and must be checked daily statewide. Any animal captured in a live-restraining cage trap must be immediately killed or released.

Current regulations permit the use of live-restraining cage traps only within 150 yards (safety zone) of an occupied dwelling and associated buildings during the legal time for trapping the target animal. The Department recommends allowing for live-restraining cage traps to be used in season for any furbearer regardless of distance from a dwelling in addition to within the safety zone.

Biological

The Department does not expect this change to negatively impact furbearing species. Live-restraining cage traps may allow for easier, live release of some incidental catches.

Social

Recommended changes will simplify regulations pertaining to the use of live-restraining cage traps and may provide some additional recreational opportunities. This change has been requested by some of our stakeholder organizations. It was discussed at the 2014 Furtaker User Group meeting. No opposition to this change was expressed at this meeting.

Economic

There is no expected economic impact.

Beaver Dams

The initial recommendations included in the for information memorandum at the May 8, 2014, Natural Resources Commission (NRC) meeting have been updated to reflect further discussion between the NRC, Department staff, and stakeholder groups. This memorandum reflects the final recommendations.

Under current fur harvester regulations, a trap or snare may not be set on a beaver dam or lodge unless the trap is totally submerged below the water. The Department recommends allowing for additional trapping methods in order to increase recreational opportunity for some species that frequent beaver dams and lodges. Current regulations only allow for a trap or snare that is totally submerged below the water. The proposed additional methods include allowing for the use a duffer-type, egg-type, or similarly designed leg-hold trap which by construction will selectively capture raccoon. This trap is considered dog proof and may be set on beaver dams or lodges above the water.

We also recommend allowing for the use of a body gripping or conibear type trap 5 inches or less in width as measured inside the jaw hinges (110s) on beaver dams or lodges above water level.

Additionally, we recommend allowing for the use of a body gripping or conibear type trap less than 8 inches above the ground at the highest point, and set in a way that does not use bait, lure, or attractant to entice an animal. The trap must also be between 5 inches and 6 and one half inches as measured inside the jaw hinges (160s) and can be used on beaver dams or lodges above water level.

Biological

Although the use of additional methods may result in a small increase in take in some species such as raccoon and muskrat, we do not expect any negative biological impacts.

Social

Over the past several years, trappers have requested that we review regulations that restrict trapping above water level on beaver dams and lodges. The requested changes would allow additional trapping methods in these areas with little or no potential negative consequences. These changes may increase trapper participation and recruitment by offering additional recreational opportunities. During discussions in early 2014 at the Furtaker User Group meeting for this recommendation, some trappers requested further expansion to allow larger conibears on dams and lodges. There was not complete agreement on this issue among stakeholders and staff had some concerns regarding the potential for incidental take. We would like to explore the potential for additional expansions more thoroughly before making any recommendations for a change that would allow the use of larger traps above the water surface on beaver dams.

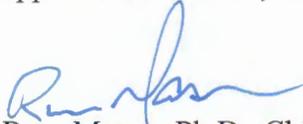
There is no survey data that has been collected within the last five years regarding the use of traps above water levels on beaver dams and lodges.

Economic

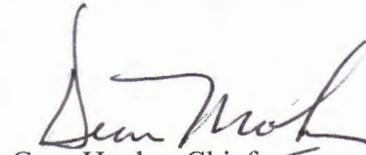
The Department does not expect any significant economic impact.

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.



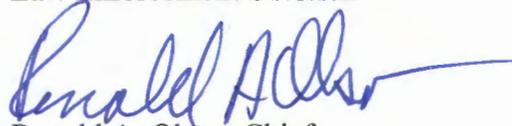
Russ Mason, Ph.D., Chief
Wildlife Division



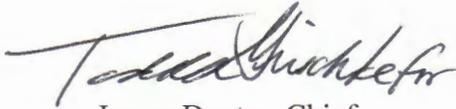
Gary Hagler, Chief
Law Enforcement Division



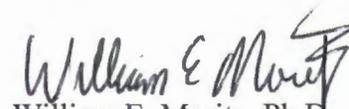
Bill O'Neill, Chief
Forest Resources Division



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. 7 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:

3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.

Sec. 3.600 It shall be unlawful for any person:

(1) To use a firearm, crossbow, or bow and arrow to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps except if the trapper is an individual that cannot lawfully hunt with a firearm, crossbow, or bow and arrow.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number or DNR sportcard number of the user or individual possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares or 1 or more cable restraints unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number of the user or individual possessing the catching device.

(4) To use or have in possession 1 or more snares or 1 or more cable restraints securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 8 inches in height, 8 inches in width, and 36 inches in depth. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take fur-bearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any protected animal or protected bird as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit an individual from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season, as bait, except as stated in Section 5.31 of this order.

(9) To set a trap or snare on a beaver dam or lodge unless it meets at least one of the following provisions:

(a) The trap is totally submerged below the water.

(b) The trap is a duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon. This trap may be set above the water.

(c) The trap is a body gripping or conibear type trap 5 inches or less in width as measured inside the jaw hinges. This trap may be set above the water.

(d) The trap is a body gripping or conibear type trap less than 8 inches above the ground at the highest point, and set in a way that does not use bait, lure, or attractant to entice an animal, and the trap is between 5 inches and 6 and one half inches as measured inside the jaw hinges. This trap may be set above the water.

(10) To set a body gripping or conibear type trap larger than 5 and one half inches in width as measured inside the jaw hinges on dry land or over frozen submerged bottomlands, unless the trap is placed as follows:

(a) On private land and less than 7 and one half inches as measured inside the jaw hinges.

(b) On public or private lands 4 feet or more above dry ground or the frozen surface of ice, as applicable.

(c) On public lands:

(i) Less than 8 inches above the ground at the highest point, and in a way that does not use bait, lure, or attractant to entice an animal and the trap is between 5 and one half and 6 and one half inches as measured inside the jaw hinges.

(ii) In a box or similar container that is placed vertically on a tree or other structure so that the trap trigger is at least 4 inches from the container opening and the opening of the container is no more than 6 inches from the ground.

(iii) In a box or similar container with a maximum fixed opening of 6 inches measured from the inside bottom of the container opening to the lower edge of the top of the container opening with 8 inch slots to allow trap placement so that no part of the trap trigger is closer than 6 inches to the opening edge of the container and the trap is between 5 and one half inches and 7 and one half inches as measured inside the jaw hinges.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless:

(a) Any catch is released or removed upon checking the catching device. Restraining type traps and cable restraints designed to hold an animal alive shall be checked at least once daily in zones 2 and 3 and within a 48 hour period in zone 1, except as noted in Section 5.52 (8) or in (ii) below.

(b) Using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, for the taking of furbearing animals, in season, by a licensed trapper, or person permitted by the Department.

(i) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall release or kill an animal captured in a live-restraining cage trap immediately upon finding that animal in a trap.

(ii) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall tend the trap daily statewide.

(13) To use, carry afield, or set a trap with teeth or serrations.

3.621 Repealed. Am. 7, 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