



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: May 12, 2014

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014
FOR INFORMATION ONLY

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:

The United States Fish and Wildlife Service (USFWS) annually prescribes migratory bird hunting season frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed. Federal frameworks are negotiated with states via the Flyway Councils and this process is partitioned into early season selections and late season selections. Early seasons generally open prior to the Saturday closest to September 24 and state selections are due to the USFWS by July 31 each year. Late season selections are submitted to the USFWS by August 30 each year.

In February and March, the Department took part in the Mississippi Flyway Council and the Citizen's Waterfowl Advisory Committee (CWAC) meetings. In June, the USFWS Regulations Committee will set the early season federal frameworks.

The Department's recommendation for the early season migratory bird regulations will contain eight recommended regulation changes.

Experimental Early Teal Season

Four northern states in the Mississippi Flyway (Minnesota, Wisconsin, Michigan, and Iowa) have not had the opportunity to open special September teal seasons for 40 years, a special hunting opportunity that is now 16-days long in the other 10 states in the Flyway. The USFWS recently completed a teal harvest assessment that identified the potential for additional teal harvest opportunity especially for blue-winged teal. As a result of this, Michigan will now likely have the opportunity for an experimental early teal season. However, final determination of teal season frameworks will be made by the Secretary of the Interior after consultation with the USFWS Regulations Committee to be held in June.

The early teal season federal framework allows for a maximum of a 9 or 16 day season, depending on teal status. Within typical federal frameworks for early seasons, the season can

Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014

Page 2

May 12, 2014

begin as early as September 1 and a daily limit of 6 is allowed. Hunting hours can be as early as one half hour before sunrise.

The Department recommends a statewide experimental early teal season with season dates of September 1 through September 7. The Department further recommends a daily limit of six and a possession limit of 18 which is three times the daily limit. In addition, the Department proposes that the hunting hours for the experimental early teal season open at sunrise rather than a half hour before sunrise.

Due to USFWS requirements, the experimental early teal season would have to be evaluated by each state participating in the experiment for three years to measure take on non-target species.

Biological

The USFWS conducted a detailed and thorough teal harvest assessment that concluded teal populations could sustain additional harvest, and as a result “production” (northern) states will likely be offered the opportunity to have experimental early teal seasons. As the Department evaluates the experimental season, the criterion that will need to be measured is the attempt rate at non-target species and the kill percentage of non-target species. The most recent communication from USFWS indicates: “The season will not be approved for operational status if the experiment determines that, (1) the upper 90% confidence limit on the attempt rate at non-targets exceeds 25 percent, or (2) the kill of non-target species exceeds 10 percent of the kill of teal and non-target species combined.” Details of the evaluation plan are being negotiated with other “production” states in the Flyway meeting.

In preparation for the experimental early teal season, the Department is working to:

- Identify locations with an abundance of teal for potential evaluation
- Identify specific areas to conduct “spy blind” observations of teal hunters
- Consider conducting bag checks at key locations around the state in order to evaluate correct teal identification by hunters
- Develop educational materials with other production states to help hunters remain in compliance with anticipated teal season regulations

The Department’s Waterfowl Workgroup met on March 4 and recommended opening the experimental early teal season as early as possible due to the greatest abundance of teal in Michigan during that time. Blue-winged teal are some of the earliest duck species to migrate each fall. Information that is available on teal migration in Michigan indicates that the peak of fall blue-winged teal migration is late August – early September.

Social

The Department’s recommendations were a result of Waterfowl Workgroup discussions with the CWAC. The CWAC met on March 8 and made recommendations for the early teal season that were identical to the workgroup’s recommendations.

Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014

Page 3

May 12, 2014

In 2010, the Department conducted a survey that asked waterfowl hunters if they would participate in a future September teal hunting season in Michigan. Fifty-four percent of respondents were either very likely or somewhat likely to participate, 36% were either not very likely or not at all likely to participate, and 9% were either not sure or did not provide an answer (2010 Waterfowl Harvest Report).

The biggest social impact will be a net increase in the number of duck hunting days available to the public. Currently, the only other waterfowl hunting season in early September is the early Canada goose season. Traditional small game season opening date is September 15 and so seasons that open earlier than this like the early goose season, snipe and rail seasons, and potentially early teal season provide hunting opportunities for migratory game birds before most small game seasons have opened. Early seasons may also be a good way to introduce youth to waterfowl hunting as the weather is mild and there is an abundance of birds.

The workgroup recommended a September 1 to September 7 season because it includes the hunting days with highest abundance of blue-winged teal, increases opportunity for hunters to get out by including Labor Day and a weekend, and doesn't overlap with the youth waterfowl season. By not overlapping with the youth season, there is less complexity for law enforcement. The workgroup also recommended that the early teal season take place statewide to provide as much hunting opportunity as possible.

State Parks will remain closed to the early teal season during this initial experimental season, and State Recreation Areas will be open. Department staff will work together this year to identify potential teal habitat on state parks and appropriate hunting locations. The Department may propose additional locations for hunting opportunities in advance of the 2015 season.

While we expect that much teal hunting opportunity will occur at the managed waterfowl hunting areas in southern Michigan, it will not impact current management at these areas. We do not anticipate that agricultural fields will be flooded for an early teal season, but that hunting will occur primarily in marsh areas.

In order to improve waterfowl identification, the workgroup recommended that the early teal season begin at sunrise rather than the usual half hour before sunrise for migratory bird hunting hours. The success of the experimental season will depend on a low rate of harvest attempts of non-target species, so the ability of hunters to correctly identify teal is essential. Identifying duck species is difficult under low light conditions. Early Canada goose season dates overlap the proposed teal season and goose hunting hours begin one half hour before sunrise. This could lead to potential confusion of waterfowl hunters. The Law Enforcement Division noted during the CWAC meeting that having separate start times for early Canada goose and early teal season may result in potential enforcement issues. Accordingly, the Wildlife Division and Law Enforcement Division will work together to mitigate hunter confusion through public education and communication with hunters while in the field."

Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014

Page 4

May 12, 2014

Ohio has addressed this issue by aligning hunting hours for both their early teal season and early Canada goose season at sunrise. However, other nearby states, such as Illinois and Indiana, have different shooting times for early teal and early goose seasons. The workgroup recommended allowing early goose season hunting hours to continue to begin at a half hour before sunrise in order to provide maximum recreational opportunity.

The Department would need to initiate the following additional steps to ensure a successful experimental teal season:

- Educating waterfowl hunters on the accurate identification of teal
- Providing information to hunters to help guide them to hunting locations where they are more likely to encounter teal (e.g., coastal wetlands vs. forested wetlands where they are likely to harvest wood ducks)
- Informing hunters regarding the experimental season and what is being evaluated

Economic

Early Canada goose hunting will be open at the same time as the early teal season. However, hunters typically use field hunting to harvest geese. Teal harvest will be best conducted in marshlands. Accordingly, the Department expects that additional hunters will be in the field and buying licenses. Also, there is some equipment specialized for teal hunting (e.g., decoys) and the new teal season will likely result in additional equipment purchases.

The Department anticipates that the eastern UP, Saginaw Bay, St. Clair Flats, and western Lake Erie will be popular teal hunting areas. In 2012, waterfowl hunters took about 371,000 waterfowl hunting trips and spent an average of \$463 per hunter annually on waterfowl hunting trips. Collectively, waterfowl hunters spent an estimated \$22.7 million on hunting trips primarily to hunt waterfowl in Michigan (2012 Waterfowl Harvest Report). We anticipate an increase in the number of waterfowl hunting trips and associated expenditures in Michigan in response to opening the early teal season. Businesses located in communities near well-known waterfowl hunting areas receive economic benefits from these waterfowl hunting trips.

Early Canada Goose Hunting Season

The second recommendation pertains to the early Canada goose hunting season. The Department is recommending that no changes be made to the early Canada goose season dates and bag limits. The dates for the 2014 season will again be September 1 to 10 in the Upper Peninsula and Huron, Saginaw and Tuscola Counties, and September 1 to 15 in the remainder of the state. The daily bag limit will continue to be five geese statewide.

Biological

The Michigan Canada goose population estimate for 2013 was about 265,000 which was down slightly from the 2012 estimate, but still above the goal range of 175,000-225,000. However, the Department continues to recommend stabilized regulations for three-to-five years in order to

ensure precise abundance information and to ensure harvest levels are consistent with the best available information about Canada goose population dynamics.

The early Canada goose season is timed so that resident geese are most susceptible to harvest and is a good tool to maintain Michigan's Canada goose population near the goal range which will help address human-goose conflicts. Although the early goose season is the most important for targeting our local goose population, sustainable harvest must also consider effects of all hunting seasons in aggregate (early, regular and late); the Federal frameworks for regular seasons were recently expanded from 45 to 92 days in Michigan and the Department is recommending stable seasons to better evaluate the impacts of liberalized regular seasons.

Social

The Department conducts a waterfowl harvest survey every two years. The last survey conducted was for the 2012 waterfowl season, and it showed that statewide participation was up 10% from 2011 at 21,523 hunters during the early season. In addition, about 100,000 geese were harvested during the 2012 early season, an increase of about 26% from 2011.

The early Canada goose season targets Michigan's resident giant Canada geese. As these are not part of the migrant goose populations, harvesting these waterfowl can help to reduce conflicts with geese.

In February and March, the Department took part in the Mississippi Flyway Council and the CWAC meetings. In June, the USFWS Regulations Committee will set the early season federal frameworks.

Economic

As the Department is not recommending a change, no economic impact is expected. Waterfowl hunting is a popular sport in Michigan and benefits many businesses generating an estimate of over \$20 million annually. The economic value of recreational goose hunting in the Mississippi Flyway was estimated at \$185 million in 2006 and the economic costs of goose conflicts was estimated at \$2.2 million in 2000.

Regular Canada Goose Season First Segment Dates

The third recommendation pertains to the first segment of the regular Canada goose hunting season that occurs before the Saturday closest to September 24. These first segments will need to be included in the Department's early season selections to the USFWS. The Department recommends the following first segment dates for the regular Canada goose season:

- Saginaw Goose Management Unit (GMU): September 20-22, 2014
- Tuscola/Huron GMU: September 20-28, 2014
- North Zone regular season: September 11- December 11, 2014
- Middle Zone: September 20-28, 2014
- South Zone: September 20-22, 2014

Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014

Page 6

May 12, 2014

Biological

The Department continues to recommend stabilized regulations for three-to-five years in order to ensure more reliable trend information and maintain populations near the Department's goal range. These first-segment dates have been shifted due to days of the week but are otherwise unchanged from last season.

Social

These season dates are jointly recommended with the CWAC and are within the federal framework. The dates were chosen to maximize the hunting opportunity by providing days when there is an abundance of geese. While there are 92 days in the regular Canada goose season, this first 'split' provides opportunity when there has historically been an abundance of migrant Canada geese in the respective zones and GMUs.

Economic

As this change does not reduce or expand opportunity, no economic impact is expected. The entire season will still be the same number of days as it was in 2013.

Woodcock Possession Limit

The Department recommends increasing the season possession limit for woodcock from a total of 6 to a total of 9 to align with recent USFWS framework changes and possession limits (changed from 2 to 3 times the daily limit) for most other migratory birds. The Department did not recommend this change last year when possession limits for waterfowl were changed to 3 times the daily limit because the change was made by USFWS too late in the 2013-14 process to be incorporated into Michigan's regulations. The daily limit of 3 should remain unchanged.

Biological

Although American woodcock abundance has been declining over the long-term, this decline appears to have stabilized in recent years; no significant changes were detected in Michigan's woodcock population index based on the singing-ground surveys between 2012 and 2013. Hunting regulations for woodcock are based on a harvest strategy negotiated by Flyway Councils and the USFWS and the change in possession limit is consistent with the harvest strategy and with sustainable harvest of woodcock populations.

Social

Michigan leads the nation in the number of active woodcock hunters and harvest and this season is important to Michigan hunters. Increasing the possession limit from 2 to 3 times the daily limit may allow some additional recreation for those hunters who achieve their possession limit and cannot immediately use the birds. This change also makes legal keeping more birds in freezers or otherwise preserved for later use.

Economic

Increasing the woodcock seasonal possession limit from 6 to 9 is not expected to have a notable economic impact.

Nayanquing Point Wildlife Area and Fish Point Wildlife Area Managed Deer Hunting

The Department recommends allowing for managed deer hunting at the Nayanquing Point Wildlife Area and Fish Point Wildlife Area during waterfowl season under special circumstances. Agricultural crops are planted at these areas to attract migratory waterfowl and provide excellent hunting opportunities. Currently, deer hunting is only allowed outside of waterfowl hunting seasons. This has resulted in increasing deer populations on the areas and difficulty for hunters to access them. Deer damage to crops planted for waterfowl has become significant, and providing additional deer hunting opportunity will greatly improve our ability to reduce deer numbers and the agricultural damage they are causing. Environmental circumstances may arise during some years that make all or part of the area functionally unavailable for waterfowl hunting. This may include complete ice coverage of habitat during the season or excessive flooding that prohibits crop growth prior to the season. During a harsh winter, up to 33% of the normal 60-day waterfowl season may not be suitable for waterfowl hunting. Therefore, the Department recommends that deer hunting would be allowed during these circumstances.

Biological

Managed waterfowl and wetland areas serve several important functions. They provide high-quality secure habitats for migrating waterfowl and other wetland species, as well as excellent recreational hunting opportunities.

Deer numbers on these two areas have been increasing to the point they are causing significant agricultural damage, and our goal is to reduce deer numbers. Deer hunting is by permit only in these areas. By decreasing crop damage, more food will be available to migrating waterfowl. These high energy food sources are important for waterfowl as they migrate from summer breeding grounds to wintering grounds.

Social

Although waterfowl hunting is generally the primary focus for managed wetlands and waterfowl areas, hunting other species is also encouraged where conflicts do not arise with waterfowl habitat or hunting.

By allowing managed deer hunting at the Department's discretion at Nayanquing Point Wildlife Area and Fish Point Wildlife Area, the Department will be able to provide additional recreational opportunity to hunters when waterfowl hunting is not optimal. In addition, deer damage to crops at the areas may be reduced through hunting by the public. Improved conditions to crops planted for waterfowl will improve the waterfowl hunting at these areas.

The Fish Point Wildlife Association and Michigan Duck Hunters Association-Saginaw Bay Chapter both expressed support for these changes during public meetings. In addition, Department staff have received feedback from deer hunters that they would appreciate more opportunity in the area.

Economic

When conditions arise that limit waterfowl hunting during a large portion of the season, and other hunting is also prohibited, local businesses likely miss the revenue generated from hunters visiting the area. By allowing managed deer hunting when waterfowl hunting isn't optimal, area businesses may be able to recoup their losses due to continued activity in the area. Additionally, with improved crops planted for waterfowl, the waterfowl hunting quality may increase thereby drawing even more waterfowl hunters to the area in future years.

Pointe Mouillee State Game Area Hunting by Permit Only

The Department recommends including all of the Pointe Mouillee State Game Area as managed waterfowl areas that may be posted as "hunting by permit only." Currently, only the Long Pond and Nelson Units in Monroe County of the Pointe Mouillee State Game Area may be posted as "state game area – hunting by permit only." The Department currently conducts managed waterfowl hunting on opening day of regular waterfowl season and every Sunday and Wednesday the rest of the season for morning and afternoon hunts. The managed waterfowl area zones are in the Nelson and Long Pond Units for a total of 361 acres under managed waterfowl hunting. There are 13 zones at Pointe Mouillee; four of them are agricultural zones (Nelson Unit) and the other nine are natural marsh (Long Pond). The nine natural marsh zones are available by boat and to walk-ins but in some cases require a long walk. There is also a 211-acre refuge (Bloody Run Unit for corn, buckwheat and millet and the Lautenschlager Unit that is a moist soil unit) adjacent to the managed areas for a total of 572 acres under restricted use. There are three additional waterfowl zones belonging to the USFWS near Estral Beach, part of the Brancheau Unit. These zones are part of the managed hunt draw for the morning waterfowl hunt only and are walk-in only zones.

The Department would like to expand managed waterfowl hunting to three days a week: Sunday mornings and afternoons, Tuesday mornings, and Thursday mornings and afternoons. By increasing waterfowl hunting opportunities, the Department is meeting both Bang for Your Buck initiatives and Guiding Principles and Strategies (GPS) objectives, including expanding areas "near population centers" and "expanding events at our Wetland Wonders."

The Department would also like to add the Walpatich Unit to the managed waterfowl hunt which would add six to seven additional new zones to the draw and four to five of those new zones will have portions of each zone planted for agricultural crops. The Walpatich Unit is 140 acres and making this part of the restricted access managed hunt/refuge complex would increase the restricted access area to 712 acres. Last year, the Walpatich Unit was open and there was heavy use by hunters. This area is easily accessible and high use had an adverse effect on the nearby

Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014

Page 9

May 12, 2014

Lautenslager portion of the refuge. High usage created hunting disturbances to the area that interfered with waterfowl being able to rest in the refuge. Adding it to the managed waterfowl hunt and regulating access will positively impact the refuge. In addition, the middle causeway and dikes will be closed to usage without a permit, which will also reduce non-hunting disturbances to the refuge and managed area.

In total, the proposed changes would provide up to 20 zones in the draw for the Pointe Mouillee State Game Area plus three more zones at the Brancheau Unit through the USFWS.

Biological

No biological impacts are expected.

Social

The USFWS is agreeable to our proposed changes for including all of the Pointe Mouillee State Game Area as land that may be posted as "hunting by permit only." The Department intends to reevaluate the expanded waterfowl hunting opportunities at the end of three years by conducting a survey of waterfowl hunters who participated in the managed hunts. The Department also intends to continue to offer open hunting at Pointe Mouillee State Game Area.

Adding the Walpatich Unit to the managed hunt area will take away open hunting opportunity. However, the Department intends to replace the open area with the Bad Creek Unit, which is 78 acres. With the help of Ducks Unlimited, this unit is being improved and should have good waterfowl habitat for hunting this fall.

In addition, expanding the managed waterfowl areas aligns with:

- The "More Bang for Your Buck" initiative, "to develop new managed waterfowl areas at high-quality wetlands near population centers."
- The Michigan Waterfowl Legacy's commitment to increase the number of waterfowl hunters in Michigan and recruit new hunters.
- The Department's need to add zones that are easily accessible and a short-walking distance for hunters. This is a key factor for the retention of older hunters and recruitment of younger hunters.

The proposed changes to the Pointe Mouillee State Game Area were discussed at a public meeting on March 25 and were supported by the Pointe Mouillee Waterfowl Festival, Waterfowl U.S.A. Southwestern Lake Erie Chapter, and the Gibraltar Duck Hunters Association. In addition, no negative feedback was given by members of the public who attended the meeting and a question and answer period was also included at the end of the meeting. A reporter from the Michigan Sportsmen Forum attended the public meeting and wrote about the proposed changes and no negative feedback was posted to the forum.

Economic

In 2013, the Pointe Mouillee Annual Report estimated that there were over 56,000 user trips to the area. Local businesses report to staff that they benefit from these area users purchasing a variety of items from these businesses. During the Pointe Mouillee Waterfowl Festival, there are an estimated 8,000 people who participate in activities over a two-day period and bring business to the area.

Detroit River International Wildlife Refuge

Detroit River International Wildlife Refuge (DRIWR) stretches along 48 miles of Detroit River and western Lake Erie shoreline and consists of more than 2,000 owned acres divided into 13 separate units located in Wayne and Monroe counties. The DRIWR identified priority uses include the facilitation and promotion of hunting, fishing, wildlife observation, photography, education, and wildlife interpretation.

The Department recommends adding the DRIWR to the list of wildlife refuge exceptions where duck or goose hunting on certain portions may be authorized via permit issued by the USFWS or the Department.

Biological

The refuge consists of nearly 6,000 acres of unique habitat, including islands, coastal wetlands, marshes, shoals, and waterfront lands within an authorized boundary extending along 48 miles of shoreline.

The DRIWR includes the Humbug Marsh, the only site in Michigan designated by the Ramsar Convention as a "Wetland of International Importance." This 410- acre unit is situated in Trenton and Gibraltar and represents the last mile of undeveloped shoreline along the U.S. mainland of the Detroit River. It includes critical habitat for many rare fish and wildlife species.

Social

Migratory bird hunting is allowed in some of the refuge units. The diked wetland areas of the Brancheau Unit are open to waterfowl hunting by special permit only and are managed in cooperation with the department and the USFWS. Managed waterfowl hunts take place within the regular waterfowl season and are conducted in conjunction with the managed waterfowl hunts at Pointe Mouillee State Game Area.

Economic

Waterfowl hunting brings business to local establishments. In addition, the refuge hosts an 8-week, paid summer work program for teenagers as part of the Youth Conservation Corps program.

Youth Waterfowl Season

The Department is recommending that the season for the federal youth waterfowl season remain the second weekend in September (September 13 and 14, 2014). These dates will allow for greater flexibility when determining regular duck season opening dates and provide maximum opportunity for youth hunters.

As the Department is not recommending a change, no social, biological, or economic impacts are expected.

Method of Take

The Department recommends technical changes to the Wildlife Conservation Order (WCO) to clarify prohibited methods of take.

Biological

We do not expect a biological impact.

Social

When a hunter violates the law by harvesting waterfowl using an illegal method or without the proper licenses or stamps, the conservation officer writes the violation citing sections of the WCO and/or state statute. In order to reduce confusion and allow for better enforcement and communication with prosecutors, the Department recommends updating the sections of WCO on taking migratory birds in order to clearly articulate permissible and prohibited methods.

Economic

There is no expected significant economic impact.

Migratory Game Bird Regulations; Early Seasons, Managed Waterfowl Area Regulations
Wildlife Conservation Order Amendment No. 8 of 2014

Page 12

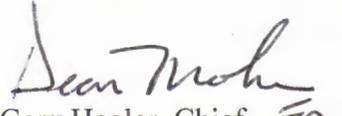
May 12, 2014

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's May 2014 calendar and may be eligible for approval on July 10, 2014.



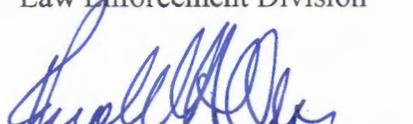
Russ Mason, Ph.D., Chief
Wildlife Division



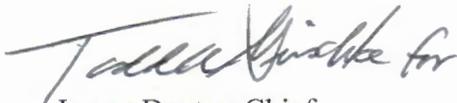
Gary Hagler, Chief *for*
Law Enforcement Division



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

WILDLIFE CONSERVATION ORDER

Amendment No. 8 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 July 11, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.5 Hunting hours, exceptions; prohibited activities.

Sec. 2.5 (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in subsection (1) and during those dates specified for the use of artificial lights in sections 2.4 and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell may take within their specified open seasons raccoon, opossum, coyote, and fox with the aid of dogs; and fox and coyote, during the season open to the taking of fox, with the aid of a game or predator call. Subject to MCL 324.43510, (2) and (3), a person hunting these species during the nighttime hunting hours shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking opossum, coyote, or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(d) The person is taking raccoon with the aid of a game or predator call during the open season for taking raccoon by hunting.

(3) Except for woodcock and crow, the hunting and hawking hours for all waterfowl and migratory birds shall be as listed in the state waterfowl hunting guide. The hunting hours for woodcock shall substantially conform to sunrise to sunset and shall be as published in the Michigan hunting and trapping guide. The hunting hours for crow shall be as specified in subsection (1).

(4) The hunting hours for wild turkey during the spring season shall substantially conform to one-half hour before sunrise to one-half hour before sunset, and shall be those starting times and ending times published in the state hunting guide for wild turkey.

(5) The hunting hours for teal during the early season shall substantially conform to sunrise to sunset, and shall be those starting times and ending times as published in the waterfowl hunting digest.

~~(5)~~ (6) Subject to MCL 324.43510, (2) and (3), except during the hunting hours specified in this section and as otherwise provided by subsection (2), a person shall not possess afield a firearm unless it is unloaded in the barrel, or crossbow or a bow and arrow unless all arrows and bolts are placed in a quiver. A person may, to comply with section 4.1(2), kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm, a cocked crossbow, or bow with nocked arrow only at the time and at the point of kill. Notwithstanding any other provision of this subsection, a person hunting under the authority of a wild turkey license during the spring wild turkey season may load and carry a loaded firearm afield while going to their hunting stand up to one hour prior to the spring wild turkey hunting hours.

3.402 Taking of migratory birds; federal migratory bird stamp, requirement, validation; decoys; unlawful acts; exceptions.

Sec. 3.402 In the taking of migratory birds, it shall be unlawful for any ~~person~~ **individual**:

~~Federal migratory bird hunting stamp, requirement; validation; prohibited acts.~~

(1) ~~To purchase a waterfowl license unless the individual holds a current base license.~~

~~(1) (2) To take waterfowl without sixteen years of age or older to take waterfowl unless at the time of such taking the person has in their possession an unexpired a current federal migratory bird hunting stamp, validated by their the individual's signature written across the face thereof in ink. Youth under sixteen years of age are not required to possess a federal migratory bird hunting stamp.~~

~~Federal migratory bird stamp, prohibited acts.~~

~~(2) (3) To allow another person to use their the individual's federal migratory bird hunting stamp or to borrow such stamp of another for the purpose of hunting, taking, or transporting migratory waterfowl.~~

~~Decoys, prohibited act.~~

~~(3) (4) Except from 3 a.m. to 9 p.m. daily, to anchor, attach, or leave decoys attached:~~

~~(a) To the bottomlands of the Great Lakes and connecting waters, and lakes wholly enclosed by publicly-owned lands.~~

~~(b) To a blind or watercraft within waters of the Great Lakes and connecting waters, and lakes wholly enclosed by publicly-owned lands.~~

~~Migratory game birds, prohibited acts.~~

~~(4) (5) To take any migratory game bird, including woodcock:~~

~~(a) With any firearm other than a 10 gauge or smaller shotgun capable of holding no more than three shells. Shotguns capable of holding more than 3 shells shall be plugged with a one-piece filler, incapable of removal without disassembling the gun, so that the total capacity of the shotgun does not exceed three shells.~~

~~(b) With the use of any single projectile shotshell, or more than 1 firearm for each person.~~

~~(c) In violation of section 40111, part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.40111 of the Michigan Compiled Laws, except that paraplegics and single or double amputees of the legs possessing a permit to take game from or upon a standing vehicle issued pursuant to section 40114, part 401, may take migratory birds from any stationary motor vehicle or stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.~~

~~(d) (c) From or by means of any motorboat, power boat, or other craft having a motor attached, or any sailboat, or any floating craft or device of any kind propelled or towed by power or sail, unless the motor has been completely shut off and/or the sails furled and its progress therefrom has ceased. A craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft while under power or until forward progress has ceased.~~

~~(e) (d) By driving, rallying, or chasing birds with any motorized conveyance or any sailboat to put them in the range of hunters.~~

~~(f) (e) By the use or aid of live decoys. All live, tame, or captive ducks and geese shall be removed for a period of 10 consecutive days prior to hunting and confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such tame birds from the sight of migratory waterfowl.~~

~~(g) (f) By the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds.~~

(h) (g) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. Hunters should be aware that a baited area is considered to be baited for 10 days after the removal of the bait. However, nothing in this paragraph prohibits the taking of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:

(i) Standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice.

(ii) From a blind or other place of concealment camouflaged with natural vegetation.

(iii) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed.

(iv) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

(h) (h) Subdivision (h) shall not prohibit the taking of any migratory game bird, except waterfowl and coots, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

(i) (i) By use of a raised platform when hunting with a firearm, except upon the submerged bottomlands of a lake, river, pond, stream, or other body of water for the hunting of migratory waterfowl when erected and used in compliance with section 3.401 of this order.

(k) (j) For the purposes of this section, the following terms mean:

(i) "Normal agricultural planting, harvesting, or post-harvest manipulation" shall have the same meaning as defined in 50 C.F.R. 20.11. means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(ii) "Normal agricultural operation" shall have the same meaning as defined in 50 C.F.R. 20.11. means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(iii) "Normal soil stabilization practice" shall have the same meaning as defined in 50 C.F.R. 20.11. means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

(iv) "Baited area" shall have the same meaning as defined in 50 C.F.R. 20.11 means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed.

(v) "Baiting" shall have the same meaning as defined in 50 C.F.R. 20.11. means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

(vi) "Manipulation" shall have the same meaning as defined in 50 C.F.R. 20.11. means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

(vii) "Natural vegetation" shall have the same meaning as defined in 50 C.F.R. 20.11. means any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation.

3.409 Migratory game bird open season, federal refuges; prohibited acts, exception.

Sec. 3.409 A person shall not possess or carry firearms, crossbows, or bow and arrow, or take any game during the open season for taking migratory game birds on any national wildlife refuge when posted to prohibit unauthorized entry; ~~except on that portion of the Shiawassee national wildlife refuge in Saginaw county on which duck and/or goose hunting is authorized by a daily hunting permit issued by the United States fish and wildlife service or the department.~~

- (1) Duck and/or goose hunting may be authorized by a daily hunting permit issued by the United States fish and wildlife service or the department for a permitted portion of the Shiawassee national wildlife refuge in Saginaw county.
- (2) Duck and/or goose hunting may be authorized by a daily hunting permit issued by the United States fish and wildlife service or the department for a permitted portion of the Detroit international wildlife refuge in Wayne and Monroe counties.

3.415 Migratory birds open seasons, possession limit defined, exceptions

Sec. 3.415. The migratory bird possession limit shall be three times the daily limit. The migratory bird hunting open seasons and exceptions are as shown in table 10:

**TABLE 10
Migratory Bird Open Seasons**

Season and Species	Zone or Management Unit	Open Season
Ducks (regular season)	North Zone	September 21 to November 10 and November 23 to December 1
	Middle Zone	October 5 to December 1 and December 14 to December 15
	South Zone	October 12 to December 8 and December 28 to December 29
Merganser		Same dates as ducks in the respective zones
Coots		Same dates as ducks in the respective zones
Common Moorhens (Gallinules)	Statewide	September 1 to November 9
Canada Goose (regular season)	North Zone	September 11 to December 11
	Middle Zone	September 24 20 to September 29 28 and October 5 to December 26
	South Zone, excluding GMUs listed below in the table	September 24 20 to September 23 22, October 12 to December 8, and December 28 to December 29
	Tuscola/Huron GMU	September 24 20 to September 27 28, October 12 to December 8, and December 28 to January 23, 2014
	Saginaw County GMU	September 24 20 to September 23 22, October 12 to December 8, and December 28 to January 27, 2014
	Allegan County GMU	November 2 to January 31, 2014
	Muskegon W.W. GMU	October 16 to November 13 and

		December 1 to December 22
Canada Goose (special late season)	Southern Michigan Goose Management Unit as defined in section 12.700 of this order	January 18 to February 15, 2014
Snow and Ross' Geese	North Zone	September 11 to December 11
	Middle Zone	September 21 to September 29 and October 5 to December 26
	South Zone, excluding GMUs listed below in the table	October 12 to December 8, December 28 to December 29, and January 18 to February 15, 2014
	Tuscola/Huron GMU	September 21 to September 27, October 12 to December 8, and December 28 to January 23, 2014
	Saginaw County GMU	September 21 to September 23, October 12 to December 8, and December 28 to January 27, 2014
	Allegan County GMU	November 2 to January 31, 2014
	Muskegon W.W. GMU	October 16 to November 13 and December 1 to December 22
Brant and White-fronted Geese	North Zone	September 11 to December 7
	Middle Zone	October 5 to December 26
	South Zone	October 12 to December 8, December 28 to December 29 and January 18 to January 31, 2014

3.419 Managed waterfowl areas, unlawful acts; designation of areas.

Sec. 3.419 The following state game and wildlife areas, within the boundaries posted "state game area - hunting by permit only" are designated as managed waterfowl areas:

- (1) Allegan state game area (Fennville farm unit), Allegan county.
- (2) Fish point wildlife area, Tuscola county.
- (3) Nayanquing point wildlife area, Bay county.
- (4) Pointe Mouillee state game area (~~Long pond and Nelson units~~), Monroe and Wayne county counties.
- (5) Shiawassee river state game area, Saginaw county.
- (6) St. Clair flats wildlife area (Harsens island unit), St. Clair county.

3.421 Common snipe, rails, and woodcock, daily and possession limits.

Sec. 3.421 (1) The daily limit for common snipe (jacksnipe) shall be 8 and the possession limit shall be 24.

(2) The daily limit for Virginia and Sora rails (singly or in the aggregate) shall be 25 and the possession limit shall be 75.

(3) The daily limit for woodcock shall be 3 and the possession limit shall be 6 9.

3.424 September teal hunt; open season; areas defined.

Sec. 3.424 (1) The open season for teal shall be September 1 to September 7 statewide.

(2) All state parks shall be closed.

3.425 September teal hunt; daily limit; possession limit.

Sec. 3.425 (1) The daily limit for teal shall be 6 and the possession limit shall be three times the daily limit.

13.10 Fish point wildlife area; rules.

Sec. 13.10 The following rules are established on those portions of the Fish point wildlife area, Tuscola county, posted "state game area - hunting by permit only" being all or portions of section 10, T15N R8E; sections 15 to 16, T15N R8E; and sections 21 to 22, T15N R8E:

(1) A current hunting license and appropriate stamps shall constitute a valid permit to hunt in the non-refuge areas, except as specified in 13.10 (2) and (4).

(2) Hunting permits are required for all deer and waterfowl hunting and permits shall be returned to the check station immediately upon completion of the hunting period for which it was valid or upon termination of hunting, whichever occurs first.

(3) No hunting of deer with firearms during any open waterfowl hunting season, except as ~~specified in 13.10 (6)~~ follows:

(a) Firearm managed deer hunting may be allowed from September 1 to January 1 of the following year, including areas posted as "wildlife refuge – do not enter," by the wildlife supervisor or department designee if the department determines that conditions exist that significantly reduce optimal waterfowl hunting. Participants must possess a valid deer hunting permit and current hunting licenses.

(b) Firearm antlerless deer hunting may be allowed, including areas posted as "wildlife refuge – do not enter," by the wildlife supervisor or department designee from the first Monday following the third Saturday in December through January 1. Participants must possess a valid deer hunting permit and current hunting licenses.

(4) During the managed waterfowl hunting season, small game hunters must participate in the waterfowl drawing to hunt in the managed waterfowl hunting zones.

(5) It is prohibited to possess or fire from a shotgun more than 25 shotshells during any hunting period.

~~(6) Firearm antlerless deer hunting may be allowed by the management unit supervisor or representative, from the first Monday following the third Saturday in December through January 1, and possession of a managed deer hunting permit, acquired through a random drawing, is required for this area.~~

~~(7) (6) Deer hunting may be allowed during the appropriate hunting season on dates designated by the management unit supervisor or representative, within the areas posted "wildlife refuge-do not enter" through a random drawing of a validated daily party registration hunting permit.~~

~~(8) (7) Refuge deer hunting permits and non-refuge deer hunting permits may be issued to persons chosen in random drawings from applicants for different hunting periods for days designated by the management unit supervisor or representative. Permits shall not be transferred or altered.~~

13.16 Nayanquing point wildlife area; additional rule.

Sec. 13.16 The following rules are established on those portions of the Nayanquing Point wildlife area, Bay county, posted "state game area-hunting by permit only" being all or portions of section 13, T16N R4E; sections 23 to 26, T16N R4E; and section 18, T16N R5E:

(1) A current hunting license and appropriate stamps shall constitute a valid permit to hunt in the non-refuge areas when the managed waterfowl hunt season is closed, except as specified in 13.16 (2) and (4).

(2) Hunting permits are required for all deer and waterfowl hunting and permits shall be returned to the check station immediately upon completion of the hunting period for which it was valid or upon termination of hunting, whichever occurs first.

(3) No hunting of deer with firearms during any open waterfowl hunting season, except as specified in 13.16 (6), follows:

(a) Firearm managed deer hunting may be allowed from September 1 to January 1 of the following year, including areas posted as "wildlife refuge – do not enter," by the wildlife supervisor or department designee if the department determines that conditions exist that significantly reduce optimal waterfowl hunting. Participants must possess a valid deer hunting permit and current hunting licenses.

(b) Firearm antlerless deer hunting may be allowed, including areas posted as "wildlife refuge – do not enter," by the wildlife supervisor or department designee from the first Monday following the third Saturday in December through January 1. Participants must possess a valid deer hunting permit and current hunting licenses.

(4) During the managed waterfowl hunting season, small game hunters must participate in the waterfowl drawing to hunt in the managed waterfowl hunting zones.

(5) It is prohibited to possess or fire from a shotgun more than 25 shotshells during any hunting period.

~~(6) Firearm antlerless deer hunting may be allowed by the management unit supervisor or representative, from the first Monday following the third Saturday in December through January 1, and possession of a managed deer hunting permit, acquired through a random drawing, is required for this area.~~

(7) Deer hunting may be allowed during the appropriate hunting season on dates designated by the management unit supervisor or representative, within the areas posted "wildlife refuge-do not enter" through a random drawing of validated daily party registration hunting permit.

(8) Refuge deer hunting permits and non-refuge deer hunting permits may be issued to persons chosen in random drawings from applicants for different hunting periods for days designated by the management unit supervisor or representative. Permits shall not be transferred or altered.

Issued on this 10th day of July, 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