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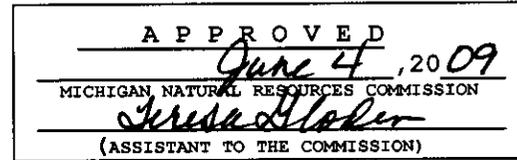
DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: April 6, 2009
RESUBMITTED: May 11, 2009



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations
Wildlife Conservation Order Amendment No. 10 of 2009

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:

Bobcat:

In recent years, stakeholders have raised concern over a perceived decline in bobcat numbers in the Upper Peninsula (UP). The Department conducted an analysis of available data and concluded that bobcat numbers do appear to be declining in the UP. The Department is recommending a reduction in the UP bobcat trapping and hunting season length to address this trend by reducing the UP bobcat harvest. Season length reduction is preferred over reducing the bobcat limit, as it is an equitable solution impacting both hunters and trappers in a similar manner, without dramatically reducing recreational opportunities. The proposed UP seasons are: trapping from December 1 through February 1, and hunting from January 1 through March 1.

Dryland body gripping traps:

Dryland body gripping traps have become controversial in Michigan and in many other states. The issue surrounding these effective trapping tools is the potential to catch non-target animals, particularly dogs. The Department is recommending changes to reduce the likelihood of nontarget catches with dryland body gripping traps. The Department recommends that traps no larger than 7.5 inches in width be used on dry land. The Department also recommends that dryland body-gripping traps between 5.5 inches and 7.5 inches in width, generally referred to as 160s and 220s, must be in a box or similar container when using bait. "220s" must be in a box if used on dryland below four feet above the ground whether bait is used or not. Boxes must have a fixed opening which does not extend up more than six inches from the bottom of the box.

NATURAL RESOURCES COMMISSION

Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

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Boxes must have at least eight inch slots for trap placement and trap triggers must be six inches from the front of the box. If a box is placed vertically, the opening of the box must not be more than six inches off the ground and the trap trigger must be at least four inches from the opening of the box. "160s" would not be required to be in a box if they are not placed near bait. Based on the increased opportunity for domestic dogs to contact body-gripping traps on state land, the

Department recommends more stringent restrictions on public land for "220s" than on private lands. Traps of this size on public land would be allowed in vertical set only, as described above, if placed less than four feet above the ground. Please see "modifications to recommendations" below.

Open water beaver snaring:

Beaver trappers have requested the use of snares for beaver in open water situations. The Department recommends allowing snares to be used in the water for beaver on a drowning set only. This additional tool is not expected to significantly change beaver harvest or trapper effort. A drowning set requirement reduces the potential for pelt damage with the use of open water snaring. Snares set on beaver dams or lodges must be completely submerged. Snares in other locations must be at least half submerged. A stop to prevent the loop from closing to a diameter less than five inches will be required to reduce the incidental catch of otter and to alleviate concerns with the potential for other non-target incidents. Please see "modifications to recommendations" below.

Colony trap size:

The Department is recommending an increase in the maximum colony trap size to 8" x 8" x 36." In some situations, colony traps are an effective tool for the taking of muskrats. The proposed change will allow trappers to harvest more muskrat between each trap check. Colony traps would continue to be required to be completely submersed. The Department dos not anticipate a significant increase in muskrat harvest from the implementation of this proposal.

Coyotes:

In 2005, the coyote season was closed during firearm deer season in the Northern Lower Peninsula (NLP) to avoid the potential for accidental take of wolves. This change was made after three wolves were confirmed in the NLP in 2004. In subsequent years, the Department has conducted wolf track surveys in the NLP in an effort to detect the presence of wolves. No confirmation of wolves has been made in the NLP since 2005. The Department is recommending coyote season be reopened during the firearm deer season in the NLP.

Modifications to Recommendation:

As a result of numerous contact from stakeholders, the Department is no longer recommending restrictions to "160s" and "220s" on private land as described above. Incidents with dogs are less likely to occur on private lands since private landowners can control what occurs on their lands.

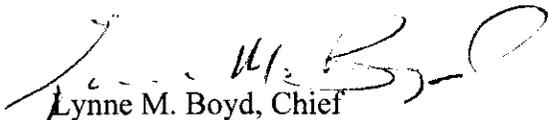
The Department is also recommending the removal of the stop requirement on beaver snares. Snares are generally more selective than body-gripping traps, making the likelihood of incidental catches of otter low. Trappers have been very vocal in their opposition to the proposed stop requirement.

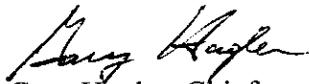
Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's April 27, 2009, calendar and may be eligible for approval on June 4, 2009.


Russ Mason, Ph.D., Chief
Wildlife Division


Ronald A. Olson, Chief
Parks and Recreation Division


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


Gary Hagler, Chief
Law Enforcement Division


Arminda S. Koch
Resource Management 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. 10 of 2009

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 5, 2009 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 for youths trapping with a junior fur harvester-trap only license.

(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 of the user or person 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 person 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 person 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 person 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 a person 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) A trap or snare shall not be set on a beaver dam or lodge unless the trap is totally submerged below 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 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).

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

3.607 Beaver and otter trapping, resident and nonresident open seasons; season limits; requirements.

Sec. 3.607. (1) The open seasons and season limits for taking beaver and otter by trap for each of the respective management units shall be as follows:

Resident Seasons	Season Limits
unit A --October 25 to the first Sunday following April 11, except the ending season date for all designated trout streams, as described in FO 210.03, shall be April 30	No limit on beaver; 3 otter per person of which no more than 1 shall be taken in unit b and no more than 1 shall be taken in unit c
unit B --November 1 to the first Sunday following April 11	
unit C --November 10 to March 31	

Nonresident Seasons	Season Limits
unit A --November 15 to the first Sunday following April 11	No limit on beaver; 3 otter per person of which no more than 1 shall be taken in unit b and no more than 1 shall be taken in unit c
unit B --November 24 to the first Sunday following April 11	
unit C --December 15 to March 31	

(2) In addition to the requirements of section 3.600, a person taking beaver and otter shall meet all of the following requirements:

(a) Through the last day of the open otter season, a person issued a fur harvester's license may obtain a free otter kill tag. A person who intends to trap otter shall request and be issued up to 3 free otter kill tags. A person shall not sell, loan, or permit in any manner, another person to use the person's otter kill tag or use or attempt to use another person's otter kill tag. Only a person who is 8 years old or older may obtain a free otter kill tag. A person who kills an otter shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the otter from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. A person shall not tag an otter with a kill tag that is not valid for the unit in which the otter is taken. This kill tag shall remain attached to the otter until the animal is registered and sealed by the department. A person shall not possess an otter or otter hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (b).

(b) A person that kills an otter shall present the pelt of the otter to a designated department employee to be registered and sealed no later than 3 business days following April 30. The pelt shall be presented for sealing in person by the fur harvester that killed the animal and shall not be presented for sealing or registration by another person. The person presenting the otter pelt shall display their fur harvester license; including identification used to acquire the license, and shall provide harvest information as requested by the department employee. The department employee shall attach an official seal to the pelt of each otter presented for examination and shall lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the otter pelt or damaging the seal. Once an official seal is attached by the department, it shall not be removed from the otter pelt until the otter pelt is processed or tanned. Subsequent to 3 business days following April 30, it shall be unlawful to possess an otter pelt without an official department seal attached unless the pelt has been processed or tanned or the otter season is open.

(c) Notwithstanding the other provisions of this order, up to 10 muskrat, taken in beaver or otter sets, may be considered part of the season limit.

(d) Notwithstanding the other provisions of this order, a snare may be used for taking beaver in water or under ice. Snares shall be made of 1/16 inch or larger cable. Snares not under ice must have a loop which is at least half submerged and be set in a fashion to hold the beaver completely submerged. Snares shall be removed from the water and made inoperative within 24 hours after the close of the period in which snares may be used to take beaver.

3.608 Bobcat open seasons, season limit, closed areas, restrictions; kill tags and tagging requirements; registration requirements; unlawful acts.

Sec. 3.608. (1) The open season for taking bobcat by trapping in bobcat management units a and b shall be December 1 to February 1. The open season for taking bobcat by hunting in bobcat management units a and b shall be from January 1 to March 1.

(2) The open season for taking bobcat by trapping in bobcat management units c and d shall be from December 10 to December 20, on private lands only, using foothold traps only. The open season for taking bobcat by hunting in management unit C shall be from January 1 to March 1. The open season for taking bobcat by hunting in management unit D shall be from January 1 to February 1. A person shall not take a bobcat by means of trapping or hunting in that area of zone 2 not included in bobcat management units c and d.

(3) A person shall not take a bobcat in zone 3.

(4) The season limit shall be 2 bobcats per person except no person shall take more than 1 bobcat from bobcat management unit B, and no more than 1 bobcat in bobcat management units c and d combined.

(5) Through the last day of the open bobcat season, a person issued a fur harvester's license may obtain a free bobcat kill tag. A person who intends to hunt or trap bobcat shall request and be issued up to 2 free bobcat kill tags. A person shall not sell, loan, or permit in any manner another person to use the person's bobcat kill tag or use or attempt to use another person's bobcat kill tag. Only a person who is 8 years old or older may obtain a free bobcat kill tag. A person who kills a bobcat shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the bobcat from the upper jaw to the eye socket or through the lower jaw of the bobcat in a secure and permanent manner. A person shall not tag a bobcat with a kill tag that is not valid for the unit in which the bobcat is taken. This kill tag shall remain attached to the bobcat until the animal is registered and sealed by the department. A person shall not possess a bobcat or bobcat hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (6).

(6) A person that kills a bobcat shall present the pelt and skull or pelt and an undamaged canine tooth of the bobcat to a designated department employee to be registered and sealed no later than 10 days following the close of the season in which it was taken. The pelt shall be presented for sealing in person by the fur harvester that killed the animal and shall not be presented for sealing or registration by another person. The person presenting the bobcat pelt shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department employee. The department employee shall retain the skull or undamaged canine tooth and attach an official seal to the pelt of each bobcat presented for examination and shall lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the bobcat pelt or damaging the seal. Once an official seal is attached by the department, it shall not be removed from the bobcat pelt until the bobcat pelt is processed or tanned. Subsequent to ten days following March 1, it shall be unlawful to possess a bobcat pelt without an official department seal attached unless the pelt has been processed or tanned or the bobcat season is open.

3.610 Coyote, open season; exceptions; person taking considered permittee; fur harvester's license not required to hunt.

Sec. 3.610. (1) The open season for taking coyote by hunting shall be July 15 to April 15 except:

(a) Coyotes may be taken all year on private property by the property owner or their designee when coyotes are doing or about to do damage to their property. A person taking a coyote under the authority of this subsection shall be considered a permittee as defined by section 5.50 of this order. A written permit is not required, and the person shall be authorized to take coyote all year by otherwise lawful hunting and trapping methods.

(b) Coyotes shall not be taken from November 15 to November 30 in zone 1 except as provided under subdivision (a).

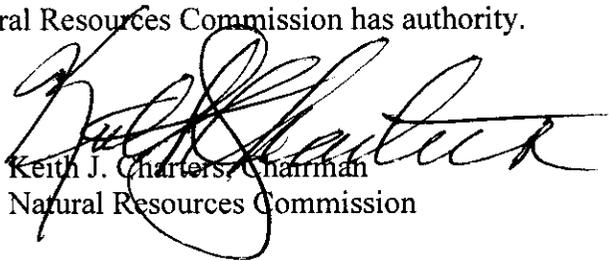
(c) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.

(2) A person taking coyote under the authority of subdivision (1) (a) shall be considered a permittee as defined by section 5.50 of this order, and the person shall be authorized to take coyote without a license all year by otherwise lawful hunting and trapping methods.

(3) A resident possessing a small game license may hunt coyote without securing a fur harvester's license.

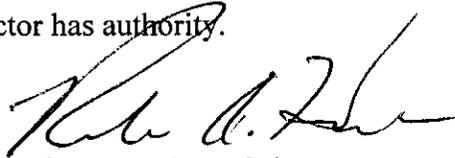
Issued this 4th day of June 2009.

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