



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: August 27, 2014
RESUBMITTED: September 15, 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: Trapping on Commercial Forest Lands Technical Change
Wildlife Conservation Order Amendment No. 15 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:

Commercial Forest (CF) property is privately-owned land on which, by statute, owners must allow public hunting (including trapping) and fishing. While the acts of hunting and fishing are allowed without permission, ancillary activities still require landowner permission. Ancillary activities may include things such as placement of hunting blinds, stands, and deer or bear bait. Until this year, the Department has interpreted the placement of traps unattended overnight as an activity which still required landowner permission.

The Attorney General’s office recently advised the Department that because the term “hunting” does include trapping in Part 435 of Public Act 451 of 1994 and because the public is not required to obtain landowner approval to hunt on CF lands, normal trapping practices including leaving traps unattended overnight should be allowed and should not require specific landowner permission. The Department has informed CF landowners of this administrative change.

Since CF land functions similarly to public lands relative to hunting and trapping use and associated issues, the Department recommends applying public land regulations to trapping on CF lands. Public land trapping regulations are designed to reduce the potential for the take of non-target species.

Issue Pros and Cons

By aligning CF trapping regulations with public land trapping regulations, the Department will be promoting consistency. In many cases, CF lands and public lands are contiguous and difficult for the public to distinguish. Utilizing the same regulations is expected to reduce confusion with the public and reduce enforcement complexity.

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A variety of hunting and fishing activities may take place on Michigan's 2.2 million acres of CF land. By applying public-land trapping regulations, the Department expects to reduce instances of take of non-target species.

Neighboring States

In Minnesota, industrial forest land is open to the public for hunting, but may be gated at certain times as posted.

Pennsylvania does not have separate public and private-land trapping regulations. However, fur harvesters who wish to trap using cable-restraints must complete a cable restraint training course.

Wisconsin does not allow trapping on lands enrolled in their Managed Forest Law program or Forest Crop Law Program without landowner permission. All first time trappers must complete the Wisconsin trapper education course.

Biological

According to the 2012 Michigan Furbearer Harvest Survey, about 10,000 licensed fur harvesters trapped animals during the 2012 seasons. The application of public land trapping regulations to CF property is unlikely to have a significant biological effect. However, public land regulations are expected to reduce instances of take of non-target species.

Social

Several hunting and trapping organizations are aware of the Department's proposal to apply public land trapping regulations to CF lands. To avoid any potential conflicts with the administrative change and applicability of regulations, the Department will encourage communication between trappers and CF landowners.

The Department also expects that the dog hunting community will be supportive of the proposal to apply public-land trapping regulations to CF lands, as these regulations are written to reduce the chance of trapping non-target animals and are more restrictive than private-land trapping regulations.

The 2012 Michigan Furbearer Harvest Survey collected data such as what region the trapper frequented and what species were trapped. The survey did not collect data regarding the use of public, private, or CF lands.

Economic

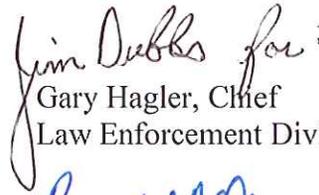
The Department does not expect the proposed change to have any significant budgetary or personnel implications.

Recommendation:

This order was submitted for information on August 27, 2014, at the Natural Resources Commission Meeting. This item appeared on the Department's August 2014 calendar and may be eligible for approval on October 9, 2014.



Russ Mason, Ph.D., Chief
Wildlife Division



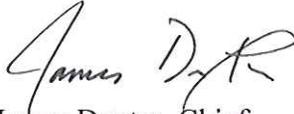
Gary Hagler, Chief
Law Enforcement Division



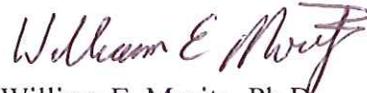
Bill O'Neill, Chief
Forest Resources Division



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. 15 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 October 10, 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 foothold 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, except lands open to hunting by the general public under the provisions of Part 511, commercial forests, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120, 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 and lands open to hunting by the general public under the provisions of Part 511, commercial forests, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120, and is:

(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 foothold 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.

Issued on this 9th day of October, 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