



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



SUBMITTED: February 14, 2011

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Regulations
Wildlife Conservation Order Amendment No. 4 of 2011
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Black bear license quotas were set in 2010 with the intention of retaining quotas unchanged for two years. An evaluation of harvest information for 2010 showed no issues that would suggest a reason to modify license quotas in 2011. No changes are proposed for license quotas. No action is required.

In October of 2010, a black bear cub was found dead on a bait pile by a hunter. Upon necropsy of that animal, it was determined that the cub died from theobromine poisoning as a result of ingesting chocolate. This is the first evidence that current bear baiting practices in Michigan are causing mortality in bears. There is no evidence that mortality due to chocolate ingestion is causing a population level impact in bears despite a long history of baiting with chocolate in Michigan.

Now that evidence exists that baiting practices have, and can, cause mortality in bears, Wildlife Division recommends that chocolate be removed from the items that can be lawfully used for baiting bears.

Minor technical edits have also been made to this section of the Wildlife Conservation Order to clarify the language as well as to allow better enforceability of baiting regulations.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's March 10, 2011 calendar and may be eligible for approval on April 7, 2011.

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Lynne M. Boyd, Chief
Forest Management Division

Ronald A. Olson, Chief
Recreation Division

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Mindy S. Koch, Deputy Director
Resource Management

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Chief of Staff has authority.

Rodney A. Stokes, Chief of Staff

Date

WILDLIFE CONSERVATION ORDER

Amendment No. 4 of 2011

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources and Environment by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective April 8, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.205 Bear; unlawful acts.

Sec. 3.205 (1) In zones 2 and 3 it shall be unlawful to take a bear without the aid of dogs on the seventh and eighth day after the first Friday following September 15.

(2) It shall be unlawful to establish or tend a bait station that attracts bear prior to 31 days before the bear hunting season in any management unit. It also shall be unlawful to tend or establish a bait station for the purposes of attracting bear after the close of bear season in any management unit. For the purposes of this section, "bait station" means a site where food or lure is placed that may attract bear **FOR HUNTING**.

(3) It shall be unlawful to hunt over a bait **STATION** that attracts bear that was established prior to 31 days before the bear hunting season in any management unit. It shall be unlawful to **ESTABLISH, TEND, OR** hunt over a bait **STATION** ~~is not placed on the ground~~ on public or commercial forest lands as defined in part 511, commercial forests, ~~of the natural resources and environmental protection act, Act 451 of the Public Acts of 1994 PA 451, sections MCL 324.51101 to 324.51120 of the Michigan Compiled Laws;~~ **THAT IS NOT PLACED ON THE GROUND** or contains plastic, any wood products **PRODUCT**, paper, glass, rubber, **TIRES, FABRIC, CLOTH**, concrete, ~~or metal~~ **AND ANY METAL CONTAINER**, ~~on public or commercial forest lands; or has any~~ **AND UNLAWFUL FOR A** containers used to transport bait to the **BAIT STATION** ~~baiting site, TO BE~~ within 100 yards of the bait **STATION** ~~site~~.

(4) It shall be unlawful to **ESTABLISH, TEND, OR** hunt over ~~A~~ bait **STATION** that contains any food materials other than meats, meat products, fish, fish products, or bakery products if the bait **STATION** is placed in an area unlawful to feed deer or elk or bait deer. In an area where the baiting of deer, or feeding of deer or elk, is lawful, a person may hunt over, place, establish or tend a bait station using food materials that lure, entice, or attract deer or elk only if the person uses ~~these~~ food materials in compliance with the season, volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. In an area in which it is lawful to bait for deer, a person may use up to 2 gallons of grains at any 1 point in time per bait station prior to the legal deer baiting season if the grains are placed on the ground in such a manner as to exclude wild, free-ranging, white-tailed deer and elk from gaining access to the grains.

(5) ~~It shall be unlawful to use metal containers, tires, plastic, wood, glass, fabric, cloth, concrete, or paper at a bait station on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws.~~ **IT SHALL BE UNLAWFUL TO ESTABLISH, TEND OR HUNT OVER A BAIT STATION CONTAINING CHOCOLATE OR ANY COCOA DERIVATIVE.**

(6) ~~It shall be unlawful to place bait other than on the ground at bait stations on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, sections 324.51101 to 324.51120 of the Michigan Compiled Laws.~~

(7) (6) Any containers used to transport bait to the bait station must be removed and disposed of properly.

(8) ~~(a)~~ (7) It shall be unlawful for any licensed bear hunter or their designee to establish or tend more than 3 bait stations per hunter.

(b) (8) It shall be unlawful for any person to establish or tend more than a total of 12 bait stations,

(9) It shall be unlawful for any nonresident to assist in any manner another person in taking bear for a fee or other consideration or service of value, either directly or indirectly.

(10) It shall be unlawful for a person that transfers their success in the bear lottery to a minor hunter or adult hunter with an advanced illness to assist the minor hunter or adult hunter with an advanced illness in any manner in taking bear for a fee or other consideration or service of value, either directly or indirectly.

(11) It shall be unlawful for a person to buy or sell success in the bear license lottery, or an adult to acquire a license after being unsuccessful in the lottery, unless the person has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

(12) It shall be unlawful to take a cub bear. "Cub bear" means a bear less than 1 year of age. It shall be unlawful to take a female bear accompanied by a cub bear.

(13) It shall be unlawful to disturb, harm, or molest a bear in its den at any time.

(14) A person shall not pursue, capture, shoot, kill, chase, follow, harass, or harm a bear while the bear is swimming in a pond, lake, stream, or other body of water.

Issued on this 7th day of April, 2011.

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

Timothy L. Nichols, Chairman
Natural Resources Commission

Approved as to matters over which the Chief of Staff has authority.

Rodney A. Stokes
Chief of Staff