STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

RODNEY A. STOKES
DIRECTOR

SUBMITTED: April 11, 2011
RESUBMITTED: May 16, 2011

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations
Wildlife Conservation Order Amendment No. 11 of 2011

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:

Furbearer regulation changes were moved to a two-year cycle in 2009. This change was made in an effort to provide some consistency in regulations for better understanding by hunters and trappers, as well as to facilitate monitoring of the impacts of regulation changes.

For 2011, there are several changes proposed. Proposed changes are the result of discussions with stakeholder groups and Department of Natural Resources (Department) staff beginning in 2009 or earlier. Proposed changes will increase recreational opportunities where feasible. In some cases, changes are necessary to conserve wildlife populations in response to population declines.

Marten/Fisher Season and Bag Limits
Concern has been raised for several years over perceived declines in fisher and American marten populations. A new technique was used to develop the first population estimates that have been possible for fisher and marten on a large scale. Estimates show dramatic declines in fisher populations and modest declines in marten populations from the mid 1990s through 2007. A reduction in harvest is necessary to stabilize populations.

The recommendation of the Department is to eliminate Zones A and B for fisher and marten as they are no longer necessary for management purposes. A bag limit reduction from three (3) fisher and one (1) marten to a one (1) animal combined bag limit (1 fisher OR 1 marten) is recommended. No change is recommended to the current 15 day season (December 1-15). Population levels will be monitored closely to determine if further reductions are necessary. This recommendation will reduce harvest but also allow for continued recreational opportunity and will continue to allow for data collection for use in generating population estimates.

Mink/Muskrat Season
The trapping community has requested additional opportunity to harvest muskrat through the ice in late winter. At that time of year, muskrat pelts are prime and offer a different opportunity (through the ice) than may be available consistently within the current season. Harvest rates during that time of year will likely be low and will have little impact on muskrat or mink populations. Since mink and muskrat are trapped in similar fashion and in the same habitats, the season for the two species is linked.

The Department recommends the mink and muskrat season be extended from January 31 to include the month of February, statewide.

Northern Lower Peninsula Otter Bag Limit
The trapping community has expressed interest in being able to harvest two (2) otter in the Northern Lower Peninsula (Beaver and Otter Unit B). Harvest effort trends suggest a stable population in that unit. A nominal increase in harvest is unlikely to result in a population decline.

The Department recommends the otter limit in Beaver/Otter Unit B be increased to two (2) with no change in the statewide bag limit of three (3) per person. Populations will be monitored and if the increase in harvest results in a decline in the population, a recommendation will be made to return the bag limit to one (1) for unit B.

Harvest of Raccoons and Opossums
Current regulations only allow the take of fox and coyotes when hunting at night with the aid of a call. At times, both raccoons and opossums will come to calling. Stakeholder groups have expressed interest in being able to take these species as well. Adding these two species to the list of animals that may be taken at night with the aid of a call (within existing seasons) will add some recreational opportunity and may slightly increase the harvest of these abundant species.

The Department recommends adding raccoons and opossums to the list of species that may be taken at night with the aid of a call. No changes are recommended to the current season structure for these species.

Use of .22 During Deer Season for Dispatch of Trapped Furbearers
Current regulations prohibit the use of a .22 for the dispatch of furbearers lawfully caught in traps during the firearm deer season in the shotgun zone. Dispatch of trapped furbearers with a .22 is one of the most common, efficient, and humane methods to dispatch a trapped furbearer.

The Department recommends that trappers be allowed to use a .22 or smaller rimfire, loaded at the point of kill only, to dispatch lawfully-trapped furbearers during the firearm deer season, statewide.

Furbearer Registration Requirements
Mandatory registration of marten, fisher, bobcat, and otter allows for detailed data collection including biological information used in management decisions. Teeth and/or skulls are currently collected from marten, fisher, and bobcat. Teeth are used for aging animals and also

provide DNA samples. The Department is in the process of developing new population estimation techniques for these species that require age information and would like to be able to use these techniques for otter in the future.

The Department recommends standardizing biological sample submission for registered furbearing species and require the entire skull be submitted for marten, fisher, bobcat and otter. This is a new requirement for otter submission. Bobcat and marten submissions have been accepted if they were a tooth only or a portion of the lower jaw. This has created some issues with tooth samples being damaged. Requiring skulls from all species makes the registration process standardized and ensures tooth samples are undamaged and that adequate material is available for DNA analysis.

Recommendation:

This order was submitted for information on May 12, 2011 at the Natural Resources Commission Meeting. This item appeared on the Department's April 2011 calendar and may be eligible for approval on June 9, 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
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James Dexter, Acting Chief
Fisheries Division

Kelley D. Smith, Ph.D.
Acting Natural Resources Deputy

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

_____
Rodney A. Stokes, Director

_____
Date

WILDLIFE CONSERVATION ORDER

Amendment No. 11 of 2011

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 10, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.3 Permitted acts; trapping; use of rimfire firearm .22 caliber or smaller; American Indians on reservations.

Sec. 2.3 This order shall not be construed to prohibit any of the following:

(1) The trapping of fur-bearing animals as provided in this order.

(2) The carrying and using of a rimfire firearm .22 caliber or smaller to kill raccoon while hunting with dogs between the hours of 7 p.m. and 6 a.m. during the firearm deer season

(3) The carrying and using of a rimfire firearm .22 caliber or smaller to kill legally trapped furbearers, as permitted in section 3.600 (1), during the firearm deer season if the firearm is loaded only at the point of kill.

(4) The enjoyment by American Indians living on a reservation of the privileges bestowed upon them by federal law or treaties.

2.4 Permissible use of artificial lights.

Sec. 2.4 (1) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used from September 15 to March 31 by a person traveling afoot with a bow and arrow, crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, subject to MCL 324.43510, (2) and (3), the person shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow, except as provided in section 2.1a of this order or 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.

(2) Persons not possessing a bow, crossbow, or firearm while traveling afoot may use lights as defined in subsection (1) during dog training or field dog trials to follow dogs chasing raccoon, opossum, or fox.

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, 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) 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.

3.606 Muskrat, mink, and raccoon trapping, open seasons; closed areas.

Sec. 3.606 (1) Except as otherwise provided in this section, the open season for taking muskrat and mink by trapping shall be October 25 to March 1 in zone 1, November 1 to march 1 in zone 2, and November 10 to March 1 in zone 3. The trapping season for raccoon shall be October 15 to January 31 in zones 1 and 2, and November 1 to January 31 in zone 3.

(2) Except as provided in subsections 3 and 4, the open seasons for taking muskrat, mink, and raccoon by trapping on the following managed wetlands shall be as follows:

Area	**Season**
Nayanquing point wildlife area	Day after waterfowl season closes to March 31
Crow island state game area	Day after waterfowl season closes to March 31
Shiawassee river state game area	Day after waterfowl season closes to March 31, except A units shall have the same season dates as provided in subsection (1) for zone 3
Fish point wildlife area	Day after waterfowl season closes to March 31
Allegan state game area (Fennville farm unit)	November 10 to March 31 except during the Allegan county GMU season as provided in 3.415
Pointe Mouillee state game area	Day after waterfowl season closes to March 31
St. Clair flats wildlife area (Harsens island unit)	November 10 to March 31

(3) Managed wetlands or portions of managed wetlands shall be closed when posted.

(4) The director, in consultation with and concurrence of the chair or vice chair of the natural resources commission, may make appropriate changes to muskrat, mink, and raccoon trapping season closing dates for the state game areas and state wildlife areas listed in subsection (2), in order to meet disease, damage control, or other management objectives for those areas.

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 Unit B --November 1 to the first Sunday following April 11 Unit C --November 10 to March 31	No limit on beaver; 3 otter per person of which no more than **2** ~~1~~ shall be taken in unit b and no more than 1 shall be taken in unit c

Nonresident Seasons	**Season Limits**
Unit A --November 15 to the first Sunday following April 11 Unit B --November 24 to the first Sunday following April 11 Unit C --December 15 to March 31	No limit on beaver; 3 otter per person of which no more than **2** ~~1~~ shall be taken in unit b and no more than 1 shall be taken in unit c

(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 and skull of the otter to a designated department employee to be registered and sealed no later than 3 business days following April 30. The pelt and skull 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 and skull 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 and 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. An official seal attached by the department, 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, of the bobcat to the department to be registered and sealed no later than 10 days following the close of the season in which it was taken. The pelt and skull 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 and skull shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull 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. An official seal ~~is~~ attached by the department, 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.

3.620 Fisher, open seasons, closed areas; registration requirements; unlawful acts.

Sec. 3.620 (1) The open season for taking fisher by trapping shall be from December 1 to December 15 in all of Zone 1 except Drummond island.

(2) The season limit shall be a combined bag limit of 1 ~~3~~ fisher or 1 marten per person.

(3) Through the last day of the open fisher season, a person issued a fur harvester's license may obtain a free fisher kill tag. A person who intends to trap fisher shall request and be issued up to 3 free fisher kill tags. A person shall not sell, loan, or permit in any manner, another person to use the person's fisher kill tag or use or attempt to use another person's fisher kill tag. Only a person who is 8 years old or older may obtain a free fisher kill tag. A person who kills a fisher 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 fisher from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. A person shall not tag a fisher with a kill tag that is not valid for the unit in which the fisher is taken. This kill tag shall remain attached to the fisher until the animal is registered and sealed by the department. A person shall not possess a fisher or fisher hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

(4) A person that kills a fisher shall present the pelt and skull of the fisher to the department to be registered and sealed no later than 3 business days following December 15. The pelt and skull 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 fisher pelt and skull shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull and attach an official seal to the pelt of each fisher 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 fisher pelt or damaging the seal. An official seal attached by the department, shall not be removed from the fisher pelt until the fisher pelt is processed or tanned. Subsequent to 3 business days following December 15, it shall be unlawful to possess a fisher pelt without an official department seal attached unless the pelt has been processed or tanned or the fisher season is open.

3.630 Marten, open season, exceptions; trapping permit; sealing requirements; unlawful acts.

Sec. 3.630 (1) The open season for taking marten by trapping shall be from December 1 to December 15 in all of zone 1 except Drummond island.

(2) Through the last day of the open marten season, a person issued a fur harvester's license may obtain a free marten kill tag. A person who intends to trap marten shall request and be issued 1 free marten kill tag. A person shall not sell, loan, or permit in any manner, another person to use the person's marten kill tag or use or attempt to use another person's marten kill tag. Only a person who is 8 years old or older may obtain a free marten kill tag. A person who kills a marten 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 marten from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. This kill tag shall remain attached to the marten until the animal is registered and sealed by the department. A person shall not possess a marten or marten hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

(3) The season limit shall be a combined bag limit of 1 marten or 1 fisher per person.

(4) A person that kills a marten shall present the pelt and skull of the marten to the department to be registered and sealed no later than 3 business days following December 15. The pelt and skull 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 marten pelt and skull shall display their fur harvester license; including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull, and~~,~~ attach an official seal to the pelt of each marten presented for examination,

and lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the marten pelt or damaging the seal. An official seal ~~is~~ attached by the department, shall not be removed from the marten pelt until the marten pelt is processed or tanned. Subsequent to 3 business days following December 15, it shall be unlawful to possess a marten pelt without an official department seal attached unless the pelt has been processed or tanned or the marten season is open.

12.807 Repealed. Am. 11, 2011, Eff. June 9, 2011.

12.808 Repealed. Am. 11, 2011, Eff. June 9, 2011.

Issued on this 9th day of June, 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 Director has authority.

Rodney A. Stokes
Director