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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: April 15, 2013

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations
Wildlife Conservation Order Amendment No. 7 of 2013
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:

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. Beginning in 2014, furbearer regulations will be moved to review on even years. This change is being made to switch years with bear regulations to help resolve some timing issues with bear information and the bear recommendation process.

For 2013, there are several changes proposed. Proposed recommendations are the result of discussions with stakeholder groups and Department staff beginning in 2011 or earlier. An extensive list of potential changes – generated by stakeholders and from within the Department – were presented to the NRC in May of 2011 and then the selected list of topics for review in 2013 was presented in September of 2011. Proposed changes will increase recreational opportunities where feasible. In some cases, changes are necessary to collect better harvest and biological data and to improve enforcement capabilities.

Bobcat in the Northern Lower Peninsula

For several years, stakeholders (primarily trappers) have asked that the Department consider expanding the area of the Northern LP open to the take of bobcats. In 2011, the decision was made to examine this issue for consideration during this regulatory cycle. At that time, the Department initiated a bobcat monitoring project to evaluate bobcat populations in areas to be considered for the expansion. Scent surveys were selected as the monitoring tool in order to compare new information with existing data collected from 2003-2006. Surveys were conducted in the fall of 2011 and 2012. Results of the survey showed that bobcat populations (based on occupancy in preferred habitats) were increasing in the proposed areas and were now similar to the occupancy rates seen in a portion of Bobcat Management Unit (BMU) D (currently open for the take of bobcats) in the early 2000s. Based on this information, it is likely that bobcats can sustain some harvest in the proposed areas.

The Department had discussions with internal staff and external stakeholders, tribes and agencies to develop a recommendation to allow harvest in these newly created zones. Our objective is to provide additional recreational opportunities while maintaining current bobcat populations or allowing those populations to increase. We also had requests to offer similar opportunities in terms of season length and the type of lands open to both hunters and trappers.

The Department recommends opening bobcat hunting and trapping by creating two new BMUs. Proposed BMU E would include the counties of Leelanau, Benzie, Grand Traverse, Manistee, Mason, and Lake. Proposed BMU F would include the counties of Oceana, Newaygo, Mecosta, Isabella, Midland, and portions of Bay and Arenac that are in Zone 2, with the exception of a small part of Arenac which is presently in BMU D.

The proposed season structure for both BMU E and BMU F would include:

- An 11-day trapping season from December 10 to 20, using foothold traps only on public and private land.
- An 11-day hunting season from January 1 to 11 on public and private land.
- A season limit of one bobcat for the entire Lower Peninsula. This would include BMUs C, D, E, and F.

The season structure recommended is designed to reduce the potential harvest within the new zones by having both the hunting and trapping seasons coincide with the current trapping season and the first 11 days of the current hunting seasons in Units C and D. Bobcat harvesters will need to choose an area to hunt or trap. In addition, the overall bag limit for the entire LP would remain at one bobcat. This should help to keep harvest levels low in the proposed new units. The Department intends to conduct scent post surveys again in 2015 and 2016 to evaluate the impact of the season. If the population is able to sustain harvest in these areas without showing signs of decline, the recommendation will be to continue with the season. If the population shows signs of decline, recommendations would be made to modify or close the new areas. After 2016, populations would be monitored through harvest effort indices or other modeling tools that may or may not include the use of scent post surveys.

Incidental Seals

Incidental seals have been required in the Hunting and Trapping Digest for a number of years to provide a legal means to allow trappers to bring in animals taken incidentally (non-intentional take of a species out of the open season or above the bag limit while targeting other species). However, there has been no language in the Wildlife Conservation Order (WCO) to enable enforcement of the requirements of incidental seals. The Department recommends adding language to the WCO to require that incidental seals be used on all species with a bag limit (currently marten, fisher, otter, bobcat and badger) that are caught incidentally and cannot be released alive. Procedures will follow those as have been in the Hunting and Trapping Digest for years.

Registration Deadlines

Law Enforcement Division requested a review of the current registration deadlines for furbearing species. There are concerns that long periods to register after the close of the season may create the opportunity to harvest after the close of the season and still register the animal, effectively extending the season. However, the Department currently has limited capacity to extend registration times or options and needs to provide adequate opportunities to register animals. In an effort to balance these concerns, we recommend no changes to the current registration deadlines for marten, fisher and bobcat, but recommend that otter registration deadlines be changed to match those for bobcat. This change would require that otter be registered within 10 days of the close of the season in which it was taken. Currently, all otter, regardless of when or where they were taken, must be registered by 3 business days following April 30.

Nighttime Coyotes/Nuisance Raccoon Control

The hound hunting community has expressed an interest in pursuing coyote at night with dogs. Current regulations only allow the take of raccoon, opossum and the pursuit of fox at night with dogs but not coyotes. Methods for these species are similar and nighttime training of dogs on coyotes is a common practice now. Modification of WCO will likely have little impact in current nighttime hound activities. The Department recommends adding coyotes to the list of species that may be pursued with the aid of dogs at night.

In addition, the Department recommends allowing for nuisance raccoons to be taken year round at night with the use of lights. Current regulations allow the take of nuisance raccoons by otherwise lawful methods on private land if they are doing or about to do damage. However, WCO places restrictions on the use of lights for the take of nuisance raccoons at specific times of the year. The Department recommends the removal of the restrictions on the use of lights to take by otherwise lawful methods nuisance raccoons on private property if they or doing or about to do damage. This may allow for more effective control of nuisance raccoons.

Other Regulation Changes Considered

The Department was requested to review the potential to allow the setting of traps for muskrats within push-ups or feeders. Over the past several years, some trappers have expressed frustration over the recent clarification that current law does not allow the setting of traps within structures constructed by muskrats. However, information provided by trapping organizations suggest that about half of trappers have always felt this technique was already illegal and about the same percentage of trappers felt it should remain illegal. Muskrat trapping was also extended by a month in 2009. Additionally, muskrat fur prices have been at or near all-time highs for multiple years, enticing many to increase effort in trapping this species. Finally, defining the difference between the different types of structures in an easy to understand and enforceable way is challenging. A change would likely only be supported by about half of trappers, could potentially increase harvest at a time when there are already significant harvest pressures, and would likely add complexity to regulations making them difficult to follow in the field or difficult to enforce. This change will not be recommended at this time.

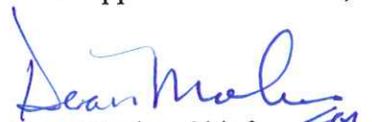
In addition, the Department considered allowing the use of No. 3 and No. 4 buckshot for nighttime coyote hunting. However, due to law enforcement concerns, this will not be recommended at this time. This issue was also reviewed in 2011. There have been no changes to LED concerns.

The Department also considered adding bobcat to the list of species that may be taken at night by all methods (hunting with a call and with dogs). Currently, the Department has a goal of increasing bobcat populations in the Upper Peninsula (UP) and maintaining to increasing bobcats in the Lower Peninsula (LP). In 2009, seasons were shortened in the UP to help achieve that goal. In the LP, the Department is recommending an expansion to the area open to the take of bobcats. At this time, we feel it would be inappropriate to recommend additional methods of take. However, there has been little opposition to the concept of the nighttime take of bobcats so this may be a topic that comes up again in the future.

Recommendation:

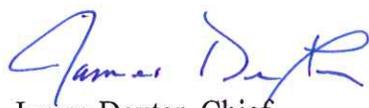
This order is being submitted for information and consideration. This item appeared on the Department's April 2013 calendar and may be eligible for approval on June 13, 2013.


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WILDLIFE CONSERVATION ORDER

Amendment No. 7 of 2013

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 14, 2013, 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) 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.

3.605 Raccoon hunting, seasons; taking raccoons doing or about to do damage, person taking considered permittee.

Sec. 3.605 (1) The open season for taking raccoon by hunting shall be October 1 to January 31, except that the open season for nonresidents taking raccoon by hunting shall be November 15 to January 31.

(2) A property owner or their designee may take raccoon all year on property owned by the person when raccoons are doing or are about to do damage to the person's property. A person taking a raccoon 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 raccoon all year by otherwise lawful hunting and trapping methods. ~~Notwithstanding the other provisions of this order, a person taking raccoon under the authority of this subsection may take raccoon at night from July 15 to September 14 using artificial lights, similar to the type ordinarily held in the hand or on the person, in possession of an unloaded firearm while following dogs and at the point of kill for the purpose of taking raccoons if using a rimfire firearm .22-caliber or smaller.~~

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 are as shown in table 12:

**TABLE 12
Beaver and Otter Trapping Seasons and Limits**

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 2 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 2 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 and skull of the otter to a designated the department employee to be registered and sealed no later than ~~3-business days following April 30~~ 10 days following the close of the season in which it was taken but 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) The open season for taking bobcat by trapping in bobcat management units E and F shall be from December 10 to December 20, using foothold traps only. The open season for taking bobcat by hunting in management units E and F shall be from January 1 to January 11.

(4) The season limit shall be 2 bobcats per person except no a person shall take not more than 1 bobcat from bobcat management unit B, and no not more than 1 bobcat in bobcat management units C, and D, E, and F 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 at least one tooth or the skull, at the discretion of the department, and attach an official seal to the pelt of each bobcat presented for examination. The seal shall be locked 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 attached by the department shall not be removed from the bobcat pelt until the bobcat pelt is processed or tanned. Subsequent to 10 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.

3.623 Incidental seals; requirements; unlawful acts; exception.

Sec. 3.623 (1) A Michigan incidental seal, provided at no charge by the department, shall be attached to a furbearer with a bag limit as described in this order or any non-game protected species found dead or that dies while attempting to release the animal alive from the trap.

(2) The incidental seal must be attached to the animal before its carcass is removed from the trap.

(3) After attaching the incidental seal, the carcass shall be transported in an open manner to the nearest department office and surrendered.

(4) An incidental seal is the property of the department and shall be returned to the nearest department office by May 1 of each year.

(5) Any nontarget animal found alive in a trap that cannot lawfully be possessed shall be released immediately.

12.806e "Bobcat management unit E" defined.

Sec. 12.806e "~~Bobcat management unit E~~" means ~~that portion of zone 2 not defined in bobcat management units C and D and all of zone 3~~ all of Benzie, Leelanau, Grand Traverse, Lake, Manistee, and Mason counties.

12.806f "Bobcat management unit F" defined.

Sec. 12.806f "~~Bobcat management unit F~~" means all of Isabella, Mecosta, Midland, Newaygo, and Oceana counties, and those portions of Arenac and Bay counties that are in zone 2 (defined in Section 1.4), except that portion of Arenac county in bobcat management unit D which is west of highway I-75 and north of highway M-61.

12.806x "Bobcat management unit x" defined.

Sec. 12.806x "~~Bobcat management unit x~~" means those portions of the Lower Peninsula not defined in bobcat management units C, D, E, or F.

Issued on this 13th day of June, 2013.

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