



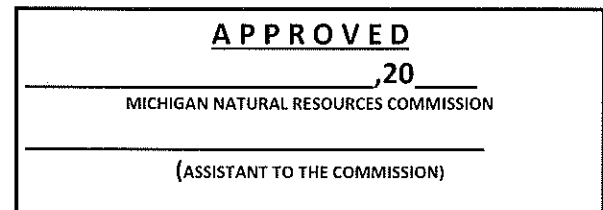
GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: February 5, 2019
RESUBMITTED: February 22, 2019



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Regulations and License Quotas
Wildlife Conservation Order Amendment No. 4 of 2019

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:

The Natural Resources Commission (NRC) reviewed and discussed allowing the use of barrels for baiting on public lands during its February 14, 2019, regularly scheduled meeting. The NRC requested that the Department bring forward a revised order for action to include the following:

- Implement a minimum size restriction of 33 gallons and ensure bait barrels are steel.
- Limit the number of bait barrels to one per station.
- Require hunters to affix a tag with either their Michigan driver's license number or DNR sportscard number to barrels.
- Require that bait barrels be securely anchored to a post in the ground with a chain or cable no more than eight feet in length.
- Bait barrels must have a secure lid and no more than three open holes no greater than one inch in diameter.
- Limit bait barrel locations to only within 100 yards of a state forest road.
- Add a two-year sunset clause.

The Department reviewed this request and recommends limiting bait barrel locations to only within 100 yards from a state forest road or a roadway as defined in MCL 324.81101 in an effort to provide hunters additional opportunities to use bait barrels. The Department requests that the NRC review and discuss this recommendation.

In an effort to stabilize bear regulations and quotas, reduce confusion, and enhance communications, the Natural Resources Commission and Wildlife Division agreed to begin a two-year regulatory cycle in 2014. Maintaining consistent regulations and quotas for multiple

years aids in evaluating the impact of regulation changes and removes one variable in bear population trend analysis (harvest quota changes). By keeping regulations consistent, the public is better able to understand regulations, and law enforcement is better able to enforce compliance.

Accordingly, the Department recommends that regulations and license quotas set in 2019 remain in effect for two years.

Regulations Changes Considered:

Based on stakeholder requests and subsequent feedback from Bear Forum members and the internal Department Bear Workgroup, the Department reviewed current regulations and considered the following possible changes: 1) allow bear baiting earlier in Michigan; 2) reserve the first ten days – rather than five – for bait hunters in the Upper Peninsula (UP) Bear Management Units (BMUs) and allow additional time for bait hunters in the NLP (Northern Lower Peninsula) BMUs; 3) implement a youth bear hunt; 4) allow veterans to be recipients of bear hunt transfers; 5) implement concurrent season openers in all NLP BMUs; 6) implement concurrent season openers in all UP BMUs; 7) eliminate special hunting season for Baldwin North BMU; 8) limit the maximum hole diameter in barrels used on private land to one inch; 9) allow the use of barrels for baiting on public land; and 10) allow nonresidents to dog train in the UP.

The Bear Forum is an advisory body consisting of representatives from the Michigan Bear Hunters Association, Michigan Hunting Dog Federation, UP Bear Houndsmen Association, Michigan United Coon Hunters Association, Michigan Fox Hunters Association, Michigan Archery Bear Hunters Association, Michigan Bow Hunters Association, Michigan Longbow Association, Michigan United Conservation Clubs, UP Sportsmen's Alliance, Michigan Beekeepers Association, Michigan Farm Bureau and Safari Club International. In addition, the Forum also includes a representative of the US Forest Service (which represents all three Federal forests in Michigan), as well as three non-affiliated individuals who are bait or hound hunters.

The internal Department Bear Workgroup consists of Ashley Autenrieth (Acting Bear and Wolf Management Specialist), Monica Joseph (Biologist, UP Region), Tim Riley (Technician, NLP Region), Sgt. Brian Bacon (LED), Julie Oakes (Biologist, Southeast Region), Nik Kalejs (Biologist, Southwest Region) and Dr. Dean Beyer (Research Scientist).

Item 1 – Allow Bear Baiting Earlier in Michigan

The Department and the Bear Forum reviewed a proposal to begin baiting earlier in Michigan. After further discussions with stakeholders and staff during and after the Bear Forum meeting, the Department has decided not to support this proposal.

Issues Pros and Cons

Some Bear Forum groups wanted earlier baiting to allow for strike bait sites when dog training begins on July 8. However, it is currently legal to begin baiting 31 days before the season opener; the Department concludes that this is a sufficient amount of time to attract bear to a bait site.

Biological

There is evidence, as exhibited in Wisconsin, that beginning baiting earlier may lead to an increase in wolf predation on bear hounds. In addition, evidence also shows that Wisconsin bear numbers are artificially inflated due to baiting and 40 percent of their diet is bait.

Social

Evidence from Wisconsin shows that beginning baiting earlier may lead to additional territorial conflict among bear hunters.

Majority of the Bear Forum members did not support this proposal.

Economic

The Department does not expect an economic impact.

Item 2 – Reserve the First Ten Days (rather than five) for Bait Hunters in the UP BMUs and Allow Additional Time for Bait Hunters in the NLP BMUs

The Department and the Bear Forum reviewed a proposal to reserve the first ten days (rather than five) for bait hunters in the UP Region and allow additional time for bait hunters in the NLP. There was not a lot of discussion at the Bear Forum on this proposal due to time constraints. Therefore, the Department is not bringing forward a recommendation per se, although bait hunters will be provided with an additional weekend as a result of a recommendation for concurrent bear season opening dates as outlined in Items 5 and 6.

Item 3 – Implement a Youth Bear Hunt

The Department and the Bear Forum reviewed a proposal to implement a youth bear hunt. The Department and the Bear Forum agreed to table this proposal at the Bear Forum meeting to allow for additional discussions. Therefore, the Department is not bringing forward a recommendation.

Item 4 – Allow Veterans to be Recipients of Bear Hunt Transfers

The Department and the Bear Forum reviewed a proposal to allow veterans to be recipients of bear hunt transfers. Although this is supported by the majority of the Bear Forum members, the Department does not support this recommendation.

Issues Pros and Cons

The hunt transfer program was created in 2001 to provide special hunting opportunities for individuals who are at a disadvantage in obtaining a bear (or elk) license because of the time required to get a license through the normal point-based system. This includes unsuccessful youth applicants who are typically too young to have accumulated the number of points required to draw a license and individuals with an advanced (terminal) illness who may not live long enough to be selected for a license. An expansion of the program could impact the integrity and fairness of the point system, extend wait times for licenses, and reduce opportunities for the intended recipients of the transfer program.

Biological

The Department does not expect a biological impact.

Social

Over the years, various stakeholder groups have suggested that other groups be allowed to receive transferred hunts, such as seniors, individuals with disabilities, military personnel, family members of military personnel, military veterans, and youth hunters who did not apply for the drawing. However, the Department has deliberately kept the transfer program limited in scope and to have a fair licensing system it is important that most participants obtain their licenses through the point system.

Economic

The Department does not expect an economic impact.

Item 5 – Implement Concurrent Season Openers in all NLP BMUs

In order to reduce potential conflict, the Department reviewed and is recommending a proposal to have all NLP bear seasons open the Sunday following the 2nd Saturday in September. Under the proposal, the first day of the season would remain open to bait-only hunting (hunting bears with dogs would start the Monday following the 2nd Saturday in September) and the last two days would remain bear hunting only with dogs. The season will remain nine days. The following are the proposed season dates for 2019 and 2020:

| Hunt Period | Open Season 2019 | Open Season 2020 |
|-------------|------------------------------|------------------------------|
| 1 | September 15 to September 23 | September 13 to September 21 |

Issues Pros and Cons

The Department received some complaints about the overlap between the Liberty Hunt and when dogs can be used to hunt bear. In order to reduce potential conflict, the Department will recommend that the Liberty Hunt be moved to the 2nd weekend in September during the 2019 deer regulations cycle. The proposed NLP bear season dates reflect this change to ensure that there will be no conflicts between youth hunters and hunters pursuing bears with dogs.

Biological

The Department does not expect a biological impact.

Social

This proposal was not discussed at the Bear Forum; however, the Department had recent conversations with some of the Bear Forum members who support the proposal.

Economic

The Department does not expect an economic impact.

Item 6 – Implement Concurrent Season Openers in all UP BMUs

In order to reduce potential conflict, the Department reviewed a proposal and is recommending having the first hunt period in all UP BMUs open the Wednesday before the 2nd Saturday in September. The first five days of the first hunt period would remain bait-only hunting (hunting bears with dogs would start the Monday following the 2nd Saturday in September) and during

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hunt periods two and three, as well as the remainder of the first hunt period, both bait and dogs would be permitted. The following are the proposed season dates for 2019 and 2020:

| Hunt Period | Open Season 2019 | Open Season 2020 |
|-------------|----------------------------|----------------------------|
| 1 | September 11 to October 21 | September 9 to October 21 |
| 2 | September 16 to October 26 | September 14 to October 26 |
| 3 | September 25 to October 26 | September 25 to October 26 |

Issues Pros and Cons

The Department received some complaints about the overlap between the Liberty Hunt and when dogs can be used to hunt bear. In order to reduce potential conflict, the Department will recommend that the Liberty Hunt be moved to the 2nd weekend in September during the 2019 deer regulations cycle. The proposed UP bear season dates reflect this change to ensure that there will be no conflicts between youth hunters and hunters pursuing bears with dogs.

Biological

The Department does not expect a biological impact.

Social

This proposal was not discussed at the Bear Forum; however, the Department had recent conversations with some of the Bear Forum members who support the proposal.

Economic

The Department does not expect an economic impact.

Item 7 – Eliminate Special Hunting Season for Baldwin North BMU

The Department brought forward a proposal to the Bear Forum to eliminate the special hunting season for Baldwin North BMU and add an extended season in the entire Baldwin BMU on private lands only. A majority of the Bear Forum members did not support this proposal, as they saw this as an undesirable preference for bear hunters that could afford to own private land. After recent discussions with stakeholders and staff during and after the Bear Forum meeting, the Department recommends recombining the two units and eliminating the special hunting season for Baldwin North BMU.

Issues Pros and Cons

In 2008, the Department created an extended season in the northern portion of the Baldwin BMU to help increase harvest in areas with significant nuisance complaints and historically low bear harvest. The extension of the season was an effective method to increase harvest in targeted areas in the BMU. In recent years, the Natural Resources Commission has modified regulations based on Department recommendations to increase quotas in the entire Baldwin BMU to help reduce nuisance and crop damage complaints. In order to reduce confusion between the two different season openers, the Department recommends recombining the two units.

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There may be some confusion for hunters that normally hunt in the Baldwin North BMU, but the Department will continue to provide effective communication and critical customer service to those hunters.

Biological

The Department will evaluate the impact of this regulation during the next regulatory cycle to determine whether this helps mitigate potential conflicts.

Social

A majority of the Bear Forum did not support adding an extended season on private lands only in the entire Baldwin Unit, as they saw this proposal as an undesirable preference for bear hunters that could afford to own private land. The Department has had recent conversations with some of the Bear Forum members and they support the recommendation to recombine the two units and eliminate the special hunting season in the Baldwin North BMU.

Economic

The Department does not expect an economic impact.

Item 8 – Limit the Maximum Hole Diameter in Barrels Used on Private Lands to One Inch

The Department and the Bear Forum reviewed a proposal to limit the maximum hole diameter in barrels used on private land to one inch in order to stop bears from being caught and dying in larger holes. A majority of the members of the Bear Forum support a maximum hole diameter of one inch. After further discussions with stakeholders and staff during and after the Bear Forum meeting, the Department supports this regulation.

Issues Pros and Cons

There are currently no restrictions on the size of a hole in a bait barrel being used on private land. The Department has received reports that bears are getting caught inside the barrels and dying when the hole is big enough for a bear to get inside the barrel. By limiting the maximum hole diameter to one inch, bears will not be able to get inside the barrel, preventing them from getting caught, injured, and potentially dying. By limiting the size of holes on the barrel, the bear has to pick up the barrel to remove the bait. This limits the amount of bait that can be dispersed at a time, making it a slow release. Hunters' bait will also last longer and may result in the bears staying at the bait sites longer or result in the bears coming back to the bait site more often.

Other States

Arizona, California, Colorado, Georgia, Kentucky, Maryland, Massachusetts, Montana, Nevada, New Mexico, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Washington, and West Virginia do not allow baiting of bears. Wisconsin does not allow the use of barrels for bear baiting. Minnesota and Maine do not restrict the hole diameter.

Biological

Limiting the maximum hole diameter to one inch will limit the attraction of non-target species. In addition, it may help reduce both the congregation of animals and the risk of disease transmission associated with the congregation of animals.

Social

Most members of the Bear Forum support a maximum hole diameter of one inch.

Economic

Bait sellers may experience a shift in bait types.

Item 9 – Allow the Use of Barrels for Baiting on Public Lands

The Department and the Bear Forum reviewed a proposal to allow the use of barrels for baiting on public lands. After further discussions with stakeholders and Department staff after the Bear Forum meeting, the Department recommended that the NRC review and discuss this proposal information as an additional item for consideration. The NRC reviewed and discussed allowing the use of barrels for baiting on public lands during its February 14, 2019 regularly scheduled meeting. The NRC requested that the Department bring forward a revised order for action to include the following:

- Implement a minimum size restriction of 33 gallons and ensure bait barrels are steel.
- Limit the number of bait barrels to one per station.
- Require hunters to affix a tag with either their Michigan driver's license number or DNR sportscard number to barrels.
- Require that bait barrels be securely anchored to a post in the ground with a chain or cable no more than eight feet in length.
- Bait barrels must have a secure lid and no more than three open holes no greater than one inch in diameter.
- Limit bait barrel locations to only within 100 yards of a state forest road.
- Add a two-year sunset clause.

The Department reviewed this request and recommends limiting bait barrel locations to only within 100 yards from a state forest road or a roadway as defined in MCL 324.81101 in an effort to provide hunters additional opportunities to use bait barrels. The Department requests that the NRC review and discuss this recommendation.

Issues Pros and Cons

According to the 2017 Michigan Black Bear Hunter Survey, baiting was the most common hunting method used to harvest bears. Approximately 86 percent of hunters relied primarily on baiting as a means of locating and attracting bears. About 80 percent of hunter-harvested bears were taken with the aid of bait only. As such, allowing the use of barrels on public land is unlikely to increase the number of hunters who use bait to attract or harvest bears. However, allowing the use of barrels for bear baiting on public lands may increase the number of bear hunters who hunt on public lands.

Before 1985, the Department allowed the use of barrels for bear baiting on public lands. Due to complaints about the amount of litter that was being left on public lands, the use of barrels for baiting was prohibited entirely in 1985. In 2005, the use of barrels for bear baiting was reinstituted on private land only.

On the one hand, extending the use of barrels for baiting to include public lands may cause conflict among hunters. On the other hand, containing bait in barrels may reduce wolf/dog hunting conflicts as the bait will be inaccessible to wolves and other wildlife.

The Department staff reviewed and discussed the issue, particularly around implementation concerns associated with allowing the use of barrels for baiting on public lands. These concerns and their resolutions included:

- Barrels could increase litter – Implementing a minimum size restriction of 33 gallons and ensuring that barrels are steel would likely address littering concerns. As well, limiting the number of barrels to one per bait station would reduce the number of barrels in state forests. Requiring hunters to affix a tag with the hunter's Michigan driver's license number or DNR sportscard number to barrels would provide law enforcement officers with contact information for any issues that might arise.
- Methods used to secure barrels could damage trees – This concern could be addressed by requiring that barrels be securely anchored to a post in the ground with a chain or cable no more than 8 feet in length. Barrels should not be attached to a tree or other natural feature with spikes, nails, wires, chains, or cables.
- Since barrels are a method of baiting, and baiting presents risks to other wildlife, steps should be taken to assure biosecurity. If barrels have a secure lid, then only small quantities of their contents would spill when bears investigate them. In addition, if the barrels have no more than three open holes no greater than one inch in diameter, the bait would not be accessible to other wildlife.
- Barrels might increase illegal off-road vehicle use – In order to deter hunters from illegally driving vehicles off-road to place barrels on public lands, barrels locations could be limited to only within 100 yards of a state forest road.
- Public and private landowners – The Department has not been able to discuss the proposal to allow the use of barrels for baiting with Commercial Forest Act landowners, US Forest Service representatives, or county landowners. As a result, if barrels were to be allowed on public property, implementation should be limited to only Department-managed lands.

Other States

Arizona, California, Colorado, Georgia, Kentucky, Maryland, Massachusetts, Montana, Nevada, New Mexico, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Washington, and West Virginia do not allow baiting of bears. Wisconsin does not allow the use of barrels for bear baiting on public and private lands. Minnesota allows the use of barrels on public and private lands, but barrels on public lands may not be unattended. Maine allows the use of barrels for bear baiting, but an individual must have a permit to place bait on wildlife management areas and on public reserved land. Idaho allows the use of metal barrels for bear baiting on public and private lands. In North Carolina, it is unlawful to place any sort of processed or unprocessed foods on public game lands.

Biological

Current regulations allow bear baiting on public lands as long as the bait is placed on the ground. Allowing barrels on public land may help reduce both the congregation of animals and the risk of

disease transmission associated with the congregation of animals if hunters choose barrels instead of bait piles.

Social

A nine to six majority of the Bear Forum opposed allowing the use of barrels for baiting bears on public lands. The US Forest Service, Michigan Bow Hunters Association, Michigan Longbow Association, and UP Sportsmen's Alliance do not support this proposal. However, the Michigan Bear Hunters Association and Michigan Hunting Dog Federation were very supportive as they have been for many years, both because it is currently legal to use barrels on private lands and because there are a variety of current regulations that allow structures on public lands for aiding in hunting and fishing, such as deer and bear blinds, elevated platforms, and shanties for ice fishing.

Economic

The Department does not expect an economic impact.

Item 10 - Allow Nonresidents to Dog Train in Amasa, Bergland, and Carney BMUs

The Department and the Bear Forum expressed an interest to allow nonresidents to dog train on bear outside of the open bear season in Michigan (July 8 through April 15 of the following year in areas open to bear hunting.) The Department recommends allowing all nonresidents to dog train on bear outside of the open bear season in Amasa, Bergland, and Carney BMUs. The Department will review feedback and assess any law enforcement concerns over the next two years in order to determine if there are any negative impacts to the resource prior to the 2021 regulatory cycle.

Issues Pros and Cons

Michigan residents may train their hunting dogs on bears during certain times of the year and during certain periods of the open bear season. There is a period of no bear dog activity, commonly referred to as the "quiet period", from April 15 to July 7. Most bear hunters who pursue bears with dogs train their dogs during the summer months before bear hunting season begins. Training hunting dogs on bears before pursuing bears during the open season provides opportunities for the hunting dogs to get acquainted with the hunting area and allows the dogs to locate a bear scent trail. It also gives the opportunity for hunters to practice giving recall and directional commands to the hunting dogs to keep them in control and focused on the commands as well as the scent trail. Therefore, when the designated bear hunting season opens, the hunting dogs will be well conditioned, have practiced commands and scenting skills, and are prepared for a bear hunt.

Nonresidents may not train their hunting dogs on bears in Michigan. Nonresidents may only use dogs while hunting bears during the open bear season and must have in their possession a special permit to use dogs. Allowing the opportunity for nonresidents to train hunting dogs on bears in Amasa, Bergland, and Carney BMUs will provide additional recreational opportunity for nonresident bear hunters and help prepare nonresident bear hunters for a successful hunt. Allowing nonresidents to train their hunting dogs on bear outside of the open season in Amasa, Bergland, and Carney BMUs may cause some additional conflict among dog packs and dog

trainers. However, by limiting the activity to only these three BMUs, this conflict should be minimal.

Biological

The Department does not expect a biological impact.

Social

In 2018, 55 permits were issued to nonresidents for the use of dogs to hunt black bear. Of those 55 permits, 37 were from Wisconsin, seven were from North Carolina, three were from Minnesota, two were from Georgia, two were from New York, one was from Idaho, one was from Indiana, one was from Missouri, and one was from Tennessee. These permits are specifically for nonresident bear hunters.

Economic

Allowing nonresidents to train their hunting dogs on bear outside of the open bear season in Amasa, Bergland, and Carney BMUs may have a small positive impact on the economy.

License Quotas

Michigan uses recreational hunting as part of bear population management through a zone and quota system of license and harvest allocation. Factors considered in recommending license quotas include bear population estimates using mark/recapture techniques, the statistical catch-at-age (SCAA) analytic, hunter success rates, harvest effort, recreational opportunities, and social concerns about bear-related incidents.

The average success rate for the previous three years is used to calculate the license quota for each hunt period, based upon the total desired harvest for each BMU. This calculation is used so that single-year effects of hunter success (due to changes in food availability, weather, and other outside factors) do not result in large annual fluctuations in harvest and license quotas.

In accordance with the 2007 Inland Consent Decree, the Department has conferred with the five Tribes covered by the 1836 Treaty on bear issues before making these recommendations. Unfortunately, after two meetings, the Department did not reach a consensus on the proposed harvest with the Tribes. The Tribes may authorize up to 12.5 percent of the available harvest in BMUs within the 1836 ceded territories with the exception of the Gwinn and Gladwin BMUs, where the Tribes may authorize up to 10 percent. The remaining harvest is allocated to state regulated hunters as recommended in this amendment. Proposed harvests and associated license quotas are recommended for both the 2019 and 2020 hunting seasons.

In accordance with license-application practices implemented in the previous seasons, hunters may continue to make a second choice on their application, with all first choices having priority in each hunt period. Any remaining licenses will be distributed first to comprehensive lifetime license holders, then to unsuccessful applicants and finally, if available, to the general public to allow for full distribution of available licenses.

NLP Recommendations

Biological

The habitat quality and capacity of the NLP has supported robust growth of the bear population over time. The NLP-wide bear population estimate is 2,957 bears, based on the statistical catch-at-age model (SCAA), and has risen by 72 percent since 2012. This estimate is from pre-hunt 2018 and includes yearlings and adults only. Numerous indicators at the BMU scale are also monitored and used in allocating harvests between BMUs to address local bear abundance concerns. The trajectory goal in the NLP is to slow the annual population growth to achieve a stable population trend within four years. Even with an increased harvest, SCAA projections suggest difficulty in stabilizing the population by 2020. Department experts will continue to use the SCAA estimator and local indicators on an annual basis to assess the population trend, and harvests will be closely monitored, and recommendations adjusted accordingly during subsequent two-year cycles. The recommended desired state-licensed harvest of 400 bears (45 more than in 2018) in the NLP will require a 12 percent increase in licenses. This recommendation would allow for continued growth in the bear population, albeit at a marginally slower rate, in order to stabilize the population in coming years.

Social

Nuisance and crop damage complaints across the NLP region have risen dramatically in recent years. Notable complaints such as bluff charges and domestic dog kills have become more common and have created a higher level of concern among the public and Department staff. Although it is extremely rare for a bear to attack a human in Michigan, there was an incident in 2013 where a jogger was injured. As public complaints have risen, the perceived value of black bear has declined in communities such as Cadillac. Evidence suggests that the social carrying capacity has been exceeded and the intrinsic value of this iconic species has declined in areas of the NLP and southern Michigan.

Most members of the Bear Forum support the continued growth of the NLP bear population over the next four years, and therefore do support the Department recommendation to increase the desired harvest from 355 to 400 bears. The recommended increase in desired harvest is necessary to begin stabilizing the NLP population and is quite conservative according to SCAA projections. In December, during an “on” year for bear regulations, the three-year average success rates are updated by incorporating the success rate from that previous hunting season. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU, and vice versa.

Economic

The proposed increase of available licenses will increase the revenue generated by the Department and is expected to have a small but measurable positive economic impact on the NLP Region.

Recommendations

All three BMUs in this region are subject to the 2007 Inland Consent Decree, and the State-licensed desired harvest is adjusted for Tribal harvest, including Red Oak BMU (12.5 percent),

Gladwin BMU (10 percent), and Baldwin BMU (12.5 percent). The license quota recommendation for the 2019 and 2020 seasons in Red Oak, Baldwin, and Gladwin BMU are:

- Red Oak BMU: a total of 700 state licenses; no change from 2018. The Tribal allocated harvest is 35 bears
- Baldwin BMU: a total of 260 licenses; an increase of 105 licenses from 2018. The Tribal allocated harvest is 19 bears.
- Gladwin BMU: a total of 110 licenses; an increase of 10 licenses from 2018. The Tribal allocated harvest is 2 bears.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 400 bears for the NLP Region, which is an increase of 45 bears from the desired harvest in 2018.

UP Recommendations

Biological

The habitat quality and capacity of the UP has supported growth of the bear population in recent years. The UP-wide bear population estimate is 10,799 bears, based on the SCAA model, and has risen by over 24 percent since 2012. This estimate is from pre-hunt 2018 and includes yearlings and adults only. Numerous indicators at the BMU scale are also monitored and used in allocating harvests between BMUs to address local bear abundance concerns. Additionally, bear predation on deer fawns has been considered, as predation rates appear to be more pronounced in the moderate snowfall zone than the low snowfall zone. The trajectory goal in the UP is to continue to increase the bear population but at a slower growth rate, by decreasing harvest slightly. Even with a decrease in harvest, SCAA projections suggest continued growth in the population. Department experts will continue to use the SCAA estimator and local indicators on an annual basis to assess the population trend, and harvests will be closely monitored, and recommendations adjusted accordingly during subsequent two-year cycles. The recommended desired State-licensed harvest of 1,180 bears (20 less than in 2018) in the UP would require a 1.4 percent decrease in licenses, due to increased success rates in recent years. This recommendation would allow for continued growth in the bear population, albeit at a slower rate, over the next two years.

Social

Most members of the Bear Forum support the recommended desired harvest and continued growth of the bear population over the next two years. In December, during an “on” year for bear regulations, the three-year average success rates are updated by incorporating the success rate from that previous hunting season. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU. Nuisance and crop damage complaints across the UP region fluctuate annually, primarily due to varying availability of natural foods, but remain manageable by field staff.

Economic

The proposed slight reduction of available licenses will result in a small reduction in revenue generated by the Department. It may also slightly reduce the collective time that bear hunters

spend traveling in the region and contributing to the local economy. Nevertheless, the proposed reduction is unlikely to have significant economic impacts to the UP Region.

Recommendations

License quota recommendations are designed to spread the bear harvest evenly among the three hunt periods in the UP BMUs. Four of the six BMUs within the UP Region are outside of the 1836 Ceded Territories and no adjustments to license quotas have been made for Tribal harvest in those units. Ten percent of the desired harvest is allocated to the Tribes in the Gwinn BMU, 12.5 percent is allocated to Tribes in the Newberry BMU and ten percent is allocated to Tribes in the Drummond Island BMU.

The license quota recommendations for the 2019 and 2020 seasons in the UP Region are:

- Amasa BMU: a total of 490 licenses for the three hunt periods; a decrease of 40 licenses from 2018.
- Baraga BMU: a total of 1,550 licenses for the three hunt periods; an increase of 60 licenses from 2018.
- Bergland BMU: a total of 1,195 licenses for the three hunt periods; a decrease of 15 licenses from 2018.
- Carney BMU: a total of 600 licenses for the three hunt periods; a decrease of 15 licenses from 2018.
- Gwinn BMU: a total of 1,060 licenses for the three hunt periods; a decrease of 145 licenses from 2018. The Tribal allocated harvest is 17 bears.
- Newberry BMU: a total of 1,110 licenses for the three hunt periods; a decrease of 20 licenses from 2018. The Tribal allocated harvest is 37 bears.
- Drummond Island BMU: a total of 5 licenses; no change from 2018. The Tribal allocated harvest is 1 bear.

These license allocation recommendations are intended to achieve a total desired State-licensed harvest of 1,180 bears for the UP Region, which is a decrease of 20 bears from the desired harvest in 2018.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on February 14, 2019, at the Natural Resources Commission meeting. This item appeared on the Department's January calendar and may be eligible for approval on March 14, 2019.



Russ Mason, Ph.D., Chief
Wildlife Division



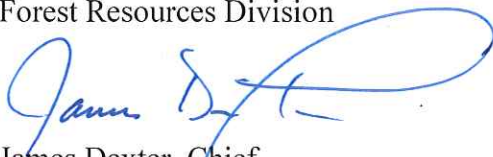
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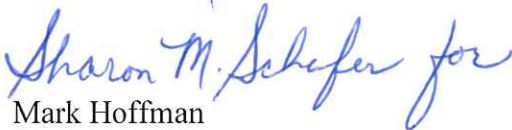
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James Dexter, Chief
Fisheries Division



Kristin Phillips, Chief
Marketing and Outreach Division



Mark Hoffman
Chief Administrative Officer



William O'Neill
Natural Resources Deputy

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

Daniel Eichinger, Director

Date

WILDLIFE CONSERVATION ORDER

Amendment No. 4 of 2019

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 March 15, 2019, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.200b Bear population, harvest quotas.

Sec. 3.200b (1) The black bear hunt seasons and quotas for general licenses valid on all land within the listed units are as shown in table 5:

TABLE 5

Bear Management Unit (BMU) Hunt Periods and License Quotas

| BMU Name | Hunt Period | Licenses | Total |
|-------------------------|--------------------|-----------------|--------------|
| Amasa | First | 100 | |
| | Second | 130 | |
| | Third | 260 | |
| Unit total | | | 490 |
| Baraga | First | 250 | |
| | Second | 440 | |
| | Third | 860 | |
| Unit total | | | 1,550 |
| Bergland | First | 180 | |
| | Second | 280 | |
| | Third | 735 | |
| Unit total | | | 1,195 |
| Carney | First | 100 | |
| | Second | 150 | |
| | Third | 350 | |
| Unit total | | | 600 |
| Drummond | First | 5 | |
| | | | 5 |
| Gwinn | First | 140 | |
| | Second | 270 | |
| | Third | 650 | |
| Unit total | | | 1,060 |
| Newberry | First | 210 | |
| | Second | 240 | |
| | Third | 660 | |
| Unit total | | | 1,110 |
| UP Total | | | 6,010 |
| Baldwin | First | 260 | |
| Gladwin | First | 110 | |
| Red Oak | First | 700 | |
| NLP total | | | 1,070 |
| State-wide total | | | 7,080 |

3.201 Bear hunting; kill tag requirements; method of take; season limit.

Sec. 3.201 (1) The department shall issue a kill tag as part of the bear hunting license. An individual shall not kill

or attempt to kill a bear unless the individual has a valid bear kill tag issued in the individual's name for the bear management unit in which the individual is hunting. The licensee must provide the kill tag and bear license to a conservation officer upon request.

(2) A licensee who kills a bear shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the lower jaw of the bear in a secure and permanent manner. The kill tag shall remain attached to the bear until the animal is registered and sealed by the department. It shall be unlawful to possess a bear that is not tagged with a validated kill tag or a bear that is not sealed unless the provisions of section 3.207 have been met.

(3) A firearm, crossbow, and bow and arrow are legal for the taking of bear, pursuant to all regulations of state law and this order.

(4) Hunting with dogs shall be legal for the taking of bear when meeting the provisions of all regulations of state law and chapters VI and XIV of this order.

(5) A licensee less than 14 years of age may hunt bear with a firearm on public or private land and a parent or guardian, or another individual authorized by a parent or guardian who is at least 18 years old, must accompany the minor child.

(6) The season limit shall be 1 bear per bear kill tag.

3.203 Bear hunting, open seasons, defined.

Sec. 3.203. (1) The open season for taking bear with a firearm, crossbow, or bow and arrow, on all land within the listed units, shall be as shown in the table below except as otherwise provided in subsection (2):

| Open Season for Taking Bear | | | |
|-----------------------------|-------------|------------------------------|------------------------------|
| BMU Name | Hunt Period | Season Dates for 2019 | Season Dates for 2020 |
| Amasa | First | September 11 to October 21 | September 9 to October 21 |
| | Second | September 16 to October 26 | September 14 to October 26 |
| | Third | September 25 to October 26 | September 25 to October 26 |
| Baraga | First | September 11 to October 21 | September 9 to October 21 |
| | Second | September 16 to October 26 | September 14 to October 26 |
| | Third | September 25 to October 26 | September 25 to October 26 |
| Bergland | First | September 11 to October 21 | September 9 to October 21 |
| | Second | September 16 to October 26 | September 14 to October 26 |
| | Third | September 25 to October 26 | September 25 to October 26 |
| Carney | First | September 11 to October 21 | September 9 to October 21 |
| | Second | September 16 to October 26 | September 14 to October 26 |
| | Third | September 25 to October 26 | September 25 to October 26 |
| Drummond Island | First | September 11 to October 21 | September 9 to October 21 |
| Gwinn | First | September 11 to October 21 | September 9 to October 21 |
| | Second | September 16 to October 26 | September 14 to October 26 |
| | Third | September 25 to October 26 | September 25 to October 26 |
| Newberry | First | September 11 to October 21 | September 9 to October 21 |
| | Second | September 16 to October 26 | September 14 to October 26 |
| | Third | September 25 to October 26 | September 25 to October 26 |
| Baldwin | First | September 15 to September 23 | September 13 to September 21 |
| Gladwin | First | September 15 to September 23 | September 13 to September 21 |

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| | | | |
|-----------|-------|------------------------------|------------------------------|
| Red Oak | First | September 15 to September 23 | September 13 to September 21 |
| Dansville | First | No Open Season | No Open Season |

(2) A person shall not take a bear on Bois Blanc island.

3.205 Bear; unlawful acts.

Sec. 3.205 (1) It shall be unlawful for an individual to purchase a bear license unless the individual holds a current base license or a mentored youth license.

(2) It shall be unlawful for an individual to hunt bear with dogs in zone 1 from September 5 through September 15, 2019 and from September 5 through September 13, 2020.

(3) It shall be unlawful for an individual to hunt bear with dogs in zones 2 and 3 on September 15, 2019 and on September 13, 2020.

(4) In zones 2 and 3 it shall be unlawful to take a bear without the aid of dogs on September 22 and 23, 2019 and on September 20 and 21, 2020.

(5) 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.

(6) It shall be unlawful for an individual 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.

(7) It shall be unlawful for an individual 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 individual has received from a physician a written statement of advanced illness which shall be produced upon the request of a peace officer.

(8) 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.

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

(10) It shall be unlawful for any individual to 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.

(11) It shall be unlawful for an individual to use a snare, cable restraint, conibear, or any other kind of trap for the taking of bear. This subsection shall not apply to authorized employees of the department performing official job responsibilities or individuals officially authorized by the department or this order.

(12) It shall be unlawful to take a bear by any method while hunting other than by firearm, bow and arrow, crossbow, with the aid of dogs, or with the aid of baiting as described in this order and the regulations of state law.

(13) It shall be unlawful for an individual to take more than 1 bear per valid kill tag in a bear hunting season.

(14) Bear baiting, unlawful acts, definitions.

(a) 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 bear 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.

(b) It shall be unlawful to hunt over bait that attracts bear that was established prior to 31 days before the bear hunting season in any bear management unit.

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(c) It shall be unlawful to hunt over bait that is not placed on the ground on commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120 or any public lands except department-managed lands consistent with subsection (j).

(d) It shall be unlawful to hunt over bait that contains plastic, any wood products, paper, glass, rubber, concrete, or metal on public or commercial forest lands.

(e) It shall be unlawful to hunt over bait that has, within 100 yards of the bait site, any containers used to transport bait to the baiting site.

(f) It shall be unlawful to establish, tend, or hunt over a bait containing chocolate or any cocoa derivative.

(g) In an area where it is unlawful to feed deer or elk or bait deer the following regulations apply:

(i) On department-managed lands, it shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products unless the bait is placed in a steel barrel as described in subsection (j).

(ii) On private lands and commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.5112, it shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products.

(h) 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.

(i) It shall be unlawful to use metal containers, tires, plastic, wood, glass, fabric, cloth, concrete, or paper at a bait station on commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120 or any public lands except department-managed lands consistent with subsection (j).

(j) It shall be unlawful to place, establish, tend, or hunt over bait contained in a barrel at a bait station on department-managed lands unless all the following conditions are met:

(i) Barrel is at least 33 gallons in size.

(ii) Barrel is steel.

(iii) Barrel has no more than three open holes, each hole no greater than one inch in diameter.

(iv) Barrel is securely anchored to a post or stake in the ground with a chain or cable no greater than eight feet in length.

(v) The user or individual possessing the barrel shall permanently affix their complete Michigan driver's license number or DNR sportscard number on a tag to the outside of the barrel.

(vi) There shall be a maximum of one barrel per bait station.

(vii) Barrel is placed no more than 100 yards from state forest road.

(k) Subsection (j) shall be rescinded on December 31, 2020.

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

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

(n) It shall be unlawful for any individual to establish or tend more than a total of 12 bait stations.

(o) It shall be unlawful to establish, tend, or hunt over bait contained in a container that has a hole diameter greater than one inch.

6.4 Hunting with dogs, unlawful acts.

Sec. 6.4 (1) It shall be unlawful for any person to hunt bear with dogs in zone 1 from September 5 through September 15, 2019 and from September 5 through September 13, 2020.

(2) It shall be unlawful for any person to hunt bear with dogs in zones 2 and 3 on September 15, 2019 and on September 13, 2020.

(3) It shall be unlawful for any person to hunt coyote with the aid of dogs from April 16 through July 7.

6.5 Dog training, unlawful acts.

Sec. 6.5 (1) It shall be unlawful for any person to dog train on bear in zone 1 from September 5 through September 15, 2019 and from September 5 through September 13, 2020.

(2) It shall be unlawful for any person to dog train on bear in zones 2 and 3 from September 9 through September 14, 2019 and from September 8 through September 12, 2020.

12.557 "Baldwin bear management unit" defined.

Sec. 12.557 (1) "Baldwin bear management unit" means all of Benzie, Lake, Leelanau, Manistee, Mason, Muskegon, Newaygo, Oceana counties; and those portions of Kalkaska, Grand Traverse, Mecosta, Montcalm, Osceola, and Wexford counties located west of US-131.

14.5 Dog training, unlawful acts.

Sec 14.5 (1) It shall be unlawful for nonresidents to dog train on bear, bobcat, fox, coyote, raccoon, or opossum, except upon areas authorized in section 14.4 from April 16 to July 8; upon dog training areas established under Part 421 of 1994 PA 451, when participating in an authorized field dog trial, or when dog training on bear in Amasa, Bergland, and Carney BMUs.

(2) It shall be unlawful to begin to dog train on bear between one-half hour after sunset to one-half hour before sunrise.

(3) It shall be unlawful to dog train on bear or bobcat in an area where the state has not established an open season for those species at some time during the license year.

(4) It shall be unlawful to dog train on a captive, tethered, or caged bear.

(5) It shall be unlawful to dog train in state parks without permission of the land administrator.

(6) It shall be unlawful to dog train more than eight dogs on bear at any one time.

(7) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, it shall be unlawful for a person to possess a firearm other than a shotgun, pistol, or revolver or ammunition other than blank cartridges, while engaged in training dogs unless specifically authorized in writing by the director or by an authorized representative of the director.

(8) A person not listed as a field dog trial participant, or dog training in an area not open to nonresident training by subsection (1) shall carry proof of residency and shall produce proof of residency upon the demand of a conservation officer or other law enforcement officer.

Issued on this 14th day of March, 2019.

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

Vicki J. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director