



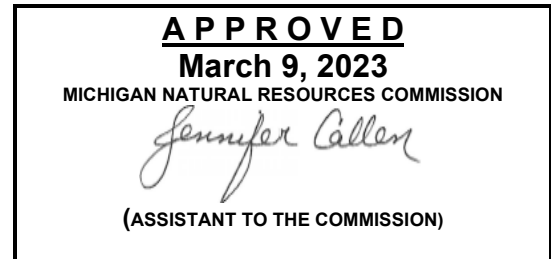
GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



SHANNON LOTT  
ACTING DIRECTOR

SUBMITTED: January 17, 2023  
RESUBMITTED: February 14, 2023



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Regulations and License Quotas  
Wildlife Conservation Order Amendment No. 2 of 2023

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:

To stabilize bear regulations and quotas, reduce confusion, and enhance communications, the Natural Resources Commission (NRC) and the 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 2023 remain in effect for two years.

Regulation Changes Considered

Based on stakeholder requests and subsequent feedback from Bear Forum members and the internal Department Bear Workgroup, the Department reviewed the current regulations and reviewed the following: 1) prohibiting the use of field points from being used in a bow and arrow; 2) restricting firearm caliber use; 3) clarifying wood products at bait sites; 4) prohibiting the use of stupefying substances; 5) implementing a wanton waste law; 6) changes to the season structure to address conflict between bear hunters; 7) changing the definition of a cub bear; 8) allowing the use of dogs on bear damage shooting permits; 9) allowing nighttime shooting on bear damage shooting permit permits; 10) manufactured openings in private land bait containers; and 11) bear baiting in areas with a deer baiting ban.

The Bear Forum is an advisory body consisting of representatives from the Michigan Bear Hunters Association, Michigan Hunting Dog Federation, Upper Peninsula (UP) Bear Houndsmen Association, Michigan United Coon Hunters Association, Michigan State Fox Hunters Association, Archery Bear Hunters of Michigan, Michigan Bow Hunters Association,

Michigan Longbow Association, Michigan Traditional Bowhunters, Michigan United Conservation Clubs, UP Sportsmen's Alliance, Michigan Commercial Beekeepers Association, Black Bear Bowhunters Society of Michigan, Michigan Farm Bureau, and Safari Club International. In addition, the Forum also includes a representative from the United States Forest Service (which represents all three Federal forests in Michigan), as well as four unaffiliated members.

The internal Department Bear Workgroup consists of Cody Norton (Large Carnivore Specialist), Don Brown (Technician, UP Region), Tim Riley (Technician, Northern Lower Peninsula [NLP] Region), Tammy Giroux (Biologist, Southeast Lower Peninsula [SELP] Region), Nik Kalejs (Biologist, Southwest Lower Peninsula [SWLP] Region), Tyler Petroelje (UP and NLP Research Specialist) and Sgt. Marc Pomroy (Law Enforcement Division [LED]).

#### Item 1 - Prohibiting Field Points from Being Used in a Bow and Arrow

The Department and the Bear Forum reviewed a proposal to prohibit the use of field points, or other non-broadhead type points from being used in a bow and arrow for bear hunting, which is consistent with current crossbow regulations. After further discussion with stakeholders and Department staff during and after the Bear Forum meeting, the Department supports this regulation for bear hunting.

#### *Issues Pros and Cons*

Current regulations state that all bolts and quarrels used for taking bear with a crossbow are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length. This regulation has been in place since at least 1995, when crossbows were only allowed for hunters with disabilities under a special permit in Michigan statute. This is because other points, such as field points, have a narrow design that creates a relatively small entrance hole, often causing little damage and merely wounding game or decreasing the odds of recovery. These types of points are typically used for target practice or hunting small game. Broadhead points on the other hand, have wide, flat blades that cause large wounds in game animals and help ensure a fast, ethical kill.

There has never been a restriction on arrows and points used for taking bear with a bow and arrow. This may cause confusion; however, the Department presumes that most bear hunters use a broadhead type of point when using a bow and arrow in order to get a quick, ethical kill. The purpose of this regulation is to align crossbow and bow and arrow regulations for bear hunting.

#### *Other States*

The Department researched other Midwest states' regulations regarding bow and arrow points and found that Minnesota and Pennsylvania have restrictions on what types of arrow points can be used for taking bear with a bow and arrow. Among other restrictions, both states prohibit the use of non-broadhead type points, as well as broadheads less than 7/8 of an inch wide.

#### *Biological*

The Department does not expect a biological impact.

#### *Social*

According to the 2021 Michigan Black Bear Harvest Survey, most hunters (87 percent) used a firearm while hunting bears, 12 percent used a crossbow, and 11 percent used other archery equipment (compound, recurve, or longbow). The majority of Bear Forum members are supportive of this change.

### *Economic*

The Department does not expect an economic impact.

### Item 2 – Restricting Firearm Caliber Use

The Department and the Bear Forum reviewed a proposal to prohibit the use of a rimfire firearm .22 caliber or smaller for bear hunting. This proposal aligns with other big game species regulations. After further discussions with stakeholders and Department staff during and after the Bear Forum meeting, the Department supports this regulation.

### *Issues Pros and Cons*

The current regulation for using firearms for bear hunting does not restrict caliber of firearm. This means a hunter could legally use a small caliber firearm, such as a .22 or .17 rimfire rifle to attempt to harvest a bear in Michigan. Since caliber refers to the diameter of a bullet, the higher the caliber of the ammunition, the larger and more powerful it will be to take down an animal. It is important to use larger caliber bullets for taking big game animals. Smaller caliber rimfire rifles, such as a .22 or .17, are better used for small game hunting. Smaller caliber bullets will likely only wound a big game animal. It is important to ensure a safe, accurate, and clean kill when hunting black bears.

The proposed regulation would not impact other species programs because it is aligning bear regulations with other big game species regulations, which already have this restriction in place.

### *Other States*

The Department researched other states' regulations regarding firearm caliber use for bear hunting and found the following:

- Maine: The use of firearms with .17 or .22 caliber rimfire cartridges is prohibited.
- Minnesota: Firearms must be at least .220 caliber and have a centerfire ignition.
- Pennsylvania and Wisconsin: No firearm caliber restrictions.
- Virginia: It is unlawful to use a rifle of a caliber less than .23.
- West Virginia: It is illegal to use a rifle of less than .25 caliber using rimfire ammunition.

### *Biological*

The proposed regulation ensures larger caliber ammunition is being used for hunting black bears in Michigan. The larger caliber ammunition for big game hunting helps ensure a safe, accurate, and clean kill.

### *Social*

The proposed regulation is supported by a majority of Bear Forum members. In addition, LED supports the consistency between bear and deer regulations when it comes to caliber restrictions.

### *Economic*

The Department does not expect an economic impact.

### Item 3 – Clarifying Wood Products at Bait Sites

The Department and the Bear Forum reviewed a proposal to prohibit manufactured wood products at bait sites on public and commercial forest lands. The intent of the proposed regulation is to clarify that man-made hollow logs, tree cookies, or cut sections of logs are legal to be used at bait sites. After further discussions with stakeholders and staff during and after the Bear Forum meeting, the Department supports this regulation.

*Issues Pros and Cons*

Current regulations prohibit the use of plastic, wood products, paper, glass, rubber, concrete, or metal at bait sites on public and commercial forest lands. This regulation is in place to limit the amount of litter that is left at bait sites. However, LED staff expressed concern that the term “wood products” may be interpreted to include hollow logs, tree cookies, or cut sections of logs. As a result, the proposed change would clarify that these types of wood products are legal. Only manufactured wood products, such as plywood, lumber, etc. would be prohibited.

*Biological*

The Department does not expect a biological impact.

*Social*

The LED requested that this regulation be reviewed and implemented. The majority of Bear Forum members support this regulation change.

*Economic*

The Department does not expect an economic impact.

Item 4 - Prohibiting the Use of Stupefying Substances

The Department and the Bear Forum reviewed a proposal to prohibit the use of substances that affect cognitive function in bear bait, such as melatonin. After further discussion, with stakeholders and Department staff during and after the Bear Forum meeting, the Department supports this regulation.

*Issues Pros and Cons*

Current regulations prohibit the use of a drug, poison, or anti-coagulant for the purpose of taking an animal. Stupefying substances, such as melatonin, do not meet these definitions. A stupefying substance is a substance that makes one unable to think clearly, makes one groggy, or insensible. The Department has been made aware that a small number of bear hunters may be attempting to use melatonin in bear bait to aid in the harvest of a bear. The Department recommends adding these substances to the list of prohibited methods of take because it may create an unfair advantage to the hunter in taking an animal.

Although melatonin is a dietary substance and is considered a natural substance in mammals, elevated levels can cause animals to become tired and affects their cognitive function. This method of take does not follow fair chase principles.

*Other States*

The Department researched other states’ regulations regarding the use of stupefying substances for taking game and found that federal regulations prohibit the use of stupefying substances for taking migratory game birds. In addition, Maine prohibits the use of stupefying substances in bear bait, and Wisconsin prohibits the using stupefying substances for taking game in any waters of the state.

*Biological*

The Department doesn’t expect that the use of melatonin or other stupefying substances will have significant impacts on bear populations, but their use in bear bait may have potential impacts to individual bears as well as other wildlife that may eat large quantities of bait.

### *Social*

The LED requested that this regulation be reviewed and implemented. The majority of Bear Forum members support this regulation change.

### *Economic*

The Department does not expect an economic impact.

### Item 5 - Implementing a Wanton Waste Law

The Department and the Bear Forum reviewed a proposal to implement a wanton waste law that would require hunters to salvage the edible meat of a harvested bear. Edible meat would be defined as the hind quarters, front quarters, loins, and tenderloins. Also, there are provisions not requiring meat to be salvaged if a bear is taken without a hunting license in emergency situations or if the meat is unfit for human consumption when the hunter takes possession. After further discussions with stakeholders and staff during and after the Bear Forum meeting, the Department supports this regulation.

### *Issues Pros and Cons*

The Department and the Bear Forum feel that the vast majority of bear hunters are already utilizing the meat of harvested bears. However, this regulation would help ensure that non-bear hunters recognize that bear meat is being utilized as well, which may help ensure bear hunting remains a tool for natural resources managers in the future. The proposed regulation would also allow LED staff to take action if a bear hunter intentionally does not salvage edible meat, which is currently not an option.

### *Other States*

The Department researched other states' regulations regarding wanton waste and found the following:

- Alaska: It is a misdemeanor for a person who kills a big game animal or a species of wild fowl to fail intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.
- Idaho: Hunters are required to remove and care for the edible meat of big game animals, except black bears, mountain lions and gray wolves. This includes the meat from hind quarters as far down as the hock, meat of the front quarters as far down as the knee and meat along the backbone which is the loin and tenderloin. It does not include meat of the head or neck, meat covering or between the ribs, internal organs, or meat on the bones after close trimming.
- Illinois: It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game. "Usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption
- Wisconsin: It is illegal to carelessly waste game. The hunter must make every reasonable effort to retrieve all game that is killed or crippled. Until such effort is made, the game shall be included in the daily bag.

### *Biological*

The Department does not expect a biological impact.

*Social*

The majority of Bear Forum members support this regulation change because they feel the vast majority of bear hunters already salvage edible meat. In addition, it would help ensure bear hunting is accurately portrayed to the public.

*Economic*

The Department does not expect an economic impact.

Item 6 - Changes to Season Structure to Address Conflict Between Bear Hunters

The NRC asked the Department to investigate potential ways to reduce conflict between bear hunters. The Department posed this issue to the Bear Forum at two meetings to see if members felt regulation changes to reduce conflict were warranted, and if so, how best to accomplish this. The Bear Forum did not identify acceptable ways to reduce conflict in the UP. However, Bear Forum members did identify potential options to reduce conflict in the NLP during the first meeting. At the second meeting, members were provided potential choices for making changes to the NLP season structure to reduce conflicts between bear hunters: option 1) shift bait hunting forward one day and add one additional day to the end of season for dog-only hunting; option 2) shift bait hunting forward one day and add two additional days to the end of season for dog-only hunting; or option 3) keep current season structure. A majority of Bear Forum members chose option 1. After further discussions with stakeholders and staff during and after the Bear Forum meeting, the Department also supports option 1) shift bait hunting forward one day and add one additional day to the end of season for dog-only hunting.

*Issues Pros and Cons*

The current bear hunting season in the NLP is nine days and begins on the Sunday following the second Saturday in September. The first day is reserved for bait hunters only, while the last two days are reserved for the use of dogs only. This recommendation shifts the start of the season to Saturday and reserves the first two days for bait hunters only. This gives bait hunters a full weekend to hunt bear without dogs. In addition, this shift and extending the season one day will give dog hunters four full days without bait hunters. The amount of overlap between hunters using bait and dogs will decrease from six days to five days, reducing opportunities for conflict. This recommendation will make the season a total of 11 days, which is two days longer than the current season.

This recommendation benefits both bait and hound hunters, and reduces the amount of overlap, and therefore potential conflict, between hunters using these different methods. Bait hunters will have a full weekend to hunt at the start of season without the use of dogs, and dog hunters will gain an additional day at the end of season.

*Biological*

The Department does not expect a biological impact.

*Social*

The majority of Bear Forum members support this change, and the idea was initially proposed by members. Support for the change came from both bait and hound hunters. There was a smaller group of Bear Forum members, mainly hound hunters, that had originally supported this change, and then changed their minds due to concern about increasing harvest due to the longer season.

*Economic*

The Department does not expect an economic impact.

#### Item 7 - Changing the Definition of a Cub Bear

The Department and the Bear Forum reviewed a proposal to change the definition of a cub bear. The current definition of a cub bear is “a bear less than 1 year of age”. The proposal is to define a cub bear as “a bear less than 42 inches in length from the tip of the nose to the base of tail”. After further discussion with stakeholders and staff during and after the Bear Forum meeting, the Department supports this regulation.

#### *Issues Pros and Cons*

Cub bears, as well as female bears accompanied by cubs, are illegal to take in Michigan. The current definition of a cub bear is based on age rather than size, which can be difficult for hunters to identify and for LED to enforce. Using a length measurement will make this regulation easier for hunters to ensure they are in compliance. Based on morphometric data collected from bears captured for research, 42 inches is a good cut-off for distinguishing cubs from adults. In order to ensure that the length of harvested bears can be accurately measured, the proposed regulation includes wording prohibiting dividing a bear pelt in a way that would prevent measuring its length, which would also help with enforcement. This regulation would be consistent with Wisconsin regulations surrounding cub bears.

#### *Biological*

This regulation change may allow a very small percentage of cub bears to be legally harvested and prevent a very small percentage of yearling bears from being legally harvested. However, these numbers are not expected to have a biological impact based on length measurements obtained from bears captured for research and discussions with Wisconsin DNR staff about their similar regulation.

#### *Social*

The vast majority of Bear Forum members support this proposed regulation change because of benefits due to increased clarity for hunters and enforcement ability for LED staff.

#### *Economic*

The Department does not expect an economic impact.

#### Item 8 – Allow the Use of Dogs under Bear Damage Shooting Permit

The Department and the Bear Forum reviewed a proposal to allow the use of dogs outside of the open bear season under a valid bear damage shooting permit. After further discussions with stakeholders and staff during and after the Bear Forum meeting, the Department supports this regulation.

#### *Issues Pros and Cons*

The authority for the Department to issue bear damage shooting permits is in section 40114 of the Natural Resources and Environmental Protection Act. A bear can only be taken outside the open season if it is doing damage to crops or feed under a valid bear damage shooting permit. A permittee can only allow an individual with a current year bear hunting license for that BMU to take a bear under their valid bear damage shooting permit. An individual attempting to take a bear under this permit is otherwise subject to the rules and regulations that govern bear hunting during the open season, except bait cannot be used. The Department is proposing to allow dogs to be used on a case-by-case basis under a valid bear damage shooting permit.

The Department may run into enforcement issues with the use of dogs. For example, it may be difficult to verify the bear started on the property designated under the permit. The Department will work on a decision tree to allow for the use of dogs on a case-by-case basis.

*Biological*

The Department does not expect a biological impact.

*Social*

The Bear Forum was almost unanimous in supporting this proposed change. One member voiced concern that dogs should not be allowed to run to fill these permits during the quiet period prior to hunting season.

*Economic*

The Department does not expect a statewide economic impact, although this regulation is designed to reduce the negative economic impact of problem bears on agricultural crops for individual landowners.

Item 9 – Allow Nighttime Shooting under a Bear Damage Shooting Permit

The Department reviewed a proposal to allow nighttime shooting under a valid bear damage shooting permit. After further discussions with stakeholders and staff, the Department supports this regulation.

*Issues Pros and Cons*

The authority for the Department to issue bear damage shooting permits is in section 40114 of the Natural Resources and Environmental Protection Act. A bear can only be taken outside the open season if it is doing damage to crops or feed under a valid bear damage shooting permit. A permittee can only allow an individual with a current year bear hunting license for that BMU to take a bear. An individual attempting to take a bear under this permit is otherwise subject to the rules and regulations that govern bear hunting during the open season, except that bait cannot be used. The Department is proposing to allow for nighttime shooting on a case-by-case basis under a valid bear damage shooting permit.

The Department may run into enforcement issues with nighttime shooting. The Department will work on a decision tree to allow nighttime shooting on a case-by-case basis.

*Biological*

The Department does not expect a biological impact.

*Social*

Several agricultural producers and commercial beekeepers have requested this change be made to make the Department's bear damage shooting permits more useful and effective at reducing bear damage. Multiple Bear Forum members also voiced support for this change during discussions regarding other changes to the bear damage shooting permit program.

*Economic*

The Department does not expect a statewide economic impact, although this regulation is designed to reduce the negative economic impact of problem bears on agricultural crops for individual landowners.

Item 10 – Manufactured Openings in Private Land Bear Bait Containers

The Department and the Bear Forum reviewed a proposal to regulate manufactured openings in bait containers on private land. Current regulations allow for one-inch holes that have been cut into the containers. Manufactured openings (such as lids) are not regulated, which can result in wildlife (target and non-target species) becoming trapped inside the container. Additionally, many baits that are commonly used for bear do not fit through one-inch holes. After further



discussions with stakeholders and staff during and after the Bear Forum meeting, the Department recommends prohibiting hole diameters (for both cut holes and manufactured openings) in private land bait containers greater than one inch and less than 22 inches. This would allow the use of a barrel with holes one inch or less in diameter for smaller baits, and holes 22 inches and greater for larger baits. The allowed hole diameters should be either too small, or too large for a bear or nontarget species to become stuck. This proposal is supported by a majority of the Bear Forum.

#### *Issues Pros and Cons*

Because manufactured openings were exempt from the current regulation, barrels could legally be used that could injure or kill a bear or nontarget species. The proposed regulation would allow the use of bait containers with openings too small (one inch or less) or too big (22 inches or greater) for most wildlife species to get stuck in. The intent of this regulation is to allow small diameter baits in “shaker” containers, and larger baits (donuts, etc.) in wide opening containers. Some hunters prefer to use barrels when baiting bear, because the bait may last longer, which reduces the number of visits a hunter has to make to a location, 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.

The proposed regulation does not impact the volume of bait within a container or the material the container is made of.

#### *Biological*

The Department does not expect significant biological impacts, although the proposed regulation is intended, in part, to reduce the number of animals injured or killed by becoming stuck in bait containers.

#### *Social*

Most members of the Bear Forum support this regulation. The Bear Forum also supported allowing unlimited amounts of feed that attracts deer or elk if in a barrel that is at least 33 gallons in size, is made of steel, has a mechanically attached, securely affixed lid, has no more than three open holes, has holes no greater than one inch in diameter, and is anchored to a tree or post in the ground. However, the Department is concerned that allowing two different types of barrels on private land, each with their own associated restrictions, would make bear baiting regulations overly complicated and result in poor compliance by bear hunters.

#### *Economic*

The Department does not expect an economic impact.

#### Item 11 - Bear Baiting in Areas with Deer Baiting Bans

Due to a trial period for bear bait barrels on Department-managed lands, foods that attract deer and elk were allowed during 2019 and 2020 for baiting bear in areas where it was illegal to bait and feed deer and elk, if placed in a barrel inaccessible to deer and elk. When the trial period ended and barrels on Department-managed lands were no longer allowed, hunters lost the ability to bait with foods that attract deer and elk in areas where it is illegal to bait and feed deer and elk. As a result, foods that attract deer and elk are only currently allowed in areas where it is legal to bait and feed deer and elk. Also, in these areas only grains, made inaccessible to deer and elk, can be used prior to September 15<sup>th</sup>, and then other types of baits that attract deer and elk can be used after September 15<sup>th</sup>. The Department and the Bear Forum discussed this issue at two Bear Forum meetings. After further discussions with stakeholders and Department staff, the Department recommends allowing up to two gallons of any baits that attract deer and elk to be used at a bear bait site if inaccessible to deer and elk, during the entire bear baiting

period and in areas where it is legal and illegal to bait and feed deer and elk. Baits that attract deer and elk used to bait bear during the open deer baiting period and in areas open to deer and elk feeding don't need to be inaccessible to deer.

#### *Issues Pros and Cons*

Bear baits that may attract deer, such as corn or grains, would be legal to use in quantities up to two gallons if placed under logs, in hollow stumps, or in private land bait containers, if inaccessible to deer or elk. Also, in areas where it is legal to bait deer, these baits could be used without being inaccessible if during the legal deer baiting period. Currently, regulations surrounding bear baiting are relatively complicated and likely lead to accidental violations by bear hunters. This regulation change would provide consistency and simplification in the types of bait allowed, timing of when baits are allowed, and where baits are allowed for use by bear hunters.

#### *Biological*

The Department does not have biological concerns, as bait will be required to be inaccessible to deer prior to the bait being hit by a bear. Only allowing two gallons of bait that attracts deer or elk will ensure that bait will be mostly or completely consumed by a bear when it visits a bait, leaving little to nothing left to attract deer or elk. Deer and elk also tend to avoid areas where predator scent is present.

#### *Social*

The Bear Forum supported this change to simplify regulations and provide more flexibility in bait used by hunters. The LED receives multiple calls each year from bear hunters attempting to comply with the complicated baiting regulations.

#### *Economic*

The Department does not expect an economic impact.

#### Technical Change

The Department is recommending a technical change to when ground blinds can be placed on state lands in all BMUs. Prior to 2019, ground blinds could be placed 31 days prior to the open bear hunting season in each BMU and were required to be removed within five days of the close of the bear season or harvesting a bear. When the new season structure was implemented in 2019, the dates of when ground blinds can be placed on state lands was not updated in the Wildlife Conservation Order. The Department recommends updating section 2.9 of the Wildlife Conservation Order to allow ground blinds to be placed 31 days prior to the open bear hunting season in each BMU.

#### License Quotas

Michigan uses 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) model, hunter success rates, hunter effort per harvested bear, recreational opportunities, and social concerns about bear-related conflicts.

The average success rate for three previous 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. Proposed desired harvest levels and license quotas are generally consistent with both State and Tribal population trajectory goals. 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 ten 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 2023 and 2024 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 2,197 bears, based on the SCAA, and has risen by 69 percent since 2012. This estimate is from prior to the 2021 hunting season 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 four-year population trajectory goal in the NLP is to slow the annual population growth to eventually achieve a stable population. Due to previous increases in harvest levels, it appears the NLP bear population may be approaching stabilization. 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, with quota recommendations adjusted accordingly during subsequent two-year cycles. The recommended desired state-licensed harvest of 528 bears (19 more than in 2022) in the NLP will require a four percent decrease in licenses, due to slightly increasing success rates in some units. This recommendation is meant to stabilize the population in coming years.

#### *Social*

Nuisance complaints across the NLP region have experienced a four-fold increase in recent years. An increasing number of complaints are received each year from beekeepers and agricultural producers. 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 eventual stabilization of the NLP bear population over the next four years, and therefore do support the Department recommendation to increase the desired harvest from 509 to 528 bears. The recommended increase in desired harvest is necessary to continue working towards stabilizing the NLP population. Success rates from previous hunting seasons are used to calculate a three-year average success rate, which is used to calculate license quotas. 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 in harvest is unlikely to have significant economic impacts to 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 (ten percent), and Baldwin BMU (12.5 percent). The State license quota recommendation for the 2023 and 2024 seasons in the Red Oak, Baldwin, and Gladwin BMUs are:

- Red Oak BMU: a total of 685 State licenses; a decrease of 85 licenses from 2022. The Tribal allocated harvest is 45 bears.
- Gladwin BMU: a total of 100 State licenses; a decrease of 20 licenses from 2022. The Tribal allocated harvest is 3 bears.
- Baldwin BMU: a total of 395 State licenses; an increase of 55 licenses from 2022. The Tribal allocated harvest is 26 bears.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 528 bears for the NLP Region, which is an increase of 19 bears from the desired harvest in 2022.

### 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 10,649 bears, based on the SCAA model, and has risen 25 percent since 2012. This estimate is from prior to the 2021 hunting season 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 four-year population trajectory goal in the UP is to continue to increase the bear population but at a slower growth rate, by increasing harvest slightly. Even with an increase 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, with quota recommendations adjusted accordingly during subsequent two-year cycles. The recommended desired state-licensed harvest of 1,196 bears (11 more than in 2022) in the UP would require a six percent decrease in licenses, due to slightly increased success rates in some units. 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 four years. Success rates from previous hunting seasons are used to calculate a three-year average success rate, which is used to calculate license quotas. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU, and vice versa. 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 increase in harvest 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 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 State license quota recommendations for the 2023 and 2024 seasons in the UP Region are:

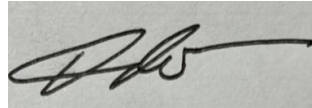
- Amasa BMU: a total of 500 licenses for the three hunt periods; no change from 2022.
- Baraga BMU: a total of 1,540 licenses for the three hunt periods; a decrease of five licenses from 2022.
- Bergland BMU: a total of 920 licenses for the three hunt periods; a decrease of 130 licenses from 2022.
- Carney BMU: a total of 550 licenses for the three hunt periods; no change from 2020.
- Gwinn BMU: a total of 885 licenses for the three hunt periods; a decrease of 65 licenses from 2022. The Tribal allocated harvest is 17 bears.
- Newberry BMU: a total of 1,005 licenses for the three hunt periods; a decrease of 165 licenses from 2022. The Tribal allocated harvest is 37 bears.
- Drummond Island BMU: a total of six licenses; no change from 2022. The Tribal allocated harvest is one bear.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 1,196 bears for the UP Region, which is an increase of 11 bears from the desired harvest in 2022.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on February 9, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's February 28, 2023 calendar and may be eligible for approval on March 9, 2023.



Jared Duquette, Chief  
Wildlife Division



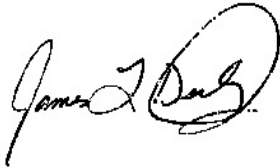
David Shaw, Chief  
Law Enforcement Division



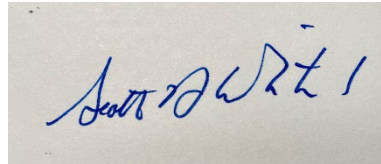
Jeffery J. Stampfly, Chief  
Forest Resources Division



Ronald A. Olson, Chief  
Parks and Recreation Division

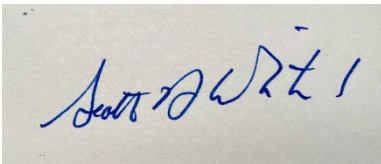


James Dexter, Chief  
Fisheries Division



Scott Whitcomb  
Acting Natural Resources Deputy

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



for  
Shannon Lott, Acting Director

Date: March 9, 2023

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 2 of 2023**

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 9, 2023, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.**

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, stupefying substance, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the persons possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber or smaller rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvesters license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, 1994 PA 451, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "limited firearms deer zone" from November 15 to November 30, or use to take a deer during any firearm deer season in the "limited firearms deer zone," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured blackpowder substitute.

(d) A .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches.

(e) A .35 caliber or larger air rifle or pistol charged only from an external high-compression power source such as an external hand pump, air tank, or air compressor.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(7) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(8) Take any animal at any time other than during the hunting hours and open seasons established in this order, except as may otherwise be provided in chapter VI.

(9) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(10) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(11) Make use of a dog in hunting deer, except as noted in section 2.1a of this order.

(12) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently or temporarily disabled person who holds a special permit provided for in section 40101 to 40119 of 1994 PA 451, MCL 324.40101 to 324.40119, or section 5.95 of this order.

(13) Use aircraft to aid in the taking of a wild bird or wild animal.

(14) Take game with a crossbow unless the hunter possesses a valid license to take game and uses only arrows, bolts, and quarrels for taking deer, bear, elk, wolf, and turkey with a broadhead hunting type of point not less than 7/8 of an inch wide with a minimum of 14 inches in length.

(15) Take deer with a crossbow or a modified bow in zone 1 from December 1 to March 31, except in the core CWD surveillance area where an individual may take deer with a crossbow. This subsection shall not apply to a person who holds a special permit provided for in part 401, wildlife conservation, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.40101 to 324.40119, or section 5.95 of this order.

(16) Subject to section 40116, 1994 PA 451, MCL 324.40116, take game during the established daylight shooting hours from August 15 through April 30 unless the individual wears a cap, hat, vest, jacket, or rain gear of hunter orange. Hunter orange includes camouflage that is not less than 50 percent hunter orange. The garments that are hunter orange must be the hunter's outermost garment and be visible from all sides of the hunter. This does not apply to an individual engaged in the taking of deer with a bow or crossbow during archery deer season, an individual taking bear with a bow or crossbow, an individual engaged in the taking of turkey or migratory birds other than woodcock, an individual engaged in the sport of falconry, or an individual who is stationary and in the act of hunting bobcat, coyote, or fox.

(17) Possess or use lures or attractants in an area frequented by game that contain or claim to contain cervid urine or other bodily fluids originating from cervids, except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.



## **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 by a person traveling afoot with a bow and arrow, crossbow, a pneumatic gun, a rimfire firearm .22 caliber or smaller, a centerfire rifle or centerfire pistol .269 caliber or smaller, or shotgun with loads other than buckshot larger than number 3, 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 unless one or more of the following conditions apply:

(a) The individual is hunting with the aid of dogs and is at the point of kill.

(b) The individual is hunting with the aid of game call or predator call.

(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.

(3) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used by a person traveling afoot to take a bear outside of the open bear season under the authority of a bear damage shooting permit as provided in sections 5.46 and 5.47 of this order.

## **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 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a pneumatic gun, a rimfire firearm .22 caliber or smaller, a centerfire rifle or centerfire pistol .269 caliber or smaller, or shotgun with loads other than buckshot larger than number 3, slug or cut shell, unless otherwise provided by law, may take within their specified open seasons raccoon, opossum, coyote, and fox. However, 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 unless one or more of the following conditions apply:

(a) The individual is hunting with the aid of dogs and is at the point of kill.

(b) The individual is hunting with the aid of game call or predator call.

(3) A person shall not use a centerfire rifle or centerfire pistol to take an animal during nighttime hunting hours as specified in subsection (2) in any state park or recreation area. Within the limited firearms deer zone as defined in section 1.2, a person may use a centerfire rifle or centerfire pistol during nighttime hunting hours, as specified in subsection (2), only on private land.

(4) 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).

(5) 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.

(6) The hunting hours for teal during the early season shall substantially conform to sunrise to sunset, and shall be those starting times and ending times as published in the waterfowl hunting digest.

(7) Subject to MCL 324.43510, (2) and (3), except during the hunting hours specified in this section and as otherwise provided by subsection (2) and sections 5.46 and 5.47, 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.

**2.9 “Ground blind” defined; requirements to use, occupy, place, build, construct, or maintain a ground blind on publicly owned lands; use or placement of blind does not convey exclusive hunting right.**

Sec. 2.9 (1) For the purposes of this section, “ground blind” means a structure, enclosure, or any material, natural or manufactured, placed on the ground to elevate or otherwise assist in concealing or disguising the user or occupant for the purpose of taking an animal except for commercially manufactured ladder stands which lean up against and require the support of a tree to maintain their upright position.

(2) A person may use, occupy, place, build, construct, or maintain a ground blind on publicly owned lands only if one of the following applies:

(a) The ground blind is constructed exclusively of dead and natural materials found on the ground in the area where the blind is constructed, except that cloth, netting, plastic or other materials may be used by the occupant of a ground blind if the cloth, netting, plastic or other materials are not fastened to the blind and are carried out by the user at the end of each day’s hunt. For the purposes of this section, “fastened” means stapled, nailed, glued, or other means of permanent attachment other than tying.

(b) The ground blind is clearly a portable blind and is removed at the end of each day’s hunt. Fasteners, if used to attach or anchor a portable blind, shall be removed at the end of each day’s hunt and shall not consist of any item that penetrates the cambium of a tree.

(c) The ground blind is a temporary ground blind constructed of materials other than dead and down materials found on the ground in the area where the blind is constructed and which meets all of the following conditions:

(i) The blind for deer hunting purposes is not located upon publicly owned lands from the day following the last day of the open deer season to September 1 unless allowed by the public agency administering the land on which the blind is located. A ground blind located on publicly owned lands anytime during the period defined in this subsection shall be considered an abandoned ground blind.

(ii) The blind for bear hunting purposes is not located upon publicly owned lands from five days after bear season closes to 31 days prior to the open bear hunting season in each bear management unit; except successful bear hunters must remove their ground blind within 5 days of harvesting a bear. A ground blind located on publicly owned lands anytime during the period defined in this subsection shall be considered an abandoned ground blind.

(iii) The name and address, Michigan driver’s license number, or DNR sportcard number of the licensed bear hunter in the bear management unit where licensed, or, outside of the bear season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.

(iv) Fasteners, if used to attach or anchor a temporary ground blind, shall be removed with the blind and shall not consist of any item that penetrates the cambium of a tree.

(v) The blind for elk hunting purposes is not located upon publicly owned lands from five days after elk season closes to August 15; except successful elk hunters must remove their ground blind within 5 days

of harvesting an elk. A ground blind located on publicly owned lands anytime during this period defined in this subsection shall be considered an abandoned ground blind.

(vi) The name and address, Michigan driver's license number, or DNR sportcard number of the licensed elk hunter in the elk management unit where licensed, or, outside of the elk season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.

(vii) The name and address, Michigan driver's license number, or DNR sportcard number of the person placing the ground blind shall be permanently attached, etched, engraved, or painted on the ground blind.

(3) This section shall not apply to blinds constructed and used for taking waterfowl as described in section 3.401 or structures constructed by a public agency upon lands administered by that public agency.

(4) The placement or use of a ground blind on publicly owned lands shall in no way convey exclusive hunting rights to the area surrounding that blind.

(5) A ground blind that does not meet the requirements of subsection (2) shall be an illegal ground blind. A person shall not use an illegal ground blind.

(6) Only ground blinds which meet the requirements of subsections (2)(a) or (2)(b) may be used in state game areas, state recreation areas and state parks that are located in zone 3.

**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**

<b>BMU Name</b>	<b>Hunt Period</b>	<b>Licenses</b>	<b>Total</b>
<b>Amasa</b>	First	120	
	Second	130	
	Third	250	
<b>Unit total</b>			500
<b>Baraga</b>	First	305	
	Second	425	
	Third	810	
<b>Unit total</b>			1,540
<b>Bergland</b>	First	180	
	Second	260	
	Third	480	
<b>Unit total</b>			920
<b>Carney</b>	First	95	
	Second	135	
	Third	320	
<b>Unit total</b>			550
<b>Drummond</b>	First	6	6
<b>Gwinn</b>	First	155	
	Second	205	
	Third	525	
<b>Unit total</b>			885
<b>Newberry</b>	First	215	

	Second	235	
	Third	555	
<b>Unit total</b>			1,005
<b>UP Total</b>			5,406
<b>Baldwin</b>	First	395	
<b>Gladwin</b>	First	100	
<b>Red Oak</b>	First	685	
<b>NLP total</b>			1,180
<b>State-wide total</b>			6,586

### 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, except:

(a) An individual taking bear with a bow and arrow shall only use arrows with a broadhead hunting type of point not less than 7/8 of an inch wide with a minimum of 14 inches in length.

(b) An individual shall not take bear with a rimfire firearm .22 caliber or smaller.

(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):

<b>Open Season for Taking Bear</b>		
<b>BMU Name</b>	<b>Hunt Period</b>	<b>Open Season</b>
Amasa	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
	Second	The open season shall be the Monday following the second Saturday in September through October 26.
	Third	The open season shall be September 25 to October 26.

Baraga	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
	Second	The open season shall be the Monday following the second Saturday in September through October 26.
	Third	The open season shall be September 25 to October 26.
Bergland	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
	Second	The open season shall be the Monday following the second Saturday in September through October 26.
	Third	The open season shall be September 25 to October 26.
Carney	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
	Second	The open season shall be the Monday following the second Saturday in September through October 26.
	Third	The open season shall be September 25 to October 26.
Drummond Island	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
Gwinn	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
	Second	The open season shall be the Monday following the second Saturday in September through October 26.
	Third	The open season shall be September 25 to October 26.
Newberry	First	The open season shall be the Wednesday before the second Saturday in September through October 21.
	Second	The open season shall be the Monday following the second

		Saturday in September through October 26.
	Third	The open season shall be September 25 to October 26.
Baldwin	First	The open season shall be the second Saturday in September through 10 days thereafter and from the first Friday following October 1 through 6 days thereafter.
Gladwin	First	The open season shall be the second Saturday in September through 10 days thereafter and from the first Friday following October 1 through 6 days thereafter.
Red Oak	First	The open season shall be the second Saturday in September through 10 days thereafter and from the first Friday following October 1 through 6 days thereafter.
Dansville	First	No Open Season

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

(3) During the first hunt period in zones 2 and 3, it shall be unlawful to take a bear by any method other than by crossbow or bow and arrow from the first Friday following October 1 through 6 days thereafter.

### **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 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.

(3) 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.

(4) 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.

(5) It shall be unlawful to take a cub bear. "Cub bear" means a bear less than 42 inches in length from the tip of nose to the base of tail. It shall be unlawful to divide any bear in a manner that does not keep one part of the bear intact to allow it to be measured in a straight line from the tip of the nose to the base of the tail. It shall be unlawful to take a female bear accompanied by a cub bear.

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

(7) 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.

(8) 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.

(9) 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.

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

(11) It shall be unlawful for an individual to knowingly fail to salvage edible meat from a harvested bear. "Edible meat" means the hind quarters, front quarters, loins, and tenderloins of a bear. This does not include bears taken without a license in defense of human life or while in the act of destroying or attacking private property, livestock, or pets. Meat that is unfit for human consumption at the time that a hunter takes possession of the bear may be discarded. Meat that is unfit for human consumption includes, but is not limited to, meat that was damaged by the method of taking, decayed, rotted or scavenged, or obviously infected or diseased.

(12) 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.

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

(d) It shall be unlawful to hunt over bait that contains plastic, manufactured 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, 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 placed in such a way that makes the bait inaccessible to deer or elk and does not exceed two gallons. To be considered inaccessible to deer or elk, bait shall be:

(i) Placed in a bear baiting container on private land in accordance with subsection 3.205(11)(n).

(ii) Placed in a hole in the ground, hollow stump, or other location and covered with logs, rocks, or other lawful materials in a way that deer or elk cannot gain access to the bait.

(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, or places these food materials in such a way that makes them inaccessible to deer or elk. In an area in which it is lawful to bait for deer, a person may use up to 2 gallons of food materials that lure, entice or attract deer or elk at any 1 point in time per bait station prior to the legal deer baiting season if the food materials are placed on the ground in such a way that makes them inaccessible to deer or elk. To be considered inaccessible to deer or elk, bait must be:

(i) Placed in a bear baiting container on private land in accordance with subsection 3.205(11)(n).

(ii) Placed in a hole in the ground, hollow stump, or other location and covered with logs, rocks, or other lawful materials debris in a way that deer or elk cannot gain access to the bait.

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

(j) It shall be unlawful to place bait other than on the ground at bait stations on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

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

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

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

(n) It shall be unlawful to establish, tend, or hunt over bait contained in a container that has a hole or manufactured opening diameter greater than one inch and less than 22 inches.

#### **5.46 Bear damage shooting permit; standards, conditions, records; unlawful acts.**

Sec. 5.46 (1) Bear damage shooting permits may be issued statewide to owners to specific lands with damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices documented by the department.

(2) A bear damage shooting permit shall not be valid:

(a) Except during the time period authorized by the permit.

(b) During an open season for bear.

(3) The permittee shall keep records as may be required by the department and present them for inspection at the request of a peace officer or wildlife biologist.

(4) An individual shall not accept, carry afield, use or attempt to use a bear damage shooting permit unless in possession of a current base license and bear license. A permittee shall not sell, lend, barter, or trade a bear damage shooting permit. The licensee must provide the kill tag and bear license for the Bear Management Unit to a peace officer upon request.

(5) The permittee or authorized designee shall meet the provisions of section 3.205 of this order when exercising a permit issued under this section. In addition, unless otherwise provided in this section, an individual issued a bear damage shooting permit shall comply with lawful hunting hours and all regulatory requirements for the lawful taking of bear, except as follows:

(a) It shall be unlawful to take a bear over bait under the authority of a bear damage shooting permit.



(b) It shall be unlawful to take a bear with the use of dogs under the authority of a bear damage shooting permit unless authorized by the wildlife regional supervisor and district law enforcement officer.

(c) It shall be unlawful to take a bear outside of the lawful hunting hours for bear under the authority of a bear damage shooting permit unless authorized by the wildlife regional supervisor and district law enforcement officer.

(d) It shall be unlawful to take a bear using an artificial light outside of lawful hunting hours unless approved by the wildlife regional supervisor and district law enforcement officer.

(6) The permittee or authorized designee killing the 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.

(7) Within 72 hours of killing a bear and before removing any bear from the Bear Management Unit open to bear hunting, a permittee or authorized designee shall call the official checking station to arrange an appointment to register the bear. The permittee or authorized designee shall take the animal to the official checking station where a confirming seal or seals shall be attached by the department and all provisions of section 3.207 of this order are met.

#### **5.47 Bear damage shooting permit, prohibited acts; failure to comply.**

Sec. 5.47 (1) It shall be unlawful for a permittee under a bear damage shooting permit to allow more than one authorized shooter to implement the provisions of the permit.

(2) It shall be unlawful for a permittee or an authorized designee to:

(a) Take more than one bear under a bear hunting license issued during that calendar year.

(b) Kill more than one bear authorized by the permit.

(c) Use bait to take a bear under the permit.

(d) Take a bear without a valid bear license for the Bear Management Unit for which the bear damage shooting permit is given.

(e) Possess a bear killed under the authority of a permit without having a validated bear hunting license for that bear management unit and calendar year attached to the bear.

(f) Use dogs to take a bear under the permit unless authorized by the wildlife regional supervisor and district law enforcement officer.

(g) Take a bear outside of the lawful hunting hours for bear unless authorized by the wildlife regional supervisor and district law enforcement officer.

(h) Take a bear using an artificial light outside of lawful hunting hours unless approved by the wildlife regional supervisor and district law enforcement officer.

(3) It shall be unlawful for an individual to buy, offer to buy, sell, offer to sell, or exchange for anything of value any bear killed under the authority of a bear damage shooting permit unless meeting the provisions of section 4.3 of this order.

(4) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take a bear under the authority of a valid permit.

(5) For failure to comply with this section or other requirement of the bear damage shooting program, the department shall deny a permittee or authorized designee to be eligible to participate in the next calendar year.

## **6.2 Legal game, open seasons, defined.**

Sec. 6.2 (1) Unless otherwise prohibited or specified in Chapter XIV of this order, the following game may be hunted with dogs during their respective open seasons as defined in chapter III: bear, bobcat, raccoon, opossum, mink, fox, coyote, rabbit, hare, squirrel, duck, geese, coot, Florida gallinule, pheasant, quail, Hungarian partridge, ruffed grouse, sharp-tailed grouse, wild turkey, snipe, woodcock, sora rail, and Virginia rail.

(2) An individual may use dogs to take bear outside of the open season under the authority of a bear damage shooting permit and a bear hunting license if authorized by the department as provided in sections 5.46 and 5.57 of this order.

## **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 starting the Wednesday before the second Saturday in September through the Sunday following the second Saturday in September.

(2) It shall be unlawful for any person to hunt bear with dogs in zones 2 and 3 from the second Saturday in September through 1 day thereafter.

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

(4) In zones 2 and 3 it shall be unlawful to take a bear without the aid of dogs starting the seventh day after the second Saturday in September through 3 days thereafter.

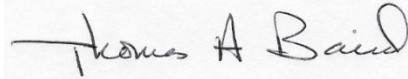
## **6.5 Dog training, unlawful acts.**

Sec. 6.5 (1) It shall be unlawful for any person to dog train on bear in zone 1 starting five days prior to the Wednesday before the second Saturday in September through the Sunday following the second Saturday in September.

(2) It shall be unlawful for any person to dog train on bear in zones 2 and 3 starting five days prior to the second Saturday in September, through the Sunday following the second Saturday in September.

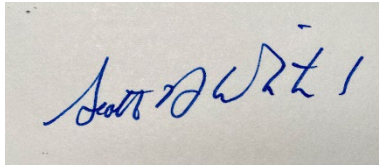
Issued on this 9th day of March, 2023.

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

A handwritten signature in black ink that reads "Thomas A Baird". The signature is written in a cursive style with a horizontal line extending from the start of the first name.

Thomas Baird, Chair  
Natural Resources Commission

Approved as to matters over which the Director has authority.

A handwritten signature in blue ink that reads "Shannon Lott". The signature is written in a cursive style.

Shannon Lott  
Acting Director

For