



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: January 16, 2024

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations
Wildlife Conservation Order Amendment No. 1 of 2024
FOR INFORMATION ONLY

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 Department and stakeholders review the furbearer regulations on a two-year cycle to provide consistency in regulations. More consistent regulations provide for better understanding by hunters and trappers, as well as facilitate monitoring the impacts of regulation changes. A two-year cycle also allows more time to consider potential regulation changes.

Accordingly, the Department recommends that regulations set in 2024 remain in effect for two years.

Regulation Changes Considered

Based on stakeholder requests and subsequent feedback from the Furtaker User Group and the internal Department Furbearer Workgroup, the Department reviewed the current regulations and reviewed the following: 1) require trap warning signs near public roads and trails; 2) Upper Peninsula (UP) bobcat trapping season dates; 3) UP second bobcat kill tag landownership; 4) fisher and marten combined bag limit; 5) centerfire firearm use at night in the limited firearms deer zone; and 6) coyote season length.

The Furtaker User Group is an advisory body consisting of representatives from the UP Trappers Association, Michigan Trappers and Predator Callers Association, Northern Great Lakes Fur Harvesters, Michigan Hunting Dog Federation, Michigan State Coonhunters Association, Michigan State Fox Hunters Association, Michigan Bear Hunters Association, UP Bear Houndsmen Association, Michigan United Conservation Clubs, Michigan Farm Bureau, and United States Forest Service, as well as other groups and unaffiliated members.

The internal Department Furbearer Workgroup consists of Cody Norton (Bear, Furbearer, and Small Game Specialist), Brian Roell (Biologist, UP Region), Angela Kujawa (Biologist, Northern Lower Peninsula [NLP] Region), Pete Kailing (Biologist, Southwest Lower Peninsula [SWLP] Region), Tammy Giroux (Biologist, Southeast Lower Peninsula [SELP] Region), Dwayne Etter (Southern Lower Peninsula [SLP] Wildlife Research Specialist), and Sgt. Jon Wood (Law Enforcement Division [LED]).

Item 1 – Require Trap Warning Signs Near Public Roads and Trails

The Department and the Furtaker User Group reviewed a proposal to require trap warning signs near public roads and trails. The proposal required that if a trap of any kind was set within 25 feet of a public road, drive, or trail, a warning sign must be posted in a highly visible place along the trail in both directions, 100 to 150 feet before the trail's nearest point to the trap (or first trap, if multiple traps are set close together). After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department does not support this regulation.

Issues Pros and Cons

The intent behind requiring trap warning signs is to alert other recreational users that traps are set in an area in order to reduce conflicts between trappers and domestic dog owners. However, the effectiveness of signs placed to reduce incidental captures is often limited. In addition, since trap warning signs identify the location of traps, this can lead to trapper harassment and theft of traps or animals caught in traps. The Department believes education and outreach is a more effective approach to reducing conflicts between trappers and domestic dog owners and has recently conducted targeted social media posts to increase awareness of trapping and how to safely remove domestic dogs from traps. Additionally, the Department is currently developing informative signs to be placed at kiosks at trailheads and Customer Service Centers in the near future.

Other States

The Department researched other Midwest states' regulations regarding trap warning signs and found that they are not required in Illinois, Indiana, Minnesota, Ohio, Pennsylvania, or Wisconsin.

Biological

Trap warning signs may increase the illegal take of protected species, limited-take species, or species outside of the open season if someone other than the trapper dispatches the animal. This could include wolves, bobcat, fisher, marten, and other species.

Social

The majority of the Fur Taker User Group did not support this regulation, mainly due to concerns of trapper harassment and theft of traps and animals caught in traps.

Economic

We do not expect any large-scale economic impacts due to the use of trap warning signs, but there could be significant economic impacts to individual trappers. Placement of trap warning signs along any public road or trail would be expensive and time consuming. Increased trap and catch theft could greatly increase the amount of money required for a trapper to maintain a trapline. There can also be damage to the fur if someone other than the trapper dispatches the animal.

Item 2 – UP Bobcat Trapping Season Dates

The Department and the Furtaker User Group reviewed a proposal to change the UP bobcat trapping season dates. The current dates are from October 25 to December 26, and the proposed dates are from November 1 to November 14 and December 1 to January 18. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

Issues Pros and Cons

Last regulatory cycle, the UP bobcat trapping season was moved to earlier in the year (from December 1 to February 1, to October 25 to December 26) at the request of stakeholders, due to a desire to trap bobcats at a time when there typically aren't deep snow conditions. Several trapping groups have now expressed interest in a later season when less activities are going on in the woods and pelts are more prime. The proposed dates are a compromise that was supported by all trapping groups represented at the Furtaker User Group meeting. Some Department staff have concerns that there may be increased illegal activity due to the split-season structure. The Department intends to monitor any reports of illegal activity during the closed period within the season (November 15 to November 30) and evaluate if these concerns are warranted. The proposed season dates exclude November 15 to November 30 in order to avoid the firearm deer season, when trappers have expressed it can be more challenging to trap.

Biological

The UP bobcat trapping season length will remain at 63 days, therefore the Department does not expect a significant change in the number of bobcats harvested.

Social

The majority of the Furtaker User Group supports this proposed regulation change. All trapping groups represented on the Furtaker User Group worked together to identify these dates and supported this proposed change.

Economic

The Department does not expect an economic impact.

Item 3 – UP Second Bobcat Kill Tag Land Ownership

The Department and the Furtaker User Group reviewed a proposal to make the second bobcat kill tag valid for any land ownership in Unit A. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

Issues Pros and Cons

Currently, the second bobcat kill tag can only be used on private land in Unit A. This unnecessarily reduces opportunity for hunters and trappers that don't own or have access to private land. It is also problematic for hound hunters that may start running a bobcat on private land but end up treeing it on public land. This proposed change will provide more recreational opportunity and will also simplify regulations.

Biological

When this kill tag was changed to private land only several years ago, there was no significant reduction in bobcat harvest, so this restriction of opportunity is not having an impact on the bobcat population. Therefore, the Department does not expect a biological impact.

Social

The majority of the Furtaker User Group supports this proposed regulation change.

Economic

The Department does not expect an economic impact.

Item 4 – Fisher and Marten Combined Bag Limit

The Department and the Furtaker User Group reviewed a proposal to make the number of fisher and marten that can be harvested by a resident fur harvester a combined bag limit of two. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

Issues Pros and Cons

Currently the marten and fisher combined bag limit is two, of which only one may be a fisher. Fisher bag limits were reduced in 2011 due to declines in fisher populations from the mid-1990s through 2007. Additionally, season length was decreased from 15 days to 10 days in 2018, which reduced fisher harvest. Current trends of fisher abundance suggest that the population is stable to increasing in recent years. With the current season length of 10 days, the Department does not expect the proposed change to result in harvest levels significantly above levels since 2011, which have allowed the population to stabilize and increase. This recommendation will allow for more recreational opportunities and will simplify regulations.

Biological

Due to how harvest has responded to past changes in bag limit and season length for fisher and marten, the Department does not expect a significant increase in harvest. In addition, it may reduce the number of incidentally caught fishers. Therefore, the Department does not expect a biological impact.

Social

The majority of the Furtaker User Group supports this proposed regulation change.

Economic

The Department does not expect an economic impact.

Item 5 – Centerfire Firearm Use at Night in the Limited Firearms Deer Zone

The Department and the Furtaker User Group reviewed a proposal to allow the use of $\leq .269$ caliber centerfire firearms to hunt coyote, fox, raccoon, and opossum at night on public lands in the limited firearms deer zone. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

Issues Pros and Cons

Currently, $\leq .269$ caliber centerfire firearms can be used at night in the limited firearms deer zone on private lands only. The use of $\leq .269$ caliber centerfire firearms at night for predator hunting was approved in 2016, with the condition that it was prohibited in all state parks and recreation areas statewide and limited to private lands only in the limited firearms deer zone. These restrictions were put in place due to human safety concerns, and the Department believed that a more incremental approach to regulation changes rather than substantive changes would allow the Department to evaluate and determine the impact of the regulatory change and base future regulatory decisions on that information more accurately. Expanding the use of $\leq .269$ caliber centerfire firearms at night to public lands in the limited firearms deer zone will simplify regulations and provide more recreational opportunities to hunters. In addition, allowing the use of $\leq .269$ caliber centerfire firearms on private lands has not created substantial increases in safety concerns, and hunters on public lands are more likely to be farther from occupied dwellings. Law Enforcement Division is supportive of the change and does not expect the change to increase risk of injury.

Biological

The Department does not expect a biological impact.

Social

The majority of the Furtaker User Group supports this proposed regulation change.

Economic

The Department does not expect an economic impact.

Item 6 – Coyote Hunting Season Length

The Department and Furtaker User Group reviewed a proposal to change the coyote hunting season dates to July 15 to April 15. The Department has heard strong input on all sides of the issue from stakeholder groups and the Furtaker User Group.

Issues Pros and Cons

In 2016, the Natural Resources Commission requested the Department develop a recommendation to expand the coyote hunting season. The coyote hunting season was changed from July 15 to April 15, to year-round. At the time, the Department did not expect a year-round season to have a significant biological impact at the statewide level. Instead, the Department felt that in some localized areas, some temporary reductions in coyote densities may occur, but these reductions would be based on the level of increase in harvest and likely to be short-lived.

As expected, estimated statewide coyote harvest during 2016-2020 did not increase in response to implementation of a year-round season. Similarly, the estimated average number of coyotes harvested per hunter did not increase during this time either. However, there is concern about social perception and future loss of management tools if the open season continues to allow coyotes to be taken when there are dependent young present. The proposed change will result in not allowing coyote harvest while female coyotes have dependent young. However, the coyote hunting season will still be one of the most liberal seasons in the state, open for nine months. Additionally, coyotes will still be able to be taken year-round on private land if a coyote is doing damage or physically present where it could imminently cause damage. Currently, an individual may not hunt or train dogs on game (including coyote) from April 16 to July 7 due to the presence of dependent young. The Department recommends maintaining this limitation to prohibit the use of dogs to hunt or train on coyotes during this time period.

Biological

Since the coyote hunting season was extended to year-round, statewide harvest estimates and average number of coyotes harvested per hunter have not increased. The Department does not expect a significant biological impact.

Social

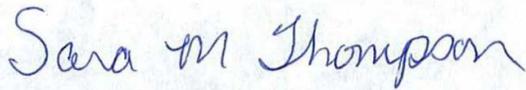
The majority of the Furtaker User Group supports this proposed regulation change. Several trapping and hound hunting groups and individuals have requested the Department make this change to the coyote hunting season, due to public perception and potential future impacts to their hunting and trapping opportunities. The Department has been contacted by some predator callers that are opposed to this change, due to reduced hunting opportunity during a period after snow melts and before crops grow in height, when coyotes may be more responsive to calls. Predator callers would be able to continue hunting year-round on private lands where coyotes are doing damage or physically present where they could imminently cause damage. However,

other private lands and public lands would be closed that time of year, resulting in some reduced recreational opportunity.

Economic

The Department does not expect an economic impact.

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's January 30, 2024 calendar and may be eligible for approval on March 14, 2024.



Sara Thompson, Chief
Wildlife Division



Jason S. Haines, Chief
Law Enforcement Division



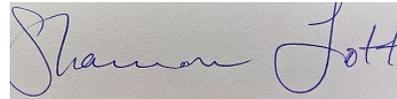
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Shannon Lott
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WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2024

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 14, 2024, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.5 Hunting hours, exceptions; prohibited activities.

Sec. 2.5 (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in subsection (1) and 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 5.42, 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.

3.608 Bobcat open seasons, season limit, closed areas, restrictions; kill tags and tagging requirements; registration requirements; unlawful acts.

Sec. 3.608 (1) The open season for taking bobcat by trapping in bobcat management units A and B shall be ~~October 25 to December 26~~ **November 1 to November 14 and December 1 to January 18**. The open season for taking bobcat by hunting in bobcat management units A and B shall be from January 1 to March 1.

(2) The open season for taking bobcat by trapping in bobcat management units C and D shall be from December 10 to December 29, using foothold traps or live-restraining cage traps only. The open season for taking bobcat by hunting in management unit C shall be from January 1 to March 1. The open season for taking bobcat by hunting in management unit D shall be from January 1 to February 1.

(3) The open season for taking bobcat by trapping in bobcat management unit G shall be from December 10 to December 29, using foothold traps or live-restraining cage traps only. The open season for taking bobcat by hunting in management unit G shall be from January 1 to January 20.

(4) The open season for taking bobcat by trapping in bobcat management unit H shall be from December 10 to December 20, using foothold traps or live-restraining cage traps only. The open season for taking bobcat by hunting in management unit H shall be from January 1 to January 11.

(5) The season limit shall be 2 bobcats per licensed resident fur harvester except an individual shall take not more than 1 bobcat from bobcat management unit B, and not more than 1 bobcat in bobcat management units C, and D, G, and H combined. ~~A licensed resident fur harvester taking a second bobcat in bobcat management unit A shall take a bobcat on private land only, excluding commercial forest land.~~

(6) Through the day before the open bobcat season, a resident issued a fur harvester's license **who intends to hunt or trap bobcat shall request and be issued up to 2 free bobcat kill tags.** ~~may obtain a free bobcat kill tag. A resident who intends to hunt or trap bobcat shall request and be issued up to 2 free bobcat kill tags.~~ A resident shall not sell, loan, or permit in any manner another individual to use the bobcat kill tag or use or attempt to use another individual's bobcat kill tag. Free bobcat kill tags may be obtained only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a bobcat shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the bobcat from the upper jaw to the eye socket or through the lower jaw of the bobcat in a secure and permanent manner. An individual shall not tag a bobcat with a kill tag that is not valid for the unit in which the bobcat is taken. This kill tag shall remain attached to the bobcat until the animal is registered and sealed by the department. An individual shall not possess a bobcat or bobcat hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (7).

(7) An individual that kills a bobcat shall present the pelt and skull of the bobcat to the department to be registered and sealed no later than 10 days following the close of the season in which it was taken. The pelt and skull shall be presented for sealing in person by the resident fur harvester that killed the animal and shall not be presented for sealing or registration by another individual. The individual presenting the bobcat pelt and skull shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain at least one tooth or the skull, at the discretion of the department, and attach an official seal to the pelt of each bobcat presented for examination. The seal shall be locked upon the hide in such a manner that it cannot be removed without cutting or ripping the bobcat pelt or damaging the seal. An official seal attached by the department shall not be removed from the bobcat pelt until the bobcat pelt is processed or tanned. Subsequent to 10 days following March 1, it shall be unlawful to possess a bobcat pelt without an official department seal attached unless the pelt has been processed or tanned or the bobcat season is open.

3.610 Coyote, open season; exceptions; fur harvester's license not required to hunt.

Sec. 3.610 (1) The statewide open season for taking coyote by hunting shall be ~~all-year~~ **from July 15 to April 15** except:

(a) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.

(2) A resident possessing a base license may hunt coyote without securing a fur harvester's license.

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

Sec. 3.620 (1) The open season for taking fisher by trapping shall be from the first Friday in December through 9 days after in all of Zone 1 except Drummond Island.

(2) The fisher and marten season limit shall be a combined bag limit of 2 animals per licensed resident. ~~of which no more than one may be a fisher.~~

(3) Through the last day of the open fisher season, a resident issued a fur harvester's license may obtain a free fisher kill tag. A resident who intends to trap fisher shall request and be issued 1 kill tag valid for either a fisher or a marten. A resident shall not sell, loan, or permit in any manner, another individual to use the fisher kill tag or use or attempt to use another individual's fisher kill tag. Free fisher kill tags may be obtained only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a fisher shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the fisher from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. An individual shall not tag a fisher with a kill tag that is not valid for the unit in which the fisher is taken. This kill tag shall remain attached to the fisher until the animal is registered and sealed by the department. An individual shall not possess a fisher or fisher hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

(4) An individual that kills a fisher shall present the pelt and skull of the fisher to the department to be registered and sealed no later than 3 business days following the last day of the season. The pelt and skull shall be presented for sealing in person by the resident fur harvester that killed the animal and shall not be presented for sealing or registration by another individual. The individual presenting the fisher pelt and skull shall display their resident fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull and attach an official seal to the pelt of each fisher presented for examination and shall lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the fisher pelt or damaging the seal. An official seal attached by the department, shall not be removed from the fisher pelt until the fisher pelt is processed or tanned. Subsequent to 3 business days following the close of the season, it shall be unlawful to possess a fisher pelt without an official department seal attached unless the pelt has been processed or tanned or the fisher season is open.

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

Sec. 3.630 (1) The open season for taking marten by trapping shall be from the first Friday in December through 9 days after in all of zone 1 except Drummond Island.

(2) ~~The fisher and marten season limit shall be a combined bag limit of 2 animals per licensed resident.~~ Through the last day of the open marten season, a resident issued a fur harvester's license may obtain a free marten kill tag. A resident who intends to trap marten shall request and be issued 1 free marten or fisher kill tag and 1 marten only kill tag. A resident shall not sell, loan, or permit in any manner, another individual to use the marten kill tag or use or attempt to use another individual's marten kill tag. A free marten kill tag may be obtained only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a marten shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the marten from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. This kill tag shall remain attached to the marten until the animal is registered and sealed by the department. An individual shall not possess a marten or marten hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

(3) ~~The fisher and marten season limit shall be a combined bag limit of 2 animals per licensed resident of which no more than one may be a fisher.~~ **Through the last day of the open marten season, a resident issued a fur harvester's license may obtain a free marten kill tag. A resident who intends to trap marten shall request and be issued 1 free marten or fisher kill tag and 1 marten only kill tag. A resident shall not sell, loan, or permit in any manner, another individual to use the marten kill tag or use or attempt to use another individual's marten kill tag. A free marten kill tag may be obtained**

only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a marten shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the marten from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. This kill tag shall remain attached to the marten until the animal is registered and sealed by the department. An individual shall not possess a marten or marten hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

(4) An individual that kills a marten shall present the pelt and skull of the marten to the department to be registered and sealed no later than 3 business days following the last day of the season. The pelt and skull shall be presented for sealing in person by the resident fur harvester that killed the animal and shall not be presented for sealing or registration by another individual. The individual presenting the marten pelt and skull shall display their resident fur harvester's license; including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull, and, attach an official seal to the pelt of each marten presented for examination, and lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the marten pelt or damaging the seal. An official seal attached by the department, shall not be removed from the marten pelt until the marten pelt is processed or tanned. Subsequent to 3 business days following the last day of the season, it shall be unlawful to possess a marten pelt without an official department seal attached unless the pelt has been processed or tanned or the marten season is open.

Issued on this 14th day of March, 2024.

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

Thomas Baird, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

M. Scott Bowen
Director