



STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



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SUBMITTED: April 24, 2015

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Harvest Reduction Regulations in the Upper Peninsula  
Wildlife Conservation Order Amendment No. 5 of 2015  
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:

Deer regulations are on a multiple-year regulations cycle. The deer regulations were updated in 2014 and set for a three-year term. The Department acknowledges the benefits of the 2014-2016 stabilized regulations cycle for deer. Due to a precipitous decline in deer in the Upper Peninsula (UP) and associated concern by sportspersons, the Wildlife Division is bringing forward potential regulation changes to be considered mid-cycle. Bringing this regulatory item forward at the May meeting procedurally allows for a discussion that could result in a regulatory action item at the June meeting in time for inclusion in printed 2015 hunting guides.

The deer herd in the UP has declined to levels comparable to the early 1980s. Preliminary reports indicate that the 2014 deer season success was low. There is a probability that the 2015 season harvest will be low as well, due to several severe winters. The Department and Commission have responded to declining deer numbers in the UP by implementing highly conservative 2014-2016 antlerless license quotas, expanding the period in which supplemental deer feeding is allowed, and intensifying habitat management efforts. The Wildlife Division is bringing forward for consideration several options for further reduction of the UP deer harvest as another means of addressing public concerns regarding low UP deer numbers. Deer harvest reduction could be accomplished in a variety of ways, including closing seasons, changing season length, and modifying license regulations. Conversely, such changes could negatively affect participation in seasons and/or may not achieve desired population responses. The Division anticipates deer populations will continue to be depressed across the UP region, and a conservative approach to harvest may be supported by many hunters.

The Division presents the following options:

Option 1: Maintain the current season and license structure in the UP

*Pros:* The winters of 2012 and 2013 were extremely hard on deer in the UP. Recent studies from the mid-snowfall zone have shown that adult female deer survival has been at 54% and

38%, respectively. Complicating matters was the loss of nearly all fawns, tracked by electronic collar, in 2013 and 2014. Given these recent data, the Department and Commission made several adjustments to the deer hunting season, closing down nearly all Deer Management Units (DMUs) in the UP to antlerless harvest with firearms and muzzleloaders, as well as instituting an early supplemental feeding period. Based on the severe winters in 2012 and 2013, the Department predicted a reduced harvest in the UP for the 2014 season, and preliminary indications supported that initial prediction. Any changes made to the 2015 hunting season to account for this loss cannot reverse the effects of several years of severe winters. Maintaining the current regulation allows the Division to fully evaluate three years of deer harvest data through its multi-year regulations package and will be easier for public comprehension. There are no anticipated economic impacts to keeping the season and license structure similar to last year.

*Cons:* The disadvantage of not interrupting the multi-year regulations cycle would be the perceived lack of responsiveness amongst certain hunting constituencies. The deer harvest in the UP is anticipated to be at one of its lowest points in ~30 years, and harvest declines are often accompanied by increasing hunter dissatisfaction and the need to respond accordingly.

#### Option 2: Close the entire deer hunting season in the UP

*Pros:* Over the past four years (2014 data pending), there have been between ~40,000 – 49,000 deer harvested annually in the UP. Closing the entire season in the UP would protect the greatest number of deer, both antlered and antlerless. Recent harvest trends suggest that the deer herd is at its lowest levels in ~30 years. This action would conserve more deer going into the winter than any other proposed action.

*Cons:* There are significant ramifications resulting from closing down a deer hunting season in a region. There would be added fiscal impacts locally, as many hotels, restaurants, and other service businesses would see reduced revenue due to the lack of recreation and visitation during the fall. Since winter is a primary driver of deer populations in the UP, it's possible that many of the deer that are not harvested by hunters will succumb to winter loss. The Department will lose revenue based on license sales. With over 100,000 hunters participating in deer hunting in the UP, there would be a net loss of approximately \$3 million dollars in license revenue and a loss of over 1 million recreational days.

#### Option 3: Eliminate the option of using the combination license when hunting in the UP (one buck) and eliminate the antlerless option during archery season when using the single deer license

*Pros:* The overall impact of this change would likely not have a significant impact on hunters' opportunity or success. Currently, only 2-3% of hunters are successful at harvesting two bucks in the UP each year. This accounts for roughly 7% of the total buck harvest in the UP or about 2,200 bucks each year.

This option would effectively turn the UP into a "buck-only" season for the majority of

2015-2016 deer hunters. Antlerless harvest could still be permitted through the allotment of private land antlerless quotas in DMUs needing antlerless harvest maintained (likely 055, 122, and 155).

*Cons:* This may not result in any additional bucks being protected from harvest. Instead, there is a possibility that the same number of bucks may be harvested with an increase in the number of hunters successful at harvesting one buck. Administratively, single deer and combination deer licenses are not specific to DMUs or the zone in which a person will be hunting. There is potential for unintentional violations as this would be a significantly different license-use restriction for long-time hunters.

The economic impacts for this proposal may be significant. Roughly 40% of the hunters that participate in deer hunting in the UP are either from the Lower Peninsula or out of the state. The Department has already sold deer combination licenses for the 2015 season and hunters in the Lower Peninsula may unintentionally purchase the combination license and then not be able to use it once they travel to the UP to hunt or may simply forgo hunting in the UP during that time since they will not be able to utilize the combination license if they do travel north. There could be negative fiscal impacts locally, as many hotels, restaurants, and other service businesses would see reduced revenue due to the lack of recreation and visitation during the fall. We may receive negative feedback from hunters due to the increased complexity, lack of flexibility in license use and from those who erroneously purchase the more expensive license and can no longer use it in the UP. Approximately one-fifth of antlerless archery harvest occurs in DMUs in the conditional deer range with moderate winters (055, 122, and 155), so impacts are further reduced. Since winter is a primary driver of deer populations in the UP, it's possible that many of the deer that are not harvested by hunters will succumb to winter loss.

Option 4: Eliminate the antlerless option during archery season for hunters hunting on deer licenses, including the combination license

*Pros:* There have been between ~5,000 – 6,300 antlerless deer harvested with archery equipment in the UP each year over the past 4 years. This option would have no effect on hunters who participate only in the firearm season, but all of the deer offered protection by this option would be antlerless, which would reduce harvest of potentially reproductive deer going into next year. This option would effectively turn deer licenses into “buck-only” tags for the UP region for the 2015-2016 season. Antlerless harvest could still be permitted through the allotment of private land antlerless quotas in DMUs needing antlerless harvest maintained (likely 055, 122, and 155).

*Cons:* This limits opportunity for archery hunters in the UP. The overall impact at a population level will likely be negligible, accounting for the protection of approximately 0.5 deer per square mile. The change would be contrary to options in the Lower Peninsula, which would increase complexity and complicate enforcement. The economic impacts for this proposal would likely be minimal resulting in a few reduced efforts by hunters and either fewer licenses sold

(combination licenses have already been on sale for the 2015 season since March 1, 2015), or the migration of hunters from purchasing a combination license to a single deer license.

Approximately one-fifth of this antlerless archery harvest occurs in DMUs in the conditional deer range with moderate winters (055, 122, and 155), so impacts are further reduced. Since winter is a primary driver of deer populations in the UP, it's possible that many of the deer that are not harvested by hunters will succumb to winter loss.

Option 5: Eliminate the antlerless option for archery hunters hunting on deer licenses, including the combination license, during the late archery season only

*Pros:* The overall impact of this proposal is somewhat unknown, as we don't fully know the distribution of harvest of deer in each portion of the archery season. Anecdotally, we anticipate that fewer deer are typically taken during the late archery season, so impacts could be negligible. This option would have no effect on hunters who participate in the firearms season, and very little impact to most archers. All of the deer offered protection by this option would be antlerless, which would reduce harvest of potential reproductive deer going into next year, though that number would be considerably less than the previous option. Antlerless harvest could still be permitted through the allotment of private land antlerless quotas in DMUs needing antlerless harvest maintained (likely 055, 122, and 155).

*Cons:* This limits opportunity for archery hunters in the UP slightly. The overall impact at a population level will likely be negligible, since hunters would still be able to harvest antlerless deer in the early archery season. The change would be contrary to options in the Lower Peninsula, which would increase complexity and complicate enforcement. The economic impacts for this proposal would likely be minimal, resulting in a few reduced efforts by hunters and either fewer licenses sold (some combination licenses have been sold for the 2015 season), or the migration of hunters from purchasing a combination license to a single deer license. Approximately 1/5 of this antlerless archery harvest occurs in DMUs in the conditional deer range with moderate winters (055, 122, and 155), so impacts are further reduced. Since winter is a primary driver of deer populations in the UP, it's possible that many of the deer that are not harvested by hunters will succumb to winter loss.

Option 6: Eliminate the Liberty and Independence Hunts in the UP

*Pros:* This option is expected to have little to no economic impact due to the limited participation within these seasons. There may be some success in protecting several hundred deer in the UP.

*Cons:* This option will have virtually no impact at the population level. There are between ~600 – 1,200 deer taken annually during the Liberty Hunt in the UP during the past 4 years, and no more than ~70 deer taken annually during the Independence Hunt in this same time frame. Less than 500 antlerless deer have been taken during each of these seasons combined each year, so the impact would protect less than 0.1 deer per square mile. There would be a loss of opportunity to many youth and hunters with disabilities in the UP.

### Neighboring States

The Division polled natural resources professionals in Illinois, Indiana, Minnesota, Missouri, Ohio and Wisconsin to determine regulations for the 2014-2015 or 2015-2016 deer hunting seasons regarding the take of antlerless deer. These results found that all states have reduced their antlerless quotas or opportunities to take antlerless deer during the firearms and/or muzzleloader seasons.

Indiana has reduced quotas for the past two years and will potentially again in 2015.

In addition, Minnesota has a bucks-only management strategy that has been implemented in a number of northern permit areas this year. No antlerless deer may be taken in any of these areas by any hunters during any season with all license types (including youth, bow hunters, and individuals with disabled permits). There are also no disease management areas in Minnesota this year.

For the 2014 season, Wisconsin closed 19 of its northern-most counties to antlerless deer hunting in an effort to increase the deer population after the previous two harsh winters.

### Biological

In the winter of 2014-2015, significant snow occurred by the start of firearm deer season in mid-November and persisted at depths of 20-30 inches across much of the region all winter. Additionally, temperatures of -10 to -20 degrees were common in February, further stressing animals that had limited mobility. Rump fat thickness of adult does captured this winter on the Mississippi State University predator-prey research area (Iron County) is less than that measured in 2014—a year in which high mortality of adult females was noted toward winter's end. Though this year's survival data for adult females is much higher than previous years (currently 80% this year versus 38% and 54% the previous two years, respectively), the peak time for winter mortality occurs in late April. Given the recent declines in deer harvest in the UP, the likelihood of continued low deer harvest in this region during 2015 is high.

The attached Wildlife Conservation Order Amendment No. 5, opening sections 3.101 and 3.102 is merely a placeholder. The Department will look for further direction from the Commission in preparing the June, For Action version.

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Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's April 2015 calendar and may be eligible for approval on June 11, 2015.

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Wildlife Division

Gary Hagler, Chief  
Law Enforcement Division

Bill O'Neill, Chief  
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# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 5 of 2015**

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective June 12, 2015, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **3.101 Deer hunting open seasons; type of deer that may be taken; carrying of firearms, season limit.**

Sec. 3.101. (1) The open firearm deer season shall be from November 15 to November 30.

(2) The open muzzle-loading and black-powder firearms deer season in zone 1 and zone 2 shall be a total of 10 days from the first Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 3 shall be a total of 17 days from the first Friday in December to 16 days thereafter.

(3) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, an individual hunting deer with a muzzle-loading firearm during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a muzzle-loading rifle, muzzle-loading shotgun, or black-powder pistol, loaded with black-powder or a commercially manufactured black-powder substitute, or a crossbow.

(4) The open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 1.

(5) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, during the open bow and arrow season, an individual hunting deer with a bow and arrow or a crossbow shall not possess or carry afield a pistol, revolver, or any other firearm unless the individual is properly licensed to hunt deer with a firearm and is hunting in an area open to firearm deer hunting.

(6) The late antlerless firearm deer season shall be from the first Monday following the third Saturday in December through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mecosta, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Oscoda, Ottawa, Presque Isle, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne counties, and upon privately- owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season.

(7) The deer management assistance firearm hunt period shall be from the first Monday following the third Saturday in December through January 1 upon lands owned by federal, state, county, or local units of government, non-profit organizations, and other urban or suburban properties in zone 3. Only those areas with a wildlife division approved deer population management plan will be considered for issuance of these special deer management assistance permits. Only an individual possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm or a crossbow during this season.

(8) The season limit shall be 1 deer per deer license.

(9) Except as provided by sections 3.101a, 3.101c and 3.101d, the kind of deer which may be taken during the respective open seasons for each combination of season and deer license, except antlerless deer license, shall be as shown in table 2:

**TABLE 2**

**License, Season, Deer to be Taken**

| <b>Type of license</b>  | <b>Season in which used</b>  | <b>Kind of deer that may be taken</b>   |
|---|--|---|
| Deer license, deer combination regular license, mentored youth deer license | Bow and arrow only seasons   | Antlerless or an antlered deer. Antler point restrictions apply for individuals not hunting with a mentored youth license                               |
| Deer license, deer combination regular license, mentored youth deer license | Firearm deer season, muzzleloading and black-powder firearms only season   | Antlered deer or antlerless deer in deer management unit 487. Antler point restrictions apply for individuals not hunting with a mentored youth license |
|   | Liberty hunt and independence hunt   | Antlerless or antlered deer.  |
| Deer combination restricted license   | Bow and arrow only   | Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length   |
|   | Firearm deer season or muzzleloading and black-powder firearms only season | A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length, or antlerless deer in deer management unit 487              |
|   | Liberty hunt and independence hunt   | Antlerless or antlered deer.  |

(10) The early antlerless firearm deer season shall be a 2-day hunt starting the Saturday following September 15 upon privately owned lands within Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Genesee, Grand Traverse, Hillsdale, Huron, Iosco, Isabella, Jackson, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Midland, Monroe, Montmorency, Oakland, Oscoda, Presque Isle, St. Clair, Saginaw, Sanilac, Tuscola, Washtenaw, and Wayne counties and upon privately owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid private land antlerless deer license issued for the deer management unit in which they are hunting or a mentored youth hunting license may take a deer during this season.

**3.102 Antlerless deer license; validity; authority; types; restrictions; units.**

Sec. 3.102. (1) Antlerless deer licenses are only valid in their specified deer management unit when the unit has a season open to the taking of deer. Antlerless deer licenses do not grant permission to hunt on private property without the permission of the owner.

(2) It shall be unlawful for an individual to purchase an antlerless deer license unless the individual holds a current base license.

(3) Antlerless deer licenses shall only be valid for taking an antlerless deer.

(4) Except as otherwise provided in this subsection, the holder of a valid public land antlerless deer license shall only take a deer from publicly owned lands within the deer management unit specified on the antlerless deer license. Public land antlerless deer licenses shall not be valid on any privately owned lands except lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(5) The holder of a valid private land antlerless deer license shall only take a deer from privately owned lands within the deer management unit specified on the private land antlerless deer license. The private land antlerless deer license shall not be valid on publicly owned lands and lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(6) The deer management units, as defined in chapter XII, listed in section 3.105a are open to the taking of antlerless deer by public land antlerless deer license or private land antlerless deer license, or any combination.

(7) The director, in consultation with and concurrence of the natural resources commission, may require an application to obtain an antlerless deer license or may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units.

(8) The director in consultation with and concurrence of the natural resources commission may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units when the director determines that antlerless deer licenses remain unsold after the drawing, provided for in section 3.104, has been held or where such issuance is in the best interest of deer management. An application for the current year is not required to purchase an antlerless deer license that remains after the drawing, provided for in section 3.104, has been held.

(9) Requirements; restrictions for young hunters:

(a) A hunter under the age of 10 must be licensed through the mentored youth hunting program and accompanied by a qualified mentor. A deer kill tag issued under the mentored youth hunting license shall be valid for any deer in any deer management unit, except during antlerless-only seasons.

(b) A hunter 10 to 16 years of age on or before the 4th Saturday in September may purchase 1 private or public land antlerless deer license, over the counter, on a first-come, first-served basis, during the application period for antlerless licenses for any deer management unit with antlerless licenses available.

(10) For deer management units 452 and 487, an individual shall not purchase more than 5 antlerless deer licenses per calendar day until the quota has been met. For all other deer management units an individual shall not purchase more than 2 antlerless deer licenses per calendar day until the quota has been met.

(11) For deer management units 452 and 487, an individual may purchase up to a season limit of 10 private land antlerless deer licenses until the quota has been met. For all other deer management units an individual may purchase up to a season limit of 5 private land antlerless deer licenses until the quota has been met.

Issued on this 11<sup>th</sup> day of June, 2015.

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

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director