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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
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DANIEL EICHINGER
DIRECTOR

SUBMITTED: March 24, 2020
RESUBMITTED: April 20, 2020



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Small Game and Upland Game Bird Regulations
Wildlife Conservation Order Amendment No. 5 of 2020

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

The Natural Resources Commission (NRC) reviewed and discussed the proposed furbearer regulations during their February 13, 2019, regularly scheduled meeting. The proposed furbearer regulations included the following Small Game and Upland Game Bird Recommendation:

“As part of the multi-year hunting regulatory cycle, the schedule for reviewing and updating small game and upland game bird regulations was set for every five years. The last update to small game and upland game bird regulations was completed in 2015. Accordingly, the Department has reviewed small game and upland game bird regulations and is not recommending any changes to the current regulations.”

This recommendation generated a discussion on hunting small game and upland game birds, which includes rabbit, hare, squirrel, pheasant, ruffed grouse, sharp-tailed grouse, woodchuck, and quail, from an elevated platform using lawful methods of take. The NRC requested that the Department bring forward an order for information at the April 16, 2020 NRC meeting that allows all small game and upland game birds to be hunted from an elevated platform using all lawful methods of take. Most stakeholder interest was focused on the use of .22 or smaller rimfire firearms for the take of rabbits and squirrels.

Issues Pros and Cons

Allowing small game and upland game birds to be taken from an elevated platform using all lawful methods will expand hunters’ choice for their method of take and expand hunting opportunity. It will also encourage participation in the hunting seasons where individuals

hunting other species from elevated platforms will be able to utilize those same stands for small game and upland game bird hunting.

Allowing small game and upland game birds to be taken from an elevated platform by all lawful methods of take will create additional recreational opportunities for small game and upland game bird hunters. In addition, it will create consistency and simplify regulations.

There may be some organizations or individuals that do not support this method of take for some species or have concerns about safety. The Department has not heard from anyone specifically about the proposed change, however.

Other States

The Department researched Illinois, Indiana, Ohio, Minnesota, and Wisconsin and found that all states allow small game and upland game birds to be taken from an elevated platform by all lawful methods.

Biological

The Department does not expect a biological impact.

Social

Michigan United Conservation Clubs and some individuals have expressed support for allowing small game and upland game birds to be taken from an elevated platform with all lawful methods. Primarily, stakeholder interest was related to the use of a .22 or smaller rimfire firearm.

Economic

The Department does not expect an economic impact.

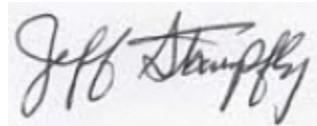
Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's March calendar and may be eligible for approval on May 14, 2020.



Daniel Kennedy, Acting Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



Jeff Stampfly, Acting Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



Shannon Hanna
Natural Resources Deputy

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



Daniel Eichinger, Director

May 14, 2020
Date

WILDLIFE CONSERVATION ORDER

Amendment No. 5 of 2020

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 May 15, 2020, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking certain species with a firearm from scaffold, raised platform or tree allowed; use of scaffold, platform, ladder, steps or certain other devices in taking an animal on publicly owned lands, exception.

Sec. 2.8 An individual may hunt with a crossbow or a bow and arrow from a scaffold, raised platform, or tree. An individual taking deer, elk, turkey, bobcat, fox, coyote, raccoon, opossum, or bear with a firearm may use a scaffold, raised platform, or tree pursuant to all other hunting regulations. An individual taking small game that are not migratory game birds may use a scaffold, raised platform, or tree pursuant to all other hunting regulations. In taking an animal, an individual shall not do any of the following on publicly owned lands:

(1) Permanently construct or affix to a tree or other natural feature a scaffold, platform, ladder, steps or any other device to assist in climbing a tree, or use any item that penetrates the cambium of a tree in the construction or affixing of any device to assist in climbing a tree.

(2) Use or occupy a scaffold, raised platform, ladder, or step that has been permanently affixed or attached to any tree or other natural feature.

(3) Nothing in this section shall prohibit a scaffold or platform temporarily affixed to a tree by use of a T-bolt or similar device supplied by the manufacturer at the time the scaffold or platform was purchased.

(4) Use or occupy a scaffold or raised platform without having first etched, engraved, implanted, burned, printed, or painted on the scaffold or raised platform, the name and address, complete Michigan driver's license number, or DNR sportcard number of the user in legible English easily read from the ground.

(5) Use, occupy, or place a scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree if the scaffold, raised platform, ladder, steps, or other device is on public lands earlier than September 1 of each year or is not removed by March 1, exception:

(a) The scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree for elk hunting purposes may be placed on public lands from August 15 through five days after the close of the elk season for which the individual is licensed, or if successful, five days after harvesting an elk.

Issued on this 14th day of May, 2020.

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



David Nyberg, Acting Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.



Daniel Eichinger
Director

**MOTION TO AMEND WILDLIFE CONSERVATION ORDER
AMENDMENT #5 OF 2020**

SMALL GAME AND UPLAND GAME BIRD REGULATIONS

A MOTION TO AMEND WAS MADE BY COMMISSIONER CREAGH TO:

- Add raccoon and opossum to the list of species that can be hunted at any otherwise lawful time from an elevated platform.

This will allow raccoons and opossums to be hunted from an elevated platform during the day and at night. Changes are in bold and strikeout below. The motion to amend was seconded by Commissioner Tracy. The amendment passed and the below change is included in the signed order.

2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking certain species with a firearm from scaffold, raised platform or tree allowed; use of scaffold, platform, ladder, steps or certain other devices in taking an animal on publicly owned lands, exception.

Sec. 2.8 An individual may hunt with a crossbow or a bow and arrow from a scaffold, raised platform, or tree. An individual taking deer, elk, turkey, bobcat, fox, coyote, **raccoon, opossum**, or bear with a firearm may use a scaffold, raised platform, or tree pursuant to all other hunting regulations. ~~An individual taking opossum and raccoon with a firearm may use a scaffold, raised platform, or tree from 1/2 hour after sunset to 1/2 hour before sunrise pursuant to all other hunting regulations.~~ An individual taking small game that are not migratory game birds may use a scaffold, raised platform, or tree pursuant to all other hunting regulations. In taking an animal, an individual shall not do any of the following on publicly owned lands:

- (1) Permanently construct or affix to a tree or other natural feature a scaffold, platform, ladder, steps or any other device to assist in climbing a tree, or use any item that penetrates the cambium of a tree in the construction or affixing of any device to assist in climbing a tree.
- (2) Use or occupy a scaffold, raised platform, ladder, or step that has been permanently affixed or attached to any tree or other natural feature.
- (3) Nothing in this section shall prohibit a scaffold or platform temporarily affixed to a tree by use of a T-bolt or similar device supplied by the manufacturer at the time the scaffold or platform was purchased.
- (4) Use or occupy a scaffold or raised platform without having first etched, engraved, implanted, burned, printed, or painted on the scaffold or raised platform, the name and address, complete Michigan driver's license number, or DNR sportcard number of the user in legible English easily read from the ground.
- (5) Use, occupy, or place a scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree if the scaffold, raised platform, ladder, steps, or other device is on public lands earlier than September 1 of each year or is not removed by March 1, exception:
 - (a) The scaffold, raised platform, ladder, steps, or any other device to assist in climbing a tree for elk hunting purposes may be placed on public lands from August 15 through five days after the close of the elk season for which the individual is licensed, or if successful, five days after harvesting an elk.