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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



RODNEY A. STOKES  
DIRECTOR

SUBMITTED: February 14, 2011  
RESUBMITTED: March 14, 2011

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Regulations  
Wildlife Conservation Order Amendment No. 4 of 2011

Authority:

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

Discussion and Background:

Black bear license quotas were set in 2010 with the intention of retaining quotas unchanged for two years. An evaluation of harvest information for 2010 showed no issues that would suggest a reason to modify license quotas in 2011. No changes are proposed for license quotas. No action is required.

In October of 2010, a black bear cub was found dead on a bait pile by a hunter. Upon necropsy of that animal, it was determined that the cub died from theobromine poisoning as a result of ingesting chocolate. This is the first evidence that current bear baiting practices in Michigan are causing mortality in bears. There is no evidence that mortality due to chocolate ingestion is causing a population level impact in bears despite a long history of baiting with chocolate in Michigan.

Now that evidence exists that baiting practices have, and can, cause mortality in bears, Wildlife Division recommends that chocolate be removed from the items that can be lawfully used for baiting bears.

Minor technical edits have also been made to this section of the Wildlife Conservation Order to clarify the language as well as to allow better enforceability of baiting regulations.

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Recommendation:

This order was submitted for information on March 10, 2011 at the Natural Resources Commission Meeting. This item appeared on the Department's March 2011 calendar and may be eligible for approval on April 7, 2011.

Russ Mason, Ph.D., Chief  
Wildlife Division

Gary Hagler, Chief  
Law Enforcement Division

Lynne M. Boyd, Chief  
Forest Management Division

Ronald A. Olson, Chief  
Recreation Division

Kelley D. Smith, Ph.D., Chief  
Fisheries Division

Mindy S. Koch, Deputy Director  
Resource Management

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

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Rodney A. Stokes, Director

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Date

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 4 of 2011**

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 April 8, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **3.205 Bear; unlawful acts.**

Sec. 3.205 (1) In zones 2 and 3 it shall be unlawful to take a bear without the aid of dogs on the seventh and eighth day after the first Friday following September 15.

(2) 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 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 for hunting.

(3) It shall be unlawful to hunt over a bait station that attracts bear that was established prior to 31 days before the bear hunting season in any management unit. It shall be unlawful to establish, tend, or hunt over a bait station on public or commercial forest lands as defined in part 511, commercial forests, natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120; that is not placed on the ground or contains plastic, any wood product, paper, glass, rubber, tires, fabric, cloth, concrete, metal and any metal container, and unlawful for a container used to transport bait to the bait station, to be within 100 yards of the bait station.

(4) It shall be unlawful to establish, tend, or hunt over a bait station that contains any food material other than meat, meat product, fish, fish product, or bakery product if the bait station is placed in an area unlawful to feed deer or elk or bait deer. 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 material that lure, entice, or attract deer or elk only if the person uses food material in compliance with the season, volume, bait type, placement, scattering and other requirements which apply to the baiting or feeding of deer. In an area in which it is lawful to bait for deer, a person may use up to 2 gallons of grains at any 1 point in time per bait station prior to the legal deer baiting season if the grains are placed on the ground in such a manner as to exclude wild, free-ranging, white-tailed deer and elk from gaining access to the grains.

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

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

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

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

(9) 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.

(10) It shall be unlawful for a person 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.

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

(12) It shall be unlawful to take a cub bear. "Cub bear" means a bear less than 1 year of age. It shall be unlawful to take a female bear accompanied by a cub bear.

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

(14) A person shall not 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.

Issued on this 7th day of April, 2011.

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

Timothy L. Nichols, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rodney A. Stokes  
Director