



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: January 13, 2020

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations
Wildlife Conservation Order Amendment No. 1 of 2020
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 of the impacts of regulation changes. A two-year cycle also allows for more time to consider potential regulation changes.

For 2020, there are several changes proposed resulting from discussions with stakeholder groups and Department staff beginning in 2019 or earlier. The proposed issues reviewed were selected from a running list of issues developed with input from the Furtaker User Group, Department staff, and other stakeholders. The main objectives of the proposed changes are to effectively manage furbearer populations and to increase recreational opportunities where feasible. This memo summarizes the review of these items, even if no regulation changes are recommended.

Beaver and Otter Regulations

Otter Bag Limit

Under current regulations, the season bag limit for otter is a total of three per resident fur harvester; three otters may be taken from Otter Management Unit (OMU) A, two otters may be taken from OMU B, and only one otter may be taken from OMU C. After the biological and social review, as described below, the Department recommends increasing the bag limit by one otter in each OMU; four otters may be taken from OMU A, three otters may be taken from OMU B, and two otters may be taken from OMU C with a combined total season bag limit of four otters per resident fur harvester. If approved, the Department will issue up to four free otter kill tags to a resident who intends to trap otter.

Issues Pros and Cons

Trappers, especially in the Upper Peninsula (UP), have sought higher bag limits for several years. A modest increase as recommended is unlikely to have significant impacts on populations and will provide additional recreational opportunities. Some trappers may desire a higher bag limit than recommended. If pelt prices increase, harvest will likely go up. Population trends can be monitored to ensure there are no undesired changes in populations.

Other States

The Department reviewed regulations in Illinois, Indiana, Minnesota, Ohio, and Wisconsin to determine otter bag limits. The results were the following:

- Illinois: The otter bag limit is five otters per person, statewide.
- Indiana: The otter bag limit is two otters per person per season until the statewide quota is met for counties open to otter harvest.
- Minnesota: The otter bag limit is four otters per person, statewide.
- Ohio: The otter bag limit is three otters per person of which no more than one can be taken in Unit B and no more than three can be taken in Unit C. Unit A is closed to otter harvest.
- Wisconsin: The otter bag limit is one otter per zone-specific permit. Individuals may apply and receive only one permit per year.

Biological

Otter populations are stable to increasing throughout the state. Harvest levels have remained relatively stable over the years with some fluctuations mostly due to pelt price changes. A conservative increase in the bag limit as recommended is unlikely to impact populations.

Social

Trappers have sought an increase in bag limits, especially in the UP, for several years. While the interest is mainly in having more recreational opportunity for trapping otter, part of this desire is to be able to trap for beaver and still register and utilize incidentally caught otter. Trapping organizations and trappers in general appear to be supportive of the change. Since the Department anticipates little impact on populations, non-trappers that enjoy seeing otter or signs of otter are not likely to be negatively impacted.

Economic

Increasing the otter bag limit may result in increased trapping activity and potentially an increase in otter pelts sold.

Beaver and Otter Trapping Season Dates

Under current regulations, the beaver trapping seasons for Units A and B close the first Sunday following April 11, however the beaver trapping season in Unit A for residents extends through April 30 only on designated trout streams. The beaver trapping season for Unit C closes March 31. After the biological and social review, as described below, the Department recommends expanding the resident and nonresident beaver trapping season on all waters in

Unit A to April 30. The Department also recommends that the resident and nonresident beaver trapping season in Units B and C close on the Friday before the last Saturday in April, the day prior to the inland trout season opener.

In addition, the Department recommends that the otter trapping season end on March 31 statewide with the ability to keep otters incidentally taken while trapping for beaver through April 30 as part of the otter season limit. Otters incidentally taken may only be kept with a valid otter kill tag and applied to an individual's bag limit. Otters incidentally taken above the individual's bag limit shall not be kept but shall be submitted to the Department following existing incidental catch regulations. All rules and regulations for the taking of otter apply.

Issues Pros and Cons

Spring beaver season with open water conditions is a preferred trapping experience for many beaver trappers. Fluctuating and unpredictable conditions in the UP have resulted in requests for a longer season in the spring in more areas to increase chances for the open water opportunity. In addition, many beaver complaints occur in the spring shortly after the beaver season closes. Trappers will sometimes target areas with a history of beaver issues at the end of the regular season to try to eliminate beaver problems before they occur. The recommended season expansion would provide opportunity for both activities statewide.

However, the spring portion of beaver and otter trapping season overlaps with the time period otters begin to have young. An increase in otter harvest during this time period is undesirable, however it is difficult to trap solely for beaver. The proposed otter season closure with an ability to keep incidentally caught otter in April (with a valid otter kill tag and until an individual's bag limit is reached) allows the Department to promote otter avoidance techniques with beaver trappers in an effort to reduce otter take in April, while still allowing those otters that are taken to be utilized by trappers. The intent is to provide opportunity to resolve beaver issues and provide additional recreational opportunity without increasing otter harvest in April.

Another potential negative consequence to extending the beaver season until the end of April is the increased potential for negative interactions with trappers/traps and trout fisherman on the opening few days of the inland trout season. Conditions for trout fishing and activity levels are significantly higher in the Lower Peninsula (LP) than UP. For this reason, the recommendation is to have the LP beaver season end the day prior to the inland trout season opener.

Other States

The Department reviewed regulations in Illinois, Indiana, Minnesota, Ohio, and Wisconsin to determine beaver and otter trapping season dates. The results were the following:

- Illinois: The trapping season for beaver and otter is November 10 through the next following March 31.
- Indiana: The trapping season for beaver is November 15 through March 15 of the following year. The trapping season for otter is November 15 through March 15 of the following year or until the quota of 600 is met.
- Minnesota: The trapping season for beaver in the north zone is the Saturday nearest October 26 to May 15. The trapping season for beaver in the south zone is the Saturday

nearest October 30 to May 15. The trapping for otter in the north zone is the Saturday nearest October 26 to the Sunday nearest January 6. The trapping for otter in the south zone is the Saturday nearest October 30 to the Sunday nearest January 6.

- Ohio: The trapping season for beaver and otter is December 26 through the last day of February.
- Wisconsin: The trapping season for beaver in zones A and B begins on the Saturday nearest November 4 and continues through April 30. The trapping season for beaver in zone C begins on the Saturday nearest November 4 and continues through April 30. The trapping season for beaver in zone D begins on the day following the close of the open season for ducks and continues through March 15. The trapping season for otter in the north zone begins on the Saturday nearest November 4 and continues through April 30. The trapping season for otter in the south zone begins on the Saturday nearest November 4 and continues through March 31.

Biological

The extension of beaver season will likely increase harvest of beaver. However, this increase is most likely to result in no significant change in beaver populations or potentially a positive reduction of populations in areas where beavers may cause problems. In addition, beaver populations are healthy and Department staff in much of the state have expressed a desire to increase harvest to reduce populations. Otter populations are also healthy and unlikely to be negatively impacted, however, to reduce the potential for increased harvest at a more biologically sensitive time, the Department recommended shortening otter season and promoting trapping methods in April that would reduce incidental harvest. Both populations will be monitored to evaluate impacts to populations.

Social

The proposed changes would provide requested increases to recreational opportunities for trappers and allow for an increased ability for trappers to address nuisance beaver issues more effectively. Both trapping organizations and Department staff support the changes for these reasons.

Economic

The recommended changes may increase trapping activity and may increase the sale of pelts.

No Recommendation for Change

Nuisance Beaver Control

The Department discussed various options to reduce nuisance beaver complaints. During discussions, the Department expressed that the Wildlife Division has a Human-Wildlife Conflict Workgroup that is tasked to develop species specific recommendations that would make the process in resolving human-wildlife conflicts more consistent across the state as well as to look for potential modification in regulations to improve wildlife-conflict resolution. The Furbearer Program will be providing recommendations to the Human-Wildlife Conflict Workgroup on more modifications to deal with nuisance beaver.

Trapping Recommendations

Keeping Incidental Mink Caught in Muskrat Multiple Catch Traps or Colony Traps

Under current regulations, multiple catch traps or colony traps are allowed for muskrat trapping. Mink will occasionally enter multiple catch traps or colony traps and be trapped, but it is currently illegal to keep mink caught in multiple catch traps or colony traps set for muskrats. After the biological and social review, as described below, the Department recommends allowing for the possession of incidental mink caught in muskrat multiple catch traps or colony traps.

Issues Pros and Cons

The recommendation would allow the use of mink caught in multiple catch traps or colony traps set for muskrat, reducing waste. Multiple catch traps and colony traps are not effective specifically for mink so the change is unlikely to impact harvest levels for mink.

Other States

The Department reviewed regulations in Illinois, Indiana, Minnesota, Ohio, and Wisconsin to determine if it is legal to keep incidental mink caught in multiple catch traps or colony traps. The results were the following:

- Illinois: It is illegal to use multiple-catch traps or colony traps.
- Indiana: It is legal to keep incidental mink caught in multiple catch traps or colony traps.
- Minnesota: It is legal to keep incidental mink caught in multiple catch traps or colony traps.
- Ohio: It is legal to keep incidental mink caught in multiple catch traps or colony traps.
- Wisconsin: It is legal to keep incidental mink caught in multiple catch traps or colony traps during the mink open season.

Biological

The recommendation is unlikely to have any biological consequence.

Social

This change was requested by trappers.

Economic

This recommendation is unlikely to have an economic impact.

Setting of Body-Gripping Traps in Water

Under current regulations, it is illegal to set a body-gripping trap with a jaw spread greater than 5.5 inches on dry land or on frozen submerged bottomlands unless the set meets specific conditions. The Wildlife Conservation Order (WCO) allows setting of these larger body-gripping traps in water, but the current language is unclear. For example, a large body-gripping trap set in an inch-deep puddle in a two track may be a legal set, however this set location defeats the purpose of the restrictions on larger body-gripping trap use (avoiding the take of non-targets).

Law Enforcement Division (LED) requested clarification of this language in the WCO. After the biological and social review, as described below, the Department recommends requiring body-gripping traps with a jaw spread greater than 5.5 inches set in water to be at least half submerged.

Issues Pros and Cons

Current regulations are confusing and difficult to enforce. This creates a potential stress point between trappers and law enforcement personnel. The current regulation also increases the chances someone could inadvertently violate the law or set traps in a manner that would increase the chance of the take of non-target species. The recommendation would resolve these issues. The proposed change is consistent with the way the vast majority of conibears are currently set, minimizing the impact to trapping activity. The recommendation does allow for some potential misunderstandings as water levels could fluctuate after the trap has been set, impacting the legality of the set. After reviewing alternative solutions, the Department believes this is unlikely and can be dealt with on a case-by-case basis with officer discretion. Many other states have similar regulations and have not reported issues.

Other States

The Department reviewed regulations in Illinois, Indiana, Minnesota, Ohio, and Wisconsin to determine if body-gripping traps can be submerged in water. The results were the following:

- Illinois: Larger body-gripping traps must be half submerged in water.
- Indiana: Larger body-gripping traps must be submerged in water.
- Minnesota: Larger body-gripping traps must be fully submerged in water.
- Ohio: Larger body-gripping traps must be half submerged in water.
- Wisconsin: Larger body-gripping traps must be fully submerged in water.

Biological

This recommendation is unlikely to have biological impacts.

Social

The recommendation reduces chances of non-target catches and reduces enforcement challenges. Trappers have supported the need and desire to provide clarification and, for the most part, are supportive of the change. They do raise concerns about the potential for water level fluctuations to create issues for trappers trying to comply with the regulation. Hound hunting organizations have supported the change. Given that the vast majority of conibears are set in a way that complies with the proposed change, there is unlikely to be a significant impact on trapping activity or recreation.

Economic

This recommendation is unlikely to have an economic impact.

No Recommendation for Change

Use of Snares for Trapping Mink

The Department discussed expanding mink trapping opportunities by allowing the use of snares for trapping mink. There is no recommended change to the current regulations on the use of snares for trapping mink being brought forward for consideration.

Trapping Inside Muskrat Push-Ups

The Department discussed expanding muskrat trapping opportunities by allowing muskrat trapping inside muskrat push-ups. There is no recommended change to the current regulations on trapping inside muskrat push-ups being brought forward for consideration.

Hunting Regulations

Use of Elevated Platforms for Nighttime Predator Hunting (Same as Daytime Regulations)

Under current regulations, fox and coyote may be taken with a firearm from an elevated platform during daylight hours. After the biological and social review, as described below, the Department recommends allowing the take of fox and coyote with a firearm from an elevated platform at night.

Issues Pros and Cons

The recommendation provides a requested recreational opportunity. Some have expressed potential safety concerns from allowing nighttime hunting from an elevated platform. Existing nighttime hunting equipment restrictions are in place to reduce the potential for safety issues.

Other States

The Department reviewed regulations in Illinois, Indiana, Minnesota, Ohio, and Wisconsin to determine if nighttime predator hunting from an elevated platform is legal. The results were the following:

- Illinois: It is only legal to take coyotes with a firearm from an elevated platform at night.
- Indiana: It is legal to take predators with a firearm from an elevated platform at night.
- Minnesota: It is illegal to take predators with a firearm from an elevated platform at night.
- Ohio: It is legal to take predators with a firearm from an elevated platform at night.
- Wisconsin: It is legal to take predators with a firearm from an elevated platform at night.

Biological

This recommendation is unlikely to have a biological impact. Harvest of fox and coyote are not likely to change significantly.

Social

The recommendation provides a requested recreational opportunity. There may be a perception of increased safety issues. Most stakeholders that provided input were supportive or ambivalent about the recommendation.

Economic

This recommendation is unlikely to have an economic impact.

Use of Pneumatic Guns for Nighttime Hunting

Currently, Michigan allows for the nighttime take of raccoon, opossum, fox, and coyote with a rimfire firearm .22 caliber or smaller, a centerfire rifle or centerfire pistol .269 caliber or smaller, or a shotgun with loads other than buckshot larger than number 3, slug or cut shell. The Department received requests from nighttime hunters to allow the use of pneumatic guns for nighttime hunting. In order to provide additional recreational opportunities for nighttime hunters, the Department recommends allowing the use of pneumatic guns for nighttime hunting.

For the purpose of hunting, a pneumatic gun is considered a firearm as defined in the Natural Resources and Environmental Protection Act, Act 451 of 1994, MCL 324.40102. The WCO does not allow the use of a pneumatic gun for nighttime hunting.

The Department will review pneumatic gun regulations for other game hunting during the 2020 regulatory cycle.

Issues Pros and Cons

The use of pneumatic guns at night will increase nighttime recreational opportunities. Pneumatic guns are currently legal for daytime hunting for raccoon, opossum, fox, and coyote.

Other States

The Department reviewed regulations in Illinois, Indiana, Ohio, and Wisconsin to determine if pneumatic guns are allowed for nighttime hunting. The results were the following:

- Illinois: Pneumatic guns can be used to take those species legal to hunt at night in accordance with laws governing the taking of those species.
- Indiana: There are no restrictions on firearm equipment for hunting fox and coyote at night.
- Ohio: Pneumatic guns can be used to take those species legal to hunt at night in accordance with laws governing the taking of those species.
- Wisconsin: It is illegal to use a pellet gun or air rifle less than .17 caliber for the nighttime of coyote, fox, raccoon, and unprotected species.

Biological

The use of pneumatic firearms for nighttime raccoon, opossum, fox, and coyote hunting is not expected to have any significant biological impact on the populations.

Social

The Department has received requests from stakeholder groups asking for the ability to use pneumatic firearms for nighttime furbearer hunting. Allowing pneumatic firearms for nighttime hunting will allow for additional recreational opportunity for nighttime hunters.

Economic

Allowing the use of pneumatic firearms for nighttime raccoon, opossum, fox, and coyote hunting may minimally increase hunting license sales. It may also result in increased sales in hunting equipment and potentially increase the number of trips made by hunters pursuing raccoon, opossum, fox, and coyote.

No Recommendation for Change

Remove Hunter Orange Requirement for Predator Hunting with Dogs

Under current regulations, hunter orange requirements do not apply to a person who is stationary and in the act of hunting bobcat, coyote or fox. In addition, hunter orange is not required year-round when nighttime hunting. Some houndsmen requested to remove the hunter orange requirement for predator hunting with dogs but were unaware that hunter orange is not required while stationary. These houndsmen are satisfied with the current regulations. There is no recommended change to the current regulations on hunter orange requirements being brought forward for consideration.

Allow Use of 10-round Magazines

The Department discussed expanding firearm equipment opportunities to allow 10-round magazines plus one in the chamber of rifles and shotguns to be used for predator hunting. There is no recommended change to the current regulations on firearm equipment for predator hunting.

Nighttime Bobcat Hunting Regulations

The Department discussed expanding bobcat hunting opportunities by allowing the hunting of bobcats at night. While the Department has no objections to the concept of nighttime bobcat hunting, some stakeholder groups have expressed concerns regarding possible declines in the bobcat population. The Department also cannot reliably predict the impact on harvest if nighttime hunting of bobcats were allowed. Since an expansion of harvest opportunity may increase harvest, there is no recommended change to the current regulations on nighttime bobcat hunting being brought forward for consideration.

Technical Change

Quiet Period Dates for Training Dogs or Hunting Bear with Dogs

Department staff discovered while reviewing the bear hunting digest that the quiet period dates for training dogs or hunting bear with dogs is incorrect. The dates for the dog quiet periods in the UP and the Northern Lower Peninsula (NLP) do not float based on the season dates. The Department recommends making a technical change to the quiet period dates in order to ensure a

10-day quiet period in the UP and a 6-day quiet period in the NLP for the 2020 bear season. This is consistent with historical practices.

Red Oak BMU Archery

In addition, Department staff discovered an administrative error for the Red Oak Bear Management Unit (BMU) archery only season. Historically, the season dates have been from the first Friday following October 1 through six days thereafter. The Red Oak BMU season dates for archery only hunting have been added back into the Open Season for Taking Bear table.

Small Game and Upland Game Bird Recommendations

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.

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 calendar and may be eligible for approval on March 19, 2020.

Daniel Kennedy, Acting Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Deb Begalle, Chief
Forest Resources Division

Ronald A. Olson, Chief
Parks and Recreation Division

James Dexter, Chief
Fisheries Division

Shannon Hanna
Natural Resources Deputy

WILDLIFE CONSERVATION ORDER

Amendment No. 1 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 March 20, 2020, the following section(s) of the Wildlife Conservation Order shall read as follows:

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.

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), 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.

2.8 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, or bear with a firearm may use a scaffold, raised platform, or tree pursuant to all other hunting regulations. An individual taking fox or coyote with a firearm ~~one-half hour before sunrise to one-half hour after sunset~~ 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 with a shotgun 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.

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):

Open Season for Taking Bear			
BMU Name	Hunt Period	Season Dates for 2019	Season Dates for 2020
Amasa	First	September 11 to October 21	September 9 to October 21
	Second	September 16 to October 26	September 14 to October 26
	Third	September 25 to October 26	September 25 to October 26
Baraga	First	September 11 to October 21	September 9 to October 21
	Second	September 16 to October 26	September 14 to October 26

	Third	September 25 to October 26	September 25 to October 26
Bergland	First	September 11 to October 21	September 9 to October 21
	Second	September 16 to October 26	September 14 to October 26
	Third	September 25 to October 26	September 25 to October 26
Carney	First	September 11 to October 21	September 9 to October 21
	Second	September 16 to October 26	September 14 to October 26
	Third	September 25 to October 26	September 25 to October 26
Drummond Island	First	September 11 to October 21	September 9 to October 21
Gwinn	First	September 11 to October 21	September 9 to October 21
	Second	September 16 to October 26	September 14 to October 26
	Third	September 25 to October 26	September 25 to October 26
Newberry	First	September 11 to October 21	September 9 to October 21
	Second	September 16 to October 26	September 14 to October 26
	Third	September 25 to October 26	September 25 to October 26
Baldwin	First	September 15 to September 23	September 13 to September 21
Gladwin	First	September 15 to September 23	September 13 to September 21
Red Oak Archery Hunting Only	First	September 15 to September 23 October 4 to October 10	September 13 to September 21 October 2 to October 8
Dansville	First	No Open Season	No Open Season

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

3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.

Sec. 3.600 It shall be unlawful for any person: (1) To use a firearm, crossbow, or bow and arrow to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps except if the trapper is an individual that cannot lawfully hunt with a firearm, crossbow, or bow and arrow.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number or DNR sportcard number of the user or individual possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares or 1 or more cable restraints unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan drivers license number or DNR sportcard number of the user or individual possessing the catching device.

(4) To use or have in possession 1 or more snares or 1 or more cable restraints securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number or DNR sportcard number of the user or individual possessing the catching device.

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 8 inches in height, 8 inches in width, and 36 inches in depth. **Mink incidentally taken in a multiple catch trap or a colony trap**

legally set for muskrat may be lawfully possessed. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take furbearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any protected animal or protected bird as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit an individual from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season, as bait, except as stated in Section 5.31 of this order.

(9) To set a trap or snare on a beaver dam or lodge unless it meets at least one of the following provisions:

(a) The trap is totally submerged below the water.

(b) The trap is a duffer-type, egg-type, or similarly designed foothold trap which by construction will selectively capture raccoon. This trap may be set above the water.

(c) The trap is a body gripping or conibear type trap 5 inches or less in width as measured inside the jaw hinges. This trap may be set above the water.

(d) The trap is a body gripping or conibear type trap less than 8 inches above the ground at the highest point, and set in a way that does not use bait, lure, or attractant to entice an animal, and the trap is between 5 inches and 6 and one half inches as measured inside the jaw hinges. This trap may be set above the water.

(10) To set a body gripping or conibear type trap larger than 5 and one half inches in width as measured inside the jaw hinges **unless the trap is at least half submerged in water or** on dry land or over frozen submerged bottomlands, **and unless** the trap is placed as follows:

(a) On private land, 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, and less than 7 and one half inches as measured inside the jaw hinges.

(b) On public or private lands 4 feet or more above dry ground or the frozen surface of ice, as applicable.

(c) On public 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, and is:

(i) Less than 8 inches above the ground at the highest point, and in a way that does not use bait, lure, or attractant to entice an animal and the trap is between 5 and one half and 6 and one half inches as measured inside the jaw hinges.

(ii) In a box or similar container that is placed vertically on a tree or other structure so that the trap trigger is at least 4 inches from the container opening and the opening of the container is no more than 6 inches from the ground.

(iii) In a box or similar container with a maximum fixed opening of 6 inches measured from the inside bottom of the container opening to the lower edge of the top of the container opening with 8 inch slots to allow trap placement so that no part of the trap trigger is closer than 6 inches to the opening edge of the container and the trap is between 5 and one half inches and 7 and one half inches as measured inside the jaw hinges.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2

before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed foothold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless:

(a) Any catch is released or removed upon checking the catching device. Restraining type traps set in a manner to hold an animal alive shall be checked at least once daily in zones 2 and 3 and within a 48 hour period in zone 1, except as noted in Section 5.52 (8) or in (ii) below.

(b) Using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, for the taking of furbearing animals, in season, by a licensed trapper, or person permitted by the Department.

(i) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall release or kill an animal captured in a live-restraining cage trap immediately upon finding that animal in a trap.

(ii) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall tend the trap daily statewide.

(13) To use, carry afield, or set a trap with teeth or serrations.

(14) A person shall not set or maintain any foothold trap within 20 feet of bait located in such a manner that it is visible from 4 feet or more above the bait. This shall not be construed to prohibit the use of completely submerged foothold traps located within 20 feet of any bait.

(a) As used in this subsection, "bait" is any animal or animal parts, including dead fish, except that pieces of less than 36 square inches and comprised of dried hide, fur, feathers or bones and entirely free of meat may be used as a visible attractant.

(15) Possess or use natural cervid urine-based lures or attractants not marked with the official archery trade association seal of participation stamp in an area frequented by furbearers.

3.607 Beaver and otter trapping, resident and nonresident open seasons; season limits; requirements.

Sec. 3.607 (1) The open seasons and season limits for taking beaver and otter by trap for each of the respective management units are as shown in table 12:

**TABLE 12
Beaver and Otter Trapping Seasons and Limits**

Resident Beaver and Otter Seasons	Season Limits
Unit A – October 25 to April 30 the first Sunday following April 11, except the ending season date for all designated trout streams, as described in FO 210.18, shall be April 30	No limit on beaver; 3 otter per resident fur harvester of which no more than 2 shall be taken in Unit B and no more than 1 shall be taken in Unit C
Unit B – November 1 to the Friday before the last Saturday in April. the first Sunday following April 11	
Unit C – November 10 to the Friday before the last Saturday in April. March 31	
Resident Otter Seasons	Season Limits
Unit A – October 25 to March 31	4 otter per resident fur harvester of which no more than 3 shall be taken in Unit B and no more than 2 shall be taken in Unit C
Unit B – November 1 to March 31	
Unit C – November 10 to March 31	

Nonresident Beaver Seasons	Season Limits
Unit A – November 15 to April 11 April 30 the first Sunday following April 11	No limit on beaver
Unit B – November 24 to the Friday before the last Saturday in April the first Sunday following April 11 the Friday before the last Saturday in April	
Unit C – December 15 to March 31 the Friday before the last Saturday in April	

(2) In addition to the requirements of section 3.600, an individual taking beaver and otter shall meet all of the following requirements:

(a) Through the last day of the open otter season, a resident issued a fur harvester's license may obtain a free otter kill tag. A resident who intends to trap otter shall request and be issued up to ~~3~~ **4** free otter kill tags. A resident shall not sell, loan, or permit in any manner, another individual to use the otter kill tag or use or attempt to use another individual's otter kill tag. Free otter 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 an otter 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 otter from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. An individual shall not tag an otter with a kill tag that is not valid for the unit in which the otter is taken. This kill tag shall remain attached to the otter until the animal is registered and sealed by the department. An individual shall not possess an otter or otter hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (b).

(b) An individual that kills an otter shall present the pelt and skull of the otter to the department to be registered and sealed no later than 10 days following the close of the season in which it was taken but no later than 3 business days following April 30. 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 otter 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 employee. The department employee shall retain the skull and attach an official seal to the pelt of each otter 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 otter pelt or damaging the seal. An official seal attached by the department, shall not be removed from the otter pelt until the otter pelt is processed or tanned. Subsequent to 3 business days following April 30, it shall be unlawful to possess an otter pelt without an official department seal attached unless the pelt has been processed or tanned or the otter season is open.

(c) Notwithstanding the other provisions of this order, up to 10 muskrat, taken in beaver or otter sets, may be considered part of the season limit.

(d) Notwithstanding the other provisions of this order, a snare may be used for taking beaver in water or under ice. Snares shall be made of 1/16 inch or larger cable. Snares not under ice must have a loop which is at least half submerged and be set in a fashion to hold the beaver completely submerged. Snares shall be removed from the water and made inoperative within 24 hours after the close of the period in which snares may be used to take beaver.

(e) Notwithstanding the other provisions of this order, otter incidentally taken while trapping for beaver through April 30 may be lawfully possessed if included within the season bag limit and a valid otter kill tag is used.

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 from September 5 through September 15, 2019 and from September ~~5~~ **9** through September 13, 2020.

(2) It shall be unlawful for any person to hunt bear with dogs in zones 2 and 3 on September 15, 2019 and on September 13, 2020.

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

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 from September 5 through September 15, 2019 and from September ~~5~~ 4 through September 13, 2020.

(2) It shall be unlawful for any person to dog train on bear in zones 2 and 3 from September 9 through September 14, 2019 and from September 8 through September ~~12~~ 13, 2020.

12.810 Beaver and Otter Management Units Defined.

Sec. 12.810a **Beaver and** Otter Management Unit A means the area defined in ~~1-3~~ 1.2 as zone 1.

Sec. 12.810b **Beaver and** Otter Management Unit B means the area defined in ~~1-4~~ 1.2 as zone 2.

Sec. 12.810c **Beaver and** Otter Management Unit C means the area defined in ~~1-5~~ 1.2 as zone 3.

Issued on this 19th day of March, 2020.

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

Rex E. Schlaybaugh, Jr., Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director