



DEPARTMENT OF NATURAL RESOURCES WILDLIFE DIVISION GUIDELINES FOR INITIATION, EVALUATION, AND REVIEW OF MANDATORY ANTLER POINT RESTRICTIONS

INTRODUCTION:

Antler Point Restriction (APR) is a tool utilized as a component of Quality Deer Management (QDM) to protect younger bucks through restrictive buck harvests. The Michigan Department of Natural Resources (MDNR) supports the voluntary implementation of this practice on private land.

The MDNR recognizes there is growing demand for mandatory APR guidelines in localized areas and a need for a systematic process to evaluate these proposals. Keys to successful implementation of APR-type regulations include four factors: a) willingness of the sponsoring parties to coordinate and support public information meetings, data collection, and evaluation, b) support of both landowners and hunters who would be affected, c) regulations that are understandable and enforceable, and d) a sufficient trial period for the regulation to impact deer herd structure. A process that accomplishes systematic evaluation based on the above four criteria and that measures public support will enable the best biological/social recommendations to be put into practice. Regulations affecting the method and manner of taking of game species are enacted by the NRC.

In July 1998, the Wildlife Division formed an APR working group to develop such a process. The group consisted of Wildlife Division staff, field biologists, and representatives of seven organizations (Appendix A). A copy of the guidelines used by the state of Georgia was used as the basic framework for consideration. As a result of the work group guidelines were put in place for establishing mandatory APR in an area. From 2001-2007 18 surveys were evaluated to either establish or retain APR. However, during this period it became clear that further clarification and evaluation was needed for the process. Questions had been raised as to the use of answers within the survey process, many wanted to re-evaluate the usefulness of the landowner survey, and cost for each survey was considerable and very labor intensive for the Wildlife Division. For these reasons a moratorium was placed on APR proposals in April, 2006, until further evaluation could be made.

In 2010 a new APR workgroup was formed. The group consisted of individual hunters and organization representatives. With detailed presentations from Wildlife Division the group came to several conclusions regarding the APR proposal process. What follows are the results of recommended changes and the new APR proposal process for the MDNR. Regulations from this process should result in a population in balance with habitat, an older age structure of bucks, and optimal fawn production and survival. Trophy management is not a goal of Quality Deer Management or the MDNR; the emphasis is on graduating a higher proportion of yearling bucks to the next age class.

MDNR POSITION STATEMENT ON ANTLER POINT RESTRICTIONS:

The MDNR supports the voluntary implementation of APR practices on private lands in Michigan. Mandatory regulations should be imposed in a Deer Management Unit (DMU) only when it can be shown that a clear majority (66 percent) of hunters and landowners support implementation.

PROCESS:

Areas to be considered:

The smallest unit in deer management decision making is the DMU. These areas range from 67 square miles to 3,009 square miles. Criteria used to establish DMUs included deer population density, habitat conditions, crop/horticulture damage, land ownership patterns, safety concerns, and seasonal deer movement patterns. Attempts were also made to define boundaries that were easily identified by hunters. The number of DMUs also ensured that field staff and law enforcement personnel had time to develop and enforce regulations at the DMU level. Currently, there are approximately 110 DMUs administered by four Wildlife Management Regions.

A proposal to implement APR-type regulations can be reviewed and considered by the Wildlife Division for any DMU in the state, regardless of land ownership patterns. Additional features of the areas which could influence success of APR programs (Appendix B) have been identified by Murphy (1997). Proposal sponsors should review that list of features and design their APR proposals to minimize those factors that could make APR more difficult to achieve.

Project initiation:

Interested parties should initially contact the appropriate Wildlife Regional Supervisor responsible for implementing deer regulations in the proposed area (Figure 1). The Wildlife Division will provide information on the current guidelines and required forms for submitting APR proposals. If an individual or organization contacts Wildlife Division personnel about an APR proposal in an area, that person should be referred to the Wildlife Regional Supervisor for the area in question.

These proposals will require substantial Division effort for one species in a relatively small geographic area. This has been a point of concern expressed by people and organizations interested in having adequate attention paid to management in other geographic areas and for other species. To ensure that the Wildlife Division is efficiently using personnel time and that sponsors are committed to successful implementation of mandatory APR in a DMU, only one proposal will be evaluated each year for each region (the Southwest Lower, the Southeast Lower, the Northern Lower and the Upper Peninsula). If additional proposals are submitted for consideration, Wildlife Division will select the proposal with the best likelihood of being adopted and having significant deer management impacts. Criteria for selecting such proposals will include a preference for larger areas. New proposals may be evaluated for an area that was formerly considered but failed only if the sponsoring group demonstrates a logical reason to expect a different outcome.

Wildlife Division staff will attend the public meetings coordinated by the sponsoring organization and will provide information about the proposal and intended outcome, but time and location of these meetings will no longer be printed in the hunting and trapping digest. Wildlife Division will report to the NRC regarding all proposals received and briefly summarize the review of proposals and plans for which, if any, will be evaluated.

Proposals will be accepted on an annual basis. If chosen, the sponsoring group must cover the full cost of conducting the survey based on a quote for the estimated amount to be provided in advance by Wildlife Division.

The first step in the process is to provide a draft proposal with a preliminary measure of support to the Wildlife Regional Supervisor. The proposal should contain a statement of purpose (what the proposal is intended to accomplish), proposed regulations, and proposed methods of evaluation. The statement of purpose should include management objectives for both bucks and does (i.e., older buck age structure, sex ratio goals, antlerless harvest to meet population goals, etc.) as well as societal values (i.e., stewardship, education, etc.).

Proposed regulations must protect at least 50 percent of yearling bucks to be considered effective and measurable. In the Upper Peninsula, a “no-spike” rule would be recommended to meet this threshold, based on data from 1987-98. In the Northern Lower Peninsula (see Appendix D for area definition), a three-points-on-a-side rule would be needed to protect at least 50 percent of yearling bucks. To protect at least 50 percent of yearling bucks in the Southern Lower Peninsula, an antler point restriction rule would need to protect animals with less than four-points-on-a-side. These minimum standards are recommended for proposal sponsors to reduce complexity of regulations across geographic regions while still ensuring protection of yearling bucks for Antler Point Restriction objectives.

The regulations will be in effect for a five-year period. Graduated or step-up regulations are not permitted (i.e., three-points-on-a-side for two years followed by four-points-on-a-side for the remaining three years). This requirement is to keep regulations as simple and understandable as possible for the affected parties. The Wildlife Division retains authority to set antlerless harvest quotas to maintain deer populations at appropriate levels in the DMU based on available biological information and input received from all stakeholders. Recognition of antlerless harvest as part of any APR proposal is required.

The proposal will be evaluated for completeness and soundness by Wildlife Division staff, and a written critique will be given to the sponsoring party. Staff personnel will include the Wildlife Regional Supervisor, the District Law Enforcement Supervisor, and deer program staff. It may be returned for improvement or clarification, or accepted for the next step, public notification.

The preliminary measure of support is either a) a petition of 100 supporting individuals (at least 100 people who have hunted in the affected area) or b) one organization with local ties to the affected area. Individuals or organizations can initiate proposals. Interested parties need to form an organization (or solicit an existing organization) to serve as the proposal sponsor, with identified leaders. This helps to publicize the sponsoring organization, making the dissemination and collection of information more efficient. This step should be completed two years prior to proposal implementation (October 1), allowing all of the subsequent steps to be completed in a timely manner. A copy of the proposal will be distributed to Wildlife Division and Law Enforcement Division personnel for discussion at meetings and speaking opportunities.

If a proposal is rejected and the sponsoring organization believes the review process did not give adequate consideration to the proposal before rejection, they may appeal the decision to the Wildlife Field Operations Supervisor for a second review. The Wildlife Field Operations

Supervisor can utilize other staff at his/her discretion or work with Wildlife Division leadership to identify appropriate individuals other than field staff.

The proposed regulation, once accepted, will be incorporated into the Hunting and Trapping Digest (and related materials such as the Antlerless Deer Hunting Digest) in the year prior to implementation. This Guide is printed in June; therefore, the final proposal must be completed by May 15 (Table 1). The Guide will announce the proposed regulation, proposal sponsor (with telephone number), location, and date of a local public meeting on the topic.

The public meeting(s) must be advertised in local media and occur at least ten months prior to proposal implementation (no later than December 1) (Table 1). Announcement of the meeting will also be included in MDNR press releases. Wildlife Division personnel will be involved in the public meeting and shall provide a balanced presentation on the positive and negative impacts of the proposal. Groups that have presented a mandatory APR proposal to the NRC before October 1998 may bypass the steps of public meetings and public notification and move to Wildlife Regional Supervisor review of the proposal in anticipation of a survey in December.

In August of the year prior to proposal implementation, a formal mail survey will be conducted by the Wildlife Division to measure support for the proposal (Table 1). A sample of persons that deer hunt within the affected area will be selected to achieve a representation of the views concerning the proposal. The survey will also ask survey recipients if they own land in the affected area to track support of hunters that are and are not landowners. Landowners in a proposed area will also be offered the chance to send any comments regarding the proposal to a centralized email address and those comments will be summarized for the NRC at the time survey results are presented. The actual sample size necessary will be determined by Wildlife Division survey staff and will be based on the number and distribution of affected stakeholder populations.

A random sample of hunters who hunted in the affected area in the previous year will be used as the sample of hunters. The sample of hunters will be obtained from the most recent Deer Hunter Survey (conducted annually by the Wildlife Division). In this survey, location of hunt is recorded by county.. These individuals will not be included in the response tally.

A standardized survey will be developed for this purpose and include a question on the specific proposal. Response options to the question on the proposal will be “yes”, “no”, “support”, and “don’t support” (Appendix E). Additional questions regarding the respondent’s background (hunting activity in affected area, age and sex, etc.) and opinions on related issues may be included. The sponsoring organization will have input to any changes made for the purpose of adapting the questionnaire to a particular proposed area. The name and address of contacted individuals will be kept confidential, but they may be subject to a Freedom of Information Act (FOIA) request.

To obtain the maximum response, a post card reminder will follow the first questionnaire mailing. A second questionnaire will be sent to those who have not responded within a reasonable period to the first questionnaire. A 50 percent response rate (number of returned surveys divided by the number of delivered surveys) will be considered the minimum acceptable response rate for each sample (landowners and hunters). The Wildlife Division will determine if non-response bias should be evaluated if the response rate is below 70 percent.

The percentage of support will be measured by dividing the number of “yes” responses by the sum of those responses indicating “yes,” “no.” Support must be indicated by at least 66 percent of the deer hunters to the question concerning the specific proposal.

The proposal for mandatory APR regulations will be terminated if the survey fails to attain either of the following conditions: (1) a minimum 50 percent response rate for each of the landowner or hunter sample as described above; or (2) support by 66 percent of survey respondents in either the landowner or hunter sample as described above.

The survey results will be summarized and distributed by March 1. The Wildlife Division will include proposal recommendations as part of the April NRC meeting for discussion, with Commission action at the following NRC meeting in May (see Table 1 for a timeline of the proposal process). If approved, the regulation will be incorporated into the Hunting and Trapping Guide and implemented that fall. The NRC action will be included in a Department news release. If the NRC does not approve the proposed change, the sponsoring organization may address the reasons for rejection and resubmit the proposal at a later time.

Project duration:

The proposed regulations will be in effect for five (5) years. The specific regulations, once implemented, cannot be changed for three (3) years. Petitions to drop the regulation can be submitted after year three (3). In response to such a petition, the original survey of support must be redone. A sponsor must agree to pay for redoing the survey of support, which will be conducted by the Wildlife Division. The new public opinion survey must show at least 66 percent support from each group (landowners and hunters) to keep regulations in place.

In the absence of any challenges, the Wildlife Division will survey hunters after the fourth year to measure support for the regulation and to determine the appropriate path to be taken after the fifth season. The Wildlife Division survey participants will be asked if the regulation should remain in place or be dropped. The same criteria will be used to interpret results.

Evaluation of the effectiveness of the regulation change:

Evaluation must begin prior to the establishment of the regulation. During hunting seasons of the year prior to proposal implementation, the sponsor will be required to collect baseline information on herd age and sex structure. Evaluation of local area regulations will require intensive data collection and will be the burden of the sponsoring organization. A minimum of 100 bucks and 200 antlerless deer (or all harvested antlerless deer if expected antlerless harvest is less than 200 animals) will be required for the year prior to season implementation and each year of the proposed regulation implementation. Deer checked at MDNR-operated check stations would be included in the sample to increase sample sizes for evaluation. A sample of this size is needed to assess whether the regulation is having the desired impact on herd age and sex structure. Details of data collection will be worked out cooperatively between the sponsoring organization and the Wildlife Division staff. Failure to collect the pre-regulation data (in the year prior to anticipated implementation) will halt the process until this requirement is satisfied.

Areas with limited antlerless harvest or regulations that bias or interfere with data collection may require alternative data collection techniques that are not harvest-based (camera

samples, summer deer observations, deer seen while hunting, spotlight surveys, pellet counts, etc.). These techniques will be developed with input from surveys staff and Wildlife Management Unit personnel to ensure consistency of data across spatial areas.

Table 1. Timeline of Activities for Antler Point Restriction Proposal Process

| Action | Date | Year |
|--|----------------|----------|
| Draft proposal to Wildlife Management Unit Supervisor | 01-Sep | Year 1 |
| Critique by Wildlife and Law | 01-Nov | |
| Final Proposal | 31-Dec | |
| Public Meetings | March–July | |
| Payment for survey | August | Year 2 |
| Mail Survey | August–October | |
| Survey Results | December | |
| Implementation Recommendation Submitted to NRC for Information | May | Year 3 |
| Implementation Recommendation Submitted to NRC for Action | June | |
| Regulation printed in Hunting & Trapping Digest | July | |
| Antler Point Restriction in Effect | Deer Season | |
| Mail Survey for Continuation | January–March | Year 3–7 |
| Continuation Recommendation Submitted to NRC for Information | May | Year 8 |
| Continuation Recommendation Submitted to NRC for Action | June | |

Appendix A. Quality Deer Management Workgroup Participants

Michigan Farm Division, represented by Mr. Scott Everett
 Wildlife Unlimited of Dickinson County, represented by Dr. Art Belding
 Quality Deer Management Association – Mid-Michigan Branch, represented by Mr. Ed Spinazzola
 Michigan United Conservation Clubs, represented by Mr. Dennis Knapp
 Michigan Bow Hunters Association, represented sequentially by Mr. David Roose and Mr. Dean Hall
 Gateway Sportsman Club of Unionville, represented by Mr. Donald Carpenter
 Commemorative Bucks of Michigan, represented by Mr. Terry Kemp
 Michigan State University, Department of Fisheries and Wildlife, represented by Dr. R. Ben Peyton
 Michigan Department of Natural Resources, Wildlife Division Mr. Richard Shellenbarger – Gladwin Field Office Mr. Robert Doepker – Norway Field Office Mr. Terry Minzey – Cusino Field Office Mr. Rodney Clute – Crane Pond Field Office Mr. John Urbain – Lansing Dr. William Moritz – Lansing
 Michigan Department of Natural Resources, Law Enforcement Division Mr. David Puroi

Figure 1. Wildlife Division Regional Supervisors

