

# Michigan Problem Bear Management Guidelines\*

Updated on 2/21/2017

\*By authority of Part 401 of 1994 PA 451



## **Policy**

The Michigan Department of Natural Resources (DNR) strives to minimize conflict and maximize recreational opportunity with black bear. An annual hunting season is held to sustainably manage and regulate the size of the bear population. However, unwanted bear encounters may occur even when black bear numbers are managed. The DNR provides technical assistance to landowners to avoid unnecessary bear problems and to maintain public support for sound scientific bear management. Although the State of Michigan does not compensate landowners for damage caused by wildlife, in situations where bears continue to be a problem or cause property damage the DNR will remove offending animals if all recommended control measures fail. Bears will not be relocated for causing minor property damage, such as destroying bird feeders, tipping over garbage cans, or eating pet foods.

## Summary of Recommendations

Landowners shall be encouraged to harvest problem animals during the open season under the authority of a hunting license or invite hunters to their lands during the open season to help resolve conflicts. They may also take advantage of the Wildlife Division crop damage program, which pairs licensed hunters with landowners to harvest nuisance bear outside of the normal hunting season.

Ensure all Regions are consistent in their handling of problem bear complaints.

Develop self-help materials on the cause, prevention, and resolution of bear-human conflicts.

Educate the public about co-existing with bears, using a variety of methods including written material, audiovisual presentations, media interviews, and web-based information.

Utilize the problem bear complaint form and database in an effort to track nuisance bear complaints over time.

Law Enforcement and Wildlife Divisions share responsibility for resolving problem bear complaints. Chemical immobilization of bears is solely the responsibility of the Wildlife Division.

Hire seasonal employees to address problem bear complaints and to provide public education.

Provide Regions with chemical immobilization equipment and train selected Wildlife Division employees to chemically immobilize bears. Personnel trained and authorized to use dart guns and drugs for chemical immobilization shall be granted that authority by exemption letter.

Only personnel trained and authorized to carry and use firearms on official duty may use firearms to euthanize wildlife. Personnel authorized to use firearms on duty will have a signed exemption letter.

Provide employee training in dealing with the press and local law enforcement agencies for situations involving bears in urban situations.

Provide training to both Law Enforcement and Wildlife Divisions on this guideline and other problem bear related information.

## **Guidelines**

A. *Upon receiving a report involving a bear incident, Department employees should first classify the situation as one of the following four categories (examples are provided on pages 5-6):*

**Category I** - bears considered to be a threat to public safety because:

- a. The bear is known to have directly caused human injury or death.

**Category II** – bears considered a potential threat to public safety because:

- a. The bear is injured or diseased, or
- b. The bear is physically confined to an area, or is located in an urban area, and is incapable of leaving, or
- c. The bear is exhibiting repeated aggressive behavior towards humans.

**Category III** – bears considered a threat to personal property because:

- a. The bear is known to have caused property damage, or
- b. The bear has been repeatedly observed and remains in an area, or
- c. A previously captured bear has reappeared and again is a problem bear.

**Category IV** – bears that presently are not considered a threat to public safety or personal property because:

- a. The bear has no history of being a problem bear, or
- b. The bear has only been sighted or reported and has not remained in or near human occupied areas.

## B. Response Guidelines

1. Incidents involving a *Category I* bear require an immediate, on-site response by the Department.
  - a. A list of chemical immobilization/dart gun qualified Wildlife Division employees will be maintained at the RAP dispatcher's location.
  - b. The nearest available qualified Wildlife Division employee and/or Law Enforcement officer shall respond; where possible two DNR employees should respond. The Law and/or Wildlife Supervisor or designee, and local public safety agency shall be immediately notified.
  - c. DNR personnel or local law enforcement officers shall immediately euthanize *Category I* bear by capture and lethal injection, capture and shooting or free-range shooting, if necessary.
  - d. The DNR Wildlife Disease Laboratory shall be contacted for disposition of euthanized bears.
  - e. Employees may advise the reporting party of their legal right to kill wildlife in self-defense, when it is judged that a serious threat to human safety exists and a Department employee or public safety officer is not available to respond in a timely manner.
  - f. Law Enforcement Division will assume primary responsibility for public safety incidents.
2. Incidents involving a *Category II* bear require an immediate, on-site response by the Department.
  - a. Advise the reporting party that the bear should be considered dangerous.
  - b. The nearest available qualified Wildlife Division employee and/or Law Enforcement officer shall respond; where possible two DNR employees should respond. The Law and/or Wildlife Supervisor or designee, and local public safety agency shall be immediately notified.
  - c. The Department shall attempt to capture and employ on-site aversive conditioning or free-range conditioning or capture and relocate *Category II* bears; euthanize sick or injured *Category II* bears with a poor prognosis of recovery; or euthanize *Category II* bears when no other options exist.

- d. The DNR Wildlife Disease Laboratory shall be contacted for disposition of euthanized bear.
  - e. DNR employees and law enforcement officers may euthanize a bear that is judged to be an immediate threat to public safety.
  - f. Employees may advise the reporting party of their legal right to kill wildlife in self-defense, when it is judged that a serious threat to human safety exists and a Department employee or public safety officer is not available to respond in a timely manner.
  - g. Law Enforcement Division will assume primary responsibility for public safety incidents.
3. Incidents involving *Category III* bears may not require an immediate, on-site response by the Department. The Department shall consider:
- a. Advising the reporting party that the bear should be considered potentially dangerous.
  - b. Advising the reporting party that all food attractants must be removed.
  - c. Advising the reporting party that a Department employee may not be immediately dispatched to the area. If an employee is not going to be immediately sent to the area, the person receiving the call shall advise the caller to contact the Department again, if the situation does not improve.
  - d. The Department shall treat *Category III* bears with aversive conditioning techniques if the opportunity exists; the Department shall attempt to capture and condition and/or relocate *Category III* bears that cannot be free-range conditioned or do not respond to free-range aversive conditioning. **In emergencies, *Category III* bears involved in depredation or other types of property damage may be killed or taken under the provisions of Wildlife Conservation Order Section 9.4, or 287.1111 of the Large Carnivore Act.**
  - e. Offer technical assistance on bear-proofing the property, area, or neighborhood.
4. Incidents involving *Category IV* bears do not require an on-site response. The Department shall:
- a. offer technical assistance on bear-proofing the area
  - b. *Category IV* bears shall not be upgraded to *Category III* if the resident does not comply with recommendations for bear-proofing.

- C. *Bear Activity Report forms detailing bear complaints, the handling of problem bears, tagging, euthanasia, or injuries shall be completed and distributed to appropriate DNR personnel, and then entered into the database found on the intranet.*
- D. *When the capture of a Category I, II, or III bear requires the use of tranquilizing drugs, all procedures required in the use of these drugs shall be followed. In addition,*
1. No tranquilized bear shall be released into an area open to bear hunting within 30 days prior to the opening season date or anytime during the hunting season.
  2. Tranquilized bears that cannot be released shall be euthanized.
- E. *Captured bears shall only be released at locations approved by the Wildlife Division and Law Enforcement Unit supervisors. All release sites require pre-approval of the jurisdictional land-managing agency. Procedures for releasing bears shall include:*
1. Release bears only in pre-approved sites.
  2. If relocating, release at least 50 miles (*recommended distance*) from the capture location.
  3. Captured bears which are conditioned may be released on site or within a short distance (5-10 miles) of the capture location.
  4. Bears that cannot be released shall be euthanized.
  5. Bears captured in Alcona, Alpena, Montmorency, Oscoda and Presque Isle counties shall not be relocated outside those counties.
  6. Females with cubs of the year shall not be relocated but may be captured, conditioned, and released on site.
- F. *Orphaned Bear Cubs. **Prior to July 1**, Department employees shall attempt to capture and place orphaned cubs with a surrogate mother, if available. If capture is not possible, Department personnel shall monitor the area through contact with local residents. Should young cubs begin to exhibit behavior that improves the possibility for capture, Department personnel shall attempt capture and placement. Cubs older than seven months of age (after July 1) shall be allowed to roam free and fend for themselves.*

## **Examples**

### ***Category I –***

Bears involved in direct attacks resulting in human injury or death.

### ***Category II –***

Bears with an injury or disease;

Bears treed or confined within an urban setting. ***Crowd control is key in these situations.***

Bear repeatedly approaches humans closely, including but not limited to bluff charging, chasing and following people, non-yielding behavior when approached by humans, refusal to respond to loud noises or aggressive attempts by people to drive the animal off.

### ***Category III –***

Bears involved in the following negative behaviors:

Entries or attempted entries into occupied buildings. Damaged screens, broken windows, and scratched/damaged doors and siding of homes shall be considered as attempted entries, whether the animal actually entered or not;

Entries or attempted entries into motor vehicles;

Attacks or killing of domestic pets and large (horse, sheep, goat, pig, captive cervid, etc.) or small (rabbits, chickens, turkeys, geese, etc.) livestock;

Recognizable bear damage to orchards, nurseries, vineyards, row crops, or apiaries; property damage to buildings, homes, sheds, garages, vehicles, home gardens, fruit trees and ornamental plantings;

Repeated visits (more than 2 visits) after property owner has followed recommendations of DNR personnel);

Repeated habitual use of trash dumpsters or neighborhood trash cans as a food source (more than 2 visits after property owner has followed recommendations of DNR personnel).

***Category IV –***

Bears exhibiting normal behavior and not creating a nuisance or a threat to public safety or property damage:

Bears that are observed and reported to the DNR by the public or local authorities. These animals may be considered by the caller to be a nuisance or danger because the caller has no previous interactions with bears; or

Bears passing through rural and suburban neighborhoods;

Bears observed by hunters, hikers, campers, and others within black bear habitat;

Bears that may occasionally visit birdfeeders and trash containers as food sources during the course of their normal activity.

## **Management Option Table**

The following table is intended to summarize information found in previous pages and can serve as a decision tree for management personnel. However, each problem bear situation is unique and DNR personnel are urged to use their best judgment in addition to these guidelines.

<b>Management Option</b>	<b>CAT I</b>	<b>CAT II</b>	<b>CAT III</b>	<b>CAT IV</b>
Definition	Immediate Threat to Public Safety	Potential Threat to Public Safety	Threat to Personal Property	No Threat to Public Safety or Personal Property
Example	Bear has attacked a human	Bear is injured, diseased or confined	Bear has caused property damage	Bear Sighting only, no damage caused at time of report
Give advice	N/A	Yes	Yes	Yes
Remove attractants	N/A	Yes	Yes	Yes
Conduct site visit/immediate response	Mandatory	Mandatory	Discretionary	Discretionary
Attempt to haze free- ranging bear	N/A	Yes	Yes	No
Attempt to trap and condition	N/A	Yes	Yes	No
Attempt to trap and relocate	N/A	Yes	Discretionary	No
Euthanize	Mandatory	Discretionary	Discretionary	No

Yes= Permitted No= Not permitted

Discretionary= At the discretion of the Wildlife Division employee/s on scene

## **Staff Guidance for Nuisance Bear- Interpretation of Legal Authority**

A farmer or property owner (including apiaries) has legal authority to kill a bear without a permit, if his/her property is being damaged at that time. Wildlife Division staff who receive complaints from property owners should make this known during conversations with complainants, if other options have been exhausted, based upon case-specific factors. Importantly, a person must report any such taking of a nuisance bear or they are in violation of law under 1 and 2 below.

### **Pertinent Justification:**

- 1) **Section 9.4 of the Wildlife Conservation Order** (Carnivorous animals, permitted taking) states:

“In emergency cases carnivorous animals may be killed or taken by the owner of property or his authorized agent, without a permit, when his property is being damaged by any such animal; but such killing or capture shall be considered unlawful unless all animals killed or taken under this provision are disposed of only as directed by the director. This section shall not be construed as authorizing the taking or attempted taking of bear by traps except under permit issued by the director. This section shall not authorize the taking or attempted taking of birds.”

History: Eff. Mar. 31, 1989; Am. 15, 2010, Eff. Jan. 1, 2011.

- 2) **287.1111 of the Large Carnivore Act** (Conditions permitted law enforcement officer or other person to kill large carnivore; liability; actions constituting trespass) states:

“Sec. 11. (1) A law enforcement officer or other person may kill a large carnivore if the person sees the large carnivore chasing, attacking, injuring, or killing either of the following:

- (a) A human.
- (b) Livestock, poultry, or a mammalian pet.
  - 1) A law enforcement officer may kill a large carnivore if the law enforcement officer sees the large carnivore chasing, attacking, injuring, or killing wildlife.
  - 2) A person is not liable in damages or otherwise for killing or attempting to kill a large carnivore under subsection (1) or (2).
  - 3) This act does not prohibit the owner of a large carnivore, for which a permit has been issued if required under this act, from recovering by legal action against a law enforcement officer or other person the value of a large carnivore illegally killed by that law enforcement officer or other person.”

“Livestock” under (b) above is defined in Section 5 of the Animal Industry Act as “those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.” DNR interpretation of “Livestock” includes apiaries.

**3) 5.46 of Wildlife Conservation Order Amendment No. 4 of 2015 (Bear Damage Shooting Permit Regulations) states:**

“Bear damage shooting permits may be issued statewide to owners to specific lands with damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices documented by the department.”

DNR interpretation of “harvested crop” includes apiaries. Because apiaries are now included we will consider issuance of crop damage permits, to be utilized by licensed bear hunters. Keep in mind that such permits may not be issued unless hive protection (electric fencing) is in place and has not successfully stopped the reported damage.

### **Aversive Conditioning Techniques**

Aversive conditioning techniques may include pyrotechnics (shell crackers, screamers, etc.) to frighten bear, reinforced with negative feedback in the form of pain from rubber buckshot. Use of bear spray in the trap or capture, chemical immobilization, and handling are also effective.

Rubber buckshot may be fired at well-muscled portions (e.g. shoulder, hindquarters) at a distance greater than 10 yards, but less than 25 yards. Pyrotechnics should be fired in the direction of the bear, but not to hit the animal. Caution must be taken in situations where pyrotechnics could cause a fire in dry leaves, grass, or other flammable materials.

Be aware when a bear is subjected to aversive conditioning techniques, the potential exists that the bear may behave in an unpredictable manner. They could run into traffic, through a crowd of people, climb a tree, or display other undesirable behavior. Department employees must assess the potential that aversive conditioning will escalate the public safety threat.

Bear spray is an effective form of aversive conditioning while the bear is in a culvert or other type of trap.

Law Enforcement officers and departmental personnel who are authorized to use weapons may use rubber bullets.

## **Chemical Immobilization**

The DNR shall adhere to the American Veterinary Medical Association's approved methods of chemical immobilization.

Chemical immobilization of free-ranging bears shall only be considered in situations involving only Category I and II bears. Category III bears captured in traps may be immobilized for purposes of conducting aversive conditioning.

Selected individuals from the Wildlife Division will be properly trained and certified in the chemical immobilization of bears. The *Wildlife Handling and Chemical Immobilization for Wildlife Professionals* course offered by Wildlife Veterinary Resources ([www.wildliferesources.org](http://www.wildliferesources.org)) are recommended for initial training. Refresher training will be conducted on a periodic basis for personnel certified in chemical immobilization. Refresher training will be conducted by DNR staff with knowledge and previous experience with the techniques used to drug bears, on an as needed basis.

Employees certified in chemical immobilization techniques shall adhere to the Wildlife Division *Security Control – Controlled Substances* policy and procedures (Interoffice Communication, July 26, 2002) concerning authorization, use, and storage of immobilizing drugs.

Employees certified in chemical immobilization techniques shall adhere to all instructions for the proper use, dosage, and method of administration of drugs as approved by the Wildlife Division veterinarian.

No DNR personnel are authorized to discharge a firearm inside the boundaries of a city, town, village, or township prohibiting the discharge of firearms by the public, unless this discharge has been coordinated in advance with the local authorities. However, conservation officers may kill an animal posing an immediate threat to public safety without prior coordination.

Chemically immobilized problem bear shall not be ear tagged or otherwise permanently marked, unless such action is approved in advance by the Regional Wildlife Supervisor. Permanent marking can only be considered for Category III bears. Category I or II bears cannot be marked. Category III bears may also be marked using techniques such as external dye, lip tattoos, etc., in order to evaluate the animal's response to conditioning or relocation. Bears captured and handled as part of a research project may be permanently marked.