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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAUGH
DIRECTOR

SUBMITTED:

January 17, 2017

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Bear Regulations and License Quotas
Wildlife Conservation Order Amendment No. 1 of 2017
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

In an effort to stabilize bear regulations and quotas, reduce confusion, and enhance communications, the Natural Resources Commission and Wildlife Division agreed to begin a two-year regulatory cycle in 2014. Maintaining consistent regulations and quotas for multiple years aids in evaluating the impact of regulation changes and removes one variable in bear population trend analysis (harvest quota changes). By keeping regulations consistent, the public is better able to understand regulations, and law enforcement is better able to enforce compliance.

Accordingly, the Department recommends that regulations and license quotas set in 2017 remain in effect for two years.

Regulations Changes Considered

Based on stakeholder requests and subsequent feedback from Law Enforcement Division (LED), Bear Forum members, and the internal Department Bear Workgroup, the Department reviewed current regulations and considered the following possible changes: 1) allow bear baiting earlier in Michigan; 2) reserve the first ten days - rather than five - for bait hunters in Upper Peninsula (UP) Bear Management Units (BMUs); 3) allow the use of barrels on public lands and commercial forest lands; 4) increase the non-resident license purchase limit from two percent to five percent of the total license quota; 5) enact a complete ban on chocolate and cocoa derivatives as bear bait; and 6) implement concurrent season openers statewide.

The Bear Forum is an advisory body consisting of representatives from the Michigan Bear Hunters Association, Michigan Hunting Dog Federation, UP Bear Houndsmen Association, Michigan United Coon Hunters Association, Michigan Fox Hunters Association, Michigan Archery Bear Hunters Association, Michigan Bow Hunters Association, Michigan Longbow Association, Michigan United Conservation Clubs, UP Sportsmen's Alliance, Michigan Farm Bureau and Safari Club International. In addition, the Forum also includes a representative of the US Forest Service (which represents all three Federal forests in Michigan), as well as six non-affiliated individuals who are bait or hound hunters.

The internal Department Bear Workgroup consists of Kevin Swanson (Management Specialist, Bear and Wolf Program), Monica Joseph (Biologist, UP Region), Mark Boersen (Biologist, Northern Lower Peninsula (NLP) Region), Lt. Peter Wright (LED), Julie Oakes (Biologist, Southeast Region), Nik Kalejs (Biologist, Southwest Region) and Dr. Dean Beyer (Research Scientist).

Item 1 – Allow Bear Baiting Earlier in Michigan

The Michigan Bear Hunters Association and Michigan Hunting Dog Federation brought forward a proposal to begin baiting earlier in Michigan (Item 1). The groups wanted earlier baiting to allow for strike bait sites when dog training begins on July 8th. After further discussion with stakeholders and staff during and after the Forum meeting, the Department has decided not to support this proposal. There is evidence, as exhibited in Wisconsin, that beginning baiting earlier may potentially lead to an increase in wolf predation on bear hounds and may also lead to additional territorial conflict among bear hunters. It is currently legal to begin baiting 31 days before the season opener; the Department concludes that this is a sufficient amount of time to attract bear to a bait site.

Item 2 – Reserve the First 10 Days (rather than 5) for Bait Hunters in the UP Region

The UP Sportsmen's Alliance brought forward a proposal to reserve the first 10 days (rather than five) for bait hunters in the UP Region (Item 2). After further discussion with stakeholders and staff during and after the Bear Forum meeting, the Department has decided not to support this proposal. Currently, approximately 80 percent of the yearly bear harvest is attributed to hunting over bait and success rates in the UP Region are very good. Therefore, there is no need to allocate additional opportunity to bait hunters and less opportunity to hound hunters.

Item 3 – Allow the Use of Barrels on Public Lands and Commercial Forest Lands

The Michigan Bear Hunters Association and Michigan Hunting Dog Federation brought forward a proposal to allow the use of barrels on public and commercial forest lands (Item 3). After further discussion with stakeholders and Department staff, the Department has decided not to bring forward a recommendation.

Issues Pros and Cons

According to the 2015 Michigan Black Bear Hunter Survey, baiting was the most common hunting method used to harvest bears. Approximately 84 percent of hunters relied primarily on baiting as a means of locating and attracting bears. Hunters harvested about 79 percent of the bears with the aid of bait only. Allowing the use of barrels for bear baiting on public and commercial forest lands may increase the amount of hunters who use bait to attract or harvest bears. In addition, there may be an increase of bear hunters on public lands.

Historically, the Department has allowed the use of barrels for bear baiting on public lands. Due to a number of complaints concerning the amount of litter that was being left on public lands, the regulation was removed in 1985. Then in 2005, the use of barrels was legalized on private land only.

Allowing the use of barrels on public and commercial forest lands may cause some additional territorial issues among hunters, wolf/dog hunting conflicts, off-trail off-road vehicle (ORV) activity, and may lead to an increase in litter. It may also potentially increase habituation of black bear.

Other States

Arizona, California, Colorado, Georgia, Idaho, Kentucky, Maryland, Massachusetts, Montana, Nevada, New Mexico, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Washington, and West Virginia do not allow baiting of bears. Wisconsin does not allow the use of barrels for bear baiting. Minnesota allows the use of barrels on public and private lands, but barrels on public lands may not be unattended. All bait stations in Minnesota must be registered with the state. Maine allows the use of barrels for bear baiting, but an individual must have a permit to place bait on wildlife management areas and on public reserved land. In North Carolina, it is unlawful to place any sort of processed or unprocessed foods on game lands.

Biological

The Department does not expect any biological impacts.

Social

Most of the members of the Bear Forum appeared to not support allowing the use of barrels for baiting bears on public and commercial forest lands. UP Bear Houndsmen Association and Michigan Bow Hunters Association, as well as four other members at large, do not support this recommendation. However, the Michigan Bear Hunters Association and Michigan Hunting Dog Federation were vocally supportive, because it is currently legal to use barrels on private lands and there are current regulations that allow structures on public lands for aiding in hunting and fishing, such as deer and bear blinds, elevated platforms, and shanties for ice fishing.

Economic

The Department does not expect an economic impact

Item 4 – Increase the Non-resident License Purchase Limit from 2% to 5% of the Total License Quota

During recent consultation with stakeholders and Department staff, Item 4 above is generally supported, although most Department staff did not have an opinion, as this is not a biological issue. Based on additional discussions, the Department recommends increasing the non-resident license purchase limit from two percent to five percent beginning in 2017.

Issue Pros and Cons

This recommendation is likely to decrease resident licenses by approximately 200 licenses per year. Resident bear hunters may potentially wait longer to draw a license but is difficult to predict, due to year-to-year variations in the number of resident applicants and their preference point status. The Department receives multiple complaints from non-residents each year about the two percent license purchase limit, particularly those who own property in Michigan and desire more opportunity to bear hunt. Under the current two percent limit, non-resident wait times for a license range from two years for Gwinn 3rd period to 10 or more years for 1st period

hunts in the UP. With a five percent limit, non-resident applicant wait times may be decreased by one or two years in some hunt periods. As well, the Department expects that the five percent limit would not be reached in some BMUs due to point distributions and the number of resident and non-resident applicants (based on past drawing statistics).

This recommendation is in accordance with the Department's Evergreen Goals, specifically Placed-based Economic Development and World-class Recreation Opportunities. In addition, an increase in non-resident licenses may attract more non-resident hunters, having a positive impact on the natural resources economy.

Other States

In nearby states of Wisconsin and Minnesota, a non-resident license purchase limit does not exist so non-residents have an equal chance of obtaining a license. As such, these states likely attract more non-resident hunters than Michigan.

Biological

The Department does not expect an increase in availability of non-resident tags to have a biological impact on the bear population, because resident licenses would decrease by the same amount. Overall, license numbers (nearly 7,000) would remain similar.

Social

Most of the members of the Bear Forum appeared to remain neutral on this recommendation; the UP Bear Houndsmen Association and Safari Club International were vocally supportive because of the potential positive impact on local communities. Some resident bear hunters may not be in favor of this change, as resident licenses may potentially decrease by 200 licenses per year.

Economic

An increase in non-resident licenses from two percent to five percent would have a small but measureable positive impact on the economy. Approximately 200 additional licenses would be potentially available for non-residents, who likely spend more money in local communities than do resident hunters, due to lodging, food, gas and other expenditures. An increase would further the Department's interest in becoming a more effective competitor in attracting a nationwide bear hunting community.

Item 5 – Implement a Complete Ban on Chocolate and Cocoa Derivatives in Bear Bait

Chocolate and cocoa derivatives in bear bait may have potential negative impacts to wildlife eating large quantities of the bait. The Department noted in the 2016 Michigan Black Bear Digest that a ban on chocolate would be considered in 2017. The Department now recommends implementing a complete ban on chocolate and cocoa derivatives in bear bait.

Issue Pros and Cons

Despite previous educational efforts of the Michigan Bear Hunters Association, outdoor writers and the Department, chocolate and cocoa derivatives continue to be used as bear bait in Michigan. According to the 2015 Michigan Black Bear Hunter Survey, approximately 18 percent of bear

hunters use chocolate or cocoa derivatives for bait. A complete ban is intended to eliminate the use of chocolate and cocoa derivatives as bait entirely, and thereby avoid the negative impacts to wildlife these forms of bait may cause. However, several bait suppliers have contacted Department staff to express concern over a potential ban.

Other States

Theobromine poisoning (chocolate toxicosis) was confirmed as the cause of death of four bears (with a fifth suspected but not necropsied) from a bait site in New Hampshire in 2014, and chocolate has since been banned in that state. Wisconsin, Minnesota and Maine do not prohibit chocolate in bear bait. Arizona, California, Colorado, Georgia, Idaho, Kentucky, Maryland, Massachusetts, Montana, Nevada, New Mexico, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Washington, and West Virginia do not allow baiting of bears. North Carolina and Oklahoma have prohibited processed foods in bear bait.

Biological

Chocolate toxicosis has been documented in mortalities of raccoons and a cub black bear in Michigan. Chocolate can be toxic to an array of wildlife and domestic animals, and can be lethal if consumed in a high enough quantity. Chocolate-induced mortality has been documented from research studies in mice, rats, hamsters, guinea pigs, rabbits, dogs, cats, horses, cows, pigs, coyotes, red fox, European badger, parrots and poultry. The sensitivity of various wildlife species (and individuals within species) to chocolate toxicity is highly variable and largely unknown, but a population level impact to black bear is unlikely.

Social

Most Bear Forum members support a complete ban on chocolate and cocoa derivatives in bear bait, and Department staff is also in favor. LED advises that a partial ban on certain kinds or quantities of chocolate in bait would be very difficult to enforce and communicate. A complete ban on all chocolate and cocoa derivatives in bear bait is considered a more satisfactory option than a partial ban.

Economic

Although approximately 18 percent of hunters in Michigan use chocolate or cocoa derivatives to bait bear (2015 Michigan Black Bear Hunter Survey), more commonly used bait, such as granola, bakery products, pie fillings, and other food products are sufficiently effective that a complete ban on chocolate and cocoa derivatives will not significantly affect the bear-hunting experience in Michigan. Negative economic impacts are expected to be small, as large cereal companies are able to screen all chocolate from various types of bait. Local bait suppliers would still have access to numerous bait types that are used for bear. Supply and demand is expected to continue to drive the bait industry.

Item 6 – Implement Concurrent Season Openers Statewide

Safari Club International carried a proposal to implement concurrent season openers statewide to Department staff and Bear Forum members at the December 17, 2016 Bear Forum meeting. Hound organizations were generally opposed, although the specifics of this proposal were not entirely clear. The Michigan Archery Bear Hunters Association was in favor and other

organizations had not yet developed an opinion. This proposal was not brought to the Department prior to the Bear Forum meeting, so relevant data could not be examined. Department staff is being consulted presently, in order to provide an opinion to the Natural Resources Commission at a later date, if requested to do so.

License Quotas

Michigan uses recreational hunting as part of bear population management through a zone and quota system of license and harvest allocation. Factors considered in recommending license quotas include bear population estimates using mark/recapture techniques, the statistical catch-at-age (SCAA) analytic, hunter success rates, harvest effort, recreational opportunities, and social concerns about bear-related incidents.

The average success rate for the previous three years is used to calculate the license quota for each hunt period, based upon the total desired harvest for each BMU. This calculation is used so that single-year effects of hunter success (due to changes in food availability, weather, and other outside factors) do not result in large annual fluctuations in harvest and license quotas.

In accordance with the 2007 Inland Consent Decree, the Department has conferred with the five Tribes covered by the 1836 Treaty on bear issues before making these recommendations. Unfortunately, after two meetings, the Department did not reach a consensus on the proposed harvest with the Tribes. The Tribes may authorize up to 12.5 percent of the available harvest in BMUs within the 1836 ceded territories with the exception of the Gwinn and Gladwin BMUs, where the Tribes may authorize up to 10 percent. The remaining harvest is allocated to state regulated hunters as recommended in this amendment. Proposed harvests and associated license quotas are recommended for both the 2017 and 2018 hunting seasons.

In accordance with practices implemented in the previous seasons, hunters may continue to make a second choice on their application, with all first choices having priority in each hunt period. Any remaining licenses will be distributed first to comprehensive lifetime license holders, then to unsuccessful applicants and finally, if available, to the general public to allow for full distribution of available licenses.

NLP Recommendations

Biological

The habitat quality and capacity of the NLP has supported robust growth of the bear population over time. The NLP-wide bear population estimate is 2,112 bears, based on the SCAA model, and has risen by 47 percent since 2000. This estimate is from pre-hunt 2015 and includes yearlings and adults only. Numerous indicators at the BMU scale are also monitored and used in allocating harvests between BMUs to address local bear abundance concerns. The trajectory goal in the NLP is to slow the annual population growth to achieve a stable population trend within four years. Even with an increased harvest, SCAA projections suggest difficulty in stabilizing the population by 2018. Department experts will continue to use the SCAA estimator and local indicators on an annual basis to assess the population trend, and harvests will be closely monitored and recommendations adjusted accordingly during subsequent two-year

cycles. The recommended desired state-licensed harvest of 355 bears (112 more than in 2016) in the NLP will require a 19 percent increase in licenses. This recommendation would allow for continued growth in the bear population, albeit at a slower rate, in order to stabilize the population in coming years.

Social

Nuisance and crop damage complaints across the NLP region have risen dramatically in recent years. Notable complaints such as bluff charges, attacks on humans, and domestic dog kills have become more common and have created a higher level of concern among the public and Department staff. As public complaints have risen, the perceived value of black bear has declined in communities such as Cadillac. Evidence suggests that the social carrying capacity has been exceeded and the intrinsic value of this iconic species has declined in areas of the NLP and southern Michigan.

Most members of the Bear Forum support the continued growth of the NLP bear population over the next four years, but in general, do not support the Department recommendation to increase the desired harvest from 243 to 355 bears. However, the recommended increase in desired harvest is necessary to begin stabilizing the NLP population and is quite conservative according to SCAA projections. In December during an “on” year for bear regulations, the three-year average success rates are updated by incorporating the success rate from that previous hunting season. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU, and vice versa.

Economic

The proposed increase of available licenses will increase the revenue generated by the Department and is expected to have a small but measurable positive economic impact on the NLP Region.

Recommendations

All three BMUs in this region are subject to the 2007 Inland Consent Decree, and the state-licensed desired harvest is adjusted for tribal harvest, including Red Oak BMU (12.5 percent), Gladwin BMU (10 percent), and Baldwin BMU (12.5 percent). The license quota recommendation for the 2017 and 2018 seasons in Red Oak, Baldwin, and Gladwin BMU are:

- Red Oak BMU: a total of 700 state licenses; an increase of 70 licenses from 2016. The tribal allocated harvest is 35 bears.
- Baldwin BMU: a total of 155 licenses; an increase of 75 licenses from 2016. The tribal allocated harvest is 13 bears.
- Gladwin BMU: a total of 100 licenses; an increase of 10 licenses from 2016. The tribal allocated harvest is three bears.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 355 bears for the NLP Region, which is an increase of 112 bears from the desired harvest in 2016.

UP Recommendations

Biological

The habitat quality and capacity of the UP has supported growth of the bear population in recent years. The UP-wide bear population estimate is 9,699 bears, based on the SCAA model, and has risen by over 10 percent since 2012. This estimate is from pre-hunt 2015 and includes yearlings and adults only. Numerous indicators at the BMU scale are also monitored and used in allocating harvests between BMUs to address local bear abundance concerns. Additionally, bear predation on deer fawns has been considered, as predation rates appear to be more pronounced in the moderate snowfall zone than the low snowfall zone. The trajectory goal in the UP is to continue to increase the bear population but at a slower growth rate, by increasing harvest slightly. Even with an increased harvest, SCAA projections suggest continued growth in the population. Department experts will continue to use the SCAA estimator and local indicators on an annual basis to assess the population trend, and harvests will be closely monitored and recommendations adjusted accordingly during subsequent two-year cycles. The recommended desired state-licensed harvest of 1,170 bears (52 more than in 2016) in the UP would require a one percent decrease in licenses, due to increased success rates in recent years. This recommendation would allow for continued growth in the bear population, albeit at a slower rate, over the next two years.

Social

Most members of the Bear Forum support the recommended desired harvest and continued growth of the bear population over the next two years. In December during an “on” year for bear regulations, the three-year average success rates are updated by incorporating the success rate from that previous hunting season. When the three-year average success rate rises, fewer licenses are necessary to achieve the desired harvest of a particular BMU. Nuisance and crop damage complaints across the UP region fluctuate annually, primarily due to varying availability of natural foods, but remain manageable by field staff.

Economic

The proposed slight reduction of available licenses will result in a very small reduction in revenue generated by the Department. It may also slightly reduce the collective time that bear hunters spend traveling in the region and contributing to the local economy. However, the proposed reduction will not have a significant economic impact on the UP Region.

Recommendations

License quota recommendations are designed to spread the bear harvest evenly among the three hunt periods in the UP BMUs. Four of the six BMUs within the UP Region are outside of the 1836 Ceded Territories and no adjustments to license quotas have been made for tribal harvest in those units. Ten percent of the desired harvest is allocated to the tribes in the Gwinn BMU, and 12.5 percent is allocated to tribes in the Newberry BMU.

The license quota recommendations for the 2017 and 2018 seasons in the UP Region are:

- Amasa BMU: a total of 530 licenses for the three hunt periods; an increase of 70 licenses from 2016.

- Baraga BMU: a total of 1,365 licenses for the three hunt periods; a decrease of 125 licenses from 2016 due to increased success rates.
- Bergland BMU: a total of 1,210 licenses for the three hunt periods; an increase of 120 licenses from 2016.
- Carney BMU: a total of 615 licenses for the three hunt periods; a decrease of 120 licenses from 2016.
- Gwinn BMU: a total of 1,205 licenses for the three hunt periods; an increase of 40 licenses from 2016. The tribal allocated harvest is 20 bears.
- Newberry BMU: a total of 1,130 licenses for the three hunt periods; a decrease of 25 licenses from 2016. The tribal allocated harvest is 38 bears.

These license allocation recommendations are intended to achieve a total desired state-licensed harvest of 1,170 bears for the UP Region, which is an increase of 52 bears from the desired harvest in 2016.

Drummond Island Recommendation

The Department recommends the 2017-18 harvest to be increased to five bears, a notable increase from recent years (one bear) but far below historic harvest levels (15 bear in 1991) of similar index rates. A harvest objective of five bears is equivalent to one bear for every 26 square miles on the island, as compared to the UP mainland, where one bear is harvested for every 14 square miles of area. Drummond Island is within the 1836 Ceded Territories and therefore one additional bear is allocated for tribal harvest.

Biological

The Drummond Island bait index rates have improved significantly from a low of 21 percent in 2008 to over 50 percent during the 2016 survey, suggesting an increase in bear abundance. Tribal interests have generally supported an increasing bear population for a variety of cultural reasons. Anecdotal reports also suggest an increase in bear abundance on the island and islanders generally support an increase in harvest.

Social

Few bear complaints have been received from Drummond Island. There was no opposition of the proposed increase in harvest from the Bear Forum. Several calls have been received from bear hunters and other islanders who support the recommendation.

Economic

A small but measurable positive economic impact is expected.

Additional Recommendation

In emergency cases, bears may be killed or taken by a property owner or their authorized agent without a permit, when their property is being damaged. In order for the Department to collect and document accurate data, as well as provide better enforcement, the Department recommends that a property owner or their authorized agent who kills or takes a bear under these circumstances be required to notify the Department within 24-hours of killing or taking a bear.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's January 2017 calendar and may be eligible for approval on March 9, 2017.



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WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2017

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 10, 2017, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.200b Bear population, harvest quotas.

Sec. 3.200b (1) The black bear hunt seasons and quotas for general licenses valid on all land within the listed units are as shown in table 5:

TABLE 5

Bear Management Unit (BMU) Hunt Periods and License Quotas

BMU Name	Hunt Period	Licenses	Total
Amasa	First	85 90	
	Second	140 160	
	Third	235 280	
Unit total			460 530
Baraga	First	270 250	
	Second	440 395	
	Third	780 720	
Unit total			1,490 1,365
Bergland	First	190	
	Second	270 285	
	Third	630 735	
Unit total			1,090 1,210
Carney	First	100 95	
	Second	160 170	
	Third	475 350	
Unit total			735 615
Drummond	First	1 5	1 5
Gwinn	First	195 180	
	Second	250 275	
	Third	720 750	
Unit total			1,165 1,205
Newberry	First	235 220	
	Second	270 245	
	Third	650 665	
Unit total			1,155 1,130
UP Total			6,096 6,060
Baldwin	First	80 155	
Gladwin	First	90 100	
Red Oak	First	630 700	
NLP total			800 955
State-wide total			6,896 7,015

3.205 Bear; unlawful acts.

Sec. 3.205 (1) It shall be unlawful for an individual to purchase a bear license unless the individual holds a current base license and is not licensed under the mentored youth program.

(2) It shall be unlawful for an individual to hunt bear with dogs in zone 1 from September 5 through September 14.

(3) It shall be unlawful for an individual to hunt bear with dogs in zones 2 and 3 on the first Sunday following September 15, except in the Baldwin north area where it shall be unlawful for an individual to hunt bear with dogs the Friday preceding September 15.

(4) 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 Sunday following September 15.

(5) 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.

(6) It shall be unlawful for an individual 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.

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

(8) 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.

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

(10) It shall be unlawful for any individual to 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.

(11) It shall be unlawful for an individual to use a snare, cable restraint, conibear, or any other kind of trap for the taking of bear. This subsection shall not apply to authorized employees of the department performing official job responsibilities or individuals officially authorized by the department or this order.

(12) It shall be unlawful to take a bear by any method while hunting other than by firearm, bow and arrow, crossbow, with the aid of dogs, or with the aid of baiting as described in this order and the regulations of state law.

(13) It shall be unlawful for an individual to take more than 1 bear per valid kill tag in a bear hunting season.

(14) Bear baiting, unlawful acts, definitions.

(a) 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 bear 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.

(b) It shall be unlawful to hunt over bait that attracts bear that was established prior to 31 days before the bear hunting season in any bear management unit. It shall be unlawful to hunt over bait that is not placed on the ground on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120; or contains plastic, any wood products, paper, glass, rubber, concrete, or metal on public or commercial forest lands; or has, within 100 yards of the bait site, any containers used to transport bait to the baiting site.

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

(e) (d) It shall be unlawful to hunt over bait that contains any food materials other than meats, meat products, fish, fish products, or bakery products if the bait is placed in an area unlawful to feed deer or elk or bait deer. **It shall be unlawful to establish, tend, or hunt over a bait that contains bakery products that include chocolate or cocoa derivatives.** 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 materials that lure, entice or attract deer or elk only if the person uses these food materials 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.

(d) (e) It shall be unlawful to use metal containers, tires, plastic, wood, glass, fabric, cloth, concrete, or paper at a bait station on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(e) (f) It shall be unlawful to place bait other than on the ground at bait stations on public or commercial forest lands as defined in Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(f) (g) Any containers used to transport bait to the bait station must be removed and disposed of properly.

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

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

9.4 Carnivorous animals, permitted taking.

Sec 9.4 (1) In emergency cases carnivorous animals may be killed or taken by the owner of property or his ~~their~~ 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.~~

(2) Within 24 hours of killing or taking a bear as described in subsection (1), the property owner or their authorized agent shall notify the department.

(3) 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.

Issued on this 9th day of March 2017.

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

John Matonich, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director