

## Chapter II

### General Hunting and Trapping Regulations

**\*\*Section 2.1 takes effect on March 6, 2009, and will remain in effect until March 6, 2012\*\***

#### **2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.**

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "shotgun, handgun, black-powder firearms only area" from November 15 to November 30, or use to take a deer during any firearm deer season in the "shotgun, handgun, black-powder firearms only area," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

(7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(9) Take any animal at any time other than during the hunting hours and open seasons established in this order, except as may otherwise be provided in chapter VI.

(10) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(12) Make use of a dog in hunting deer except that a dog may be used to locate a down and mortally wounded deer if the dog is kept on a leash and, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, none of the persons in attendance possess a firearm, crossbow, or bow and arrow. If the tracking is done at night, artificial lights ordinarily carried in the hand may be used. A dog that barks while tracking the deer shall not be used on public lands.

(13) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently disabled person who holds a special permit provided for in part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or this order.

(14) Use aircraft to aid in the taking of a wild bird or wild animal.

(15) Take deer with a crossbow during the open bow and arrow only seasons, except deer in zone 3, or if the hunter is age 50 and older during the October 1 to November 14 bow and arrow deer season, unless they have been issued a crossbow permit pursuant to section 5.95.

(a) Notwithstanding any other provisions of this order, a hunter age 11 and younger may not use a crossbow to take game during any open hunting season.

(b) A person licensed to take game as required by part 435, hunting and fishing licensing, of the natural resources and environmental protection act, act no. 451 of the public acts of 1994, who intends to hunt with a crossbow shall request and be issued a crossbow stamp. The crossbow stamp shall be part of the license to hunt with a crossbow.

(c) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length.

(d) Crossbows used for taking game shall not have a capacity to exceed 350 feet per second bolt velocity.

History: Eff. Mar 31, 1989; Am. 20, 1989, Eff. Sep 1, 1989; Am. 2, 1993, Eff. Sep 1, 1993; Am. 13, 1993, Eff. Sep 1, 1993; Am. 19, 1993, Eff. Sep 10, 1993; Am. 6, 1995, Eff. Sep 1, 1995; Am. 6, 1998, Eff. May 15, 1998; Am. 11, 2000, Eff. Sep 1, 2000; Am. 2, 2001, Eff. Mar 1, 2001; Am. 10, 2001, Eff. Jul 1, 2001; Am. 8, 2002, Eff. Jun 8, 2002; Am. 2, 2003, Eff. Apr 12, 2003; Am. 2, 2005, Eff. Mar 11, 2005; Am. 16, 2006, Eff. Aug 11, 2006; Am. 2, 2009, Eff. Mar 6, 2009, with a sunset provision regarding the use of the crossbow effective Mar 6, 2012.

**\*\*Section 2.1 is superseded by Am. 2 of 2009 from March 6, 2009, through March 6, 2012\*\***

## **2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.**

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, crossbow, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the person's possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvester's license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "shotgun, handgun, black-powder firearms only area" from November 15 to November 30, or use to take a deer during any firearm deer season in the "shotgun, handgun, black-powder firearms only area," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

(7) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(8) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(9) Take any animal at any time other than during the hunting hours and open seasons established in this order except as may otherwise be provided in chapter VI.

(10) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(11) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

(12) Make use of a dog in hunting deer except that a dog may be used to locate a down and mortally wounded deer if the dog is kept on a leash and, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, none of the persons in attendance possess a firearm or bow and arrow. If the tracking is done at night, artificial lights ordinarily carried in the hand may be used. A dog that barks while tracking the deer shall not be used on public lands.

(13) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently disabled person who holds a special permit provided for in part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or this order.

(14) Use aircraft to aid in the taking of a wild bird or wild animal.

(15) Take game with a crossbow, except deer during the November 15 to November 30 firearm deer season by hunters age 12 or older, unless they have been issued a crossbow permit pursuant to section 5.95.

History: Eff. Mar 31, 1989; Am. 20, 1989, Eff. Sep 1, 1989; Am. 2, 1993, Eff. Sep 1, 1993; Am. 13, 1993, Eff. Sep 1, 1993; Am. 19, 1993, Eff. Sep 10, 1993; Am. 6, 1995, Eff. Sep 1, 1995; Am. 6, 1998, Eff. May 15, 1998; Am. 11, 2000, Eff. Sep 1, 2000; Am. 2, 2001, Eff. Mar 1, 2001; Am. 10, 2001, Eff. Jul 1, 2001; Am. 8, 2002, Eff. Jun 8, 2002; Am. 2, 2003, Eff. Apr 12, 2003; Am. 2, 2005, Eff. Mar 11, 2005; Am. 16, 2006, Eff. Aug 11, 2006.

## **2.2 Open seasons and closed seasons, inclusive dates.**

Sec. 2.2 The open season dates and closed season dates stipulated in this order are inclusive.

History: Eff. Mar 31, 1989; Am. 20, 1989, Eff. Sep 1, 1989.

## **2.3 Permitted acts; trapping; use of rimfire firearm .22 caliber or smaller; American Indians on reservations.**

Sec. 2.3 This order shall not be construed to prohibit any of the following:

(1) The trapping of fur-bearing animals as provided in this order.

(2) The carrying and using of a rimfire firearm .22 caliber or smaller to kill raccoon while hunting with dogs between the hours of 7 p.m. and 6 a.m. during the firearm deer season.

(3) The enjoyment by American Indians living on a reservation of the privileges bestowed upon them by federal law or treaties.

History: Eff. Mar 31, 1989; Am. 2, 2003, Eff. Apr 12, 2003.

**\*\*Section 2.4 takes effect on March 6, 2009, and will remain in effect until March 6, 2012\*\***

## **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 from September 15 to March 31 by a person traveling afoot with a bow and arrow, crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, subject to section 43510, subsections (2) and (3), of part 435, as amended, hunting and fishing licensing, MCL 435.43510, the person shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow, except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(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.

History: Eff. Mar 31, 1989; Am. 20, 1989, Eff. Sep 1, 1989; Am. 2, 1990, Eff. Feb 19, 1990; Am. 12, 2000, Eff. Sep 1, 2000; Am. 2, 2003, Eff. Apr 12, 2003; Am. 2, 2005, Eff. Mar 11, 2005; Am. 2, 2009, Eff. Mar 6, 2009, with a sunset provision regarding the use of the crossbow effective Mar 6, 2012.

**\*\*Section 2.4 is superseded by Am. 2 of 2009 from March 6, 2009, through March 6, 2012\*\***

## **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 from September 15 to March 31 by a person traveling afoot with a bow and arrow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell, however, subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, the person shall not possess a loaded firearm, or bow with a nocked arrow except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(2) Persons not possessing a bow, 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.

History: Eff. Mar 31, 1989; Am. 20, 1989, Eff. Sep 1, 1989; Am. 2, 1990, Eff. Feb 19, 1990; Am. 12, 2000, Eff. Sep 1, 2000; Am. 2, 2003, Eff. Apr 12, 2003; Am. 2, 2005, Eff. Mar 11, 2005.

#### **2.4a Permissible use of a crossbow and laser sighting device by blind person during lawful hunting hours, conditions for use.**

Sec. 2.4a A blind person, as defined by section 1 of Act No. 260 of the Public Acts of 1978, being section 393.351 of the Michigan Compiled Laws, may use a laser sighting device in conjunction with a crossbow or a firearm to take an animal during the lawful hunting hours for that animal if all of the following conditions are met while the person is taking an animal:

(1) The person is accompanied and assisted by a sighted person. The sighted person must be at least 18 years of age and be in possession of a hunting license other than an apprentice license issued by this state, another state, a province of Canada, or another country or a certificate of completion of training in hunter safety issued by this state, another state, a province of Canada, or another country, and shall furnish such proof upon the request of a peace officer.

(2) The person possesses proof of blindness in the form of an identification card issued under the authority of section 1 of Act No. 222 of the Public Acts of 1972, being section 28.292 of the Michigan Compiled Laws, and furnishes the proof of blindness upon the request of a peace officer.

(3) The department may issue a permit to a person who is permanently disabled to use a laser sighting device in conjunction with a crossbow or a firearm to take an animal during lawful hunting hours for that animal if the permittee is accompanied by another person at least 18 years of age who is licensed to hunt that game under a license other than an apprentice license.

History: Am. 3, 1997, Eff. Jun 1, 1997; Am. 5, 2003, Eff. May 10, 2003; Am. 10, 2007, Eff. May 11, 2007.

**\*\*Section 2.5 takes effect on March 6, 2009, and will remain in effect until March 6, 2012\*\***

#### **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 during those dates specified for the use of artificial lights in sections 2.4 and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell may take within their specified open seasons raccoon, opossum, and fox with the aid of dogs; and fox and coyote, during the season open to the taking of fox, with the aid of a game or predator call. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, 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 except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(3) 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).

(4) 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.

(5) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, 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.

History: Am. 13, 1993, Eff. Sep 1, 1993; Am. 9, 1995, Eff. Jan 1, 1996; Am. 1, 1998, Eff. May 15, 1998; Am. 10, 1998, Eff. Jun 15, 1998; Am. 19, 2004, Eff. Dec 10, 2004; Am. 2, 2005, Eff. Mar 11, 2005; Am. 4, 2008, Eff. Apr 11, 2008; Am. 2, 2009, Eff. Mar 6, 2009, with a sunset provision regarding the use of the crossbow effective Mar 6, 2012.

**\*\*Section 2.5 is superseded by Am. 2 of 2009 from March 6, 2009, through March 6, 2012\*\***

## **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 during those dates specified for the use of artificial lights in sections 2.4 and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a rimfire firearm .22 caliber or smaller or shotgun with loads other than buckshot, slug or cut shell may take within their specified open seasons raccoon, opossum, and fox with the aid of dogs; and fox and coyote, during the season open to the taking of fox, with the aid of a game or predator call. Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, a person hunting these species during the nighttime hunting hours shall not possess a loaded firearm, or bow with a nocked arrow except when one or more of the following conditions apply:

(a) The person is following dogs and is at the point of kill for taking a treed raccoon during the open season for taking raccoon by hunting.

(b) The person is following dogs and is at the point of kill for taking opossum during the open season for taking opossum by hunting.

(c) The person is taking coyote or fox with the aid of a game or predator call during the open season for taking fox by hunting.

(3) Except for woodcock, crow and mourning doves, 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). The hunting hours for mourning doves shall substantially conform to one-half hour before sunrise to sunset and shall be as published in the Michigan hunting and trapping guide or supplement to the Michigan hunting and trapping guide.

(4) 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.

(5) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, 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, a bow and arrow unless all arrows 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, 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.

History: Am. 13, 1993, Eff. Sep 1, 1993; Am. 9, 1995, Eff. Jan 1, 1996; Am. 1, 1998, Eff. May 15, 1998; Am. 10, 1998, Eff. Jun 15, 1998; Am. 19, 2004, Eff. Dec 10, 2004; Am. 2, 2005, Eff. Mar 11, 2005; Am. 4, 2008, Eff. Apr 11, 2008.

## **2.6 Repealed. Am. 11, 1996, Eff. Sep 1, 1996.**

Publisher's Note: The repealed section pertained to Hunter access leases on private lands; fees, special situations; additional fees for certain lands, exceptions.

## **2.7 Permissible use of dogs.**

Sec. 2.7 A person may hunt with dogs, or break, train, or practice a dog upon, or permit a dog to chase or take an animal only as provided in chapter VI, chapter XIV, chapter XV, or as otherwise permitted by law.

History Note: Am. 2, 1990, Eff. Feb 19, 1990.

## **\*\*Section 2.8 takes effect on March 6, 2009, and will remain in effect until March 6, 2012\*\***

### **2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking deer or bear with 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 A person may hunt with a crossbow or a bow and arrow from a scaffold, raised platform, or tree. A person taking deer or bear with a firearm may use a scaffold, raised platform, or tree. A person 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. In taking an animal, a person 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 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.

History Note: Am. 13, 1993, Eff. Sep 1, 1993; Am. 9, 1995, Eff. Jan 1, 1996; Am. 1, 1998, Eff. May 15, 1998; Am. 10, 1998, Eff. Jun 15, 1998; Am. 11, 2007, Eff. Jun 8, 2007; Am. 2, 2009, Eff. Mar 6, 2009, with a sunset provision regarding the use of the crossbow effective Mar 6, 2012.

**\*\*Section 2.8 is superseded by Am. 2 of 2009 from March 6, 2009, through March 6, 2012\*\***

**2.8 Hunt with bow and arrow from scaffold, raised platform, or tree allowed; taking deer or bear with 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 A person may hunt with a bow and arrow from a scaffold, raised platform, or tree. A person taking deer or bear with a firearm may use a scaffold, raised platform, or tree. A person 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. In taking an animal, a person 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 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.

History Note: Am. 13, 1993, Eff. Sep 1, 1993; Am. 9, 1995, Eff. Jan 1, 1996; Am. 1, 1998, Eff. May 15, 1998; Am. 10, 1998, Eff. Jun 15, 1998; Am. 11, 2007, Eff. Jun 8, 2007.

**2.9 “Ground blind” defined; requirements to use, occupy, place, build, construct, or maintain a ground blind on publicly owned lands; use or placement of blind does not convey exclusive hunting right.**

Sec. 2.9 (1) For the purposes of this section, “ground blind” means a structure, enclosure, or any material, natural or manufactured, placed on the ground to elevate or otherwise assist in concealing or disguising the user or occupant for the purpose of taking an animal except for commercially manufactured ladder stands which lean up against and require the support of a tree to maintain their upright position.

(2) A person may use, occupy, place, build, construct, or maintain a ground blind on publicly owned lands only if one of the following applies:

(a) The ground blind is constructed exclusively of dead and natural materials found on the ground in the area where the blind is constructed, except that cloth, netting, plastic or other materials may be used by the occupant of a ground blind if the cloth, netting, plastic or other materials are not fastened to the blind and are carried out by the user at the end of each day’s hunt. For the purposes of this section, “fastened” means stapled, nailed, glued, or other means of permanent attachment other than tying.

(b) The ground blind is clearly a portable blind and is removed at the end of each day's hunt. Fasteners, if used to attach or anchor a portable blind, shall be removed at the end of each day’s hunt and shall not consist of any item that penetrates the cambium of a tree.

(c) The ground blind is a temporary ground blind constructed of materials other than dead and down materials found on the ground in the area where the blind is constructed and which meets all of the following conditions:

(i) The blind for deer hunting purposes is not located upon publicly owned lands from the day following the last day of the open deer season to November 5 unless allowed by the public agency administering the land on which the

blind is located. A ground blind located on publicly owned lands anytime during the period defined in this subsection shall be considered an abandoned ground blind.

(ii) The blind for bear hunting purposes is not located upon publicly owned lands from five days after bear season closes to August 10 in the Amasa, Baraga, Bergland, Carney, Gwinn, and Newberry Bear Management Units; to August 17 in the Red Oak, Baldwin, and Gladwin Bear Management Units; except successful bear hunters must remove their ground blind within 5 days of harvesting a bear. A ground blind located on publicly owned lands anytime during the period defined in this subsection shall be considered an abandoned ground blind.

(iii) The name and address of the licensed bear hunter in the Bear Management Unit where licensed, or, outside of the bear season, the person placing the ground blind, is permanently attached, etched, engraved, or painted on the ground blind.

(iv) Fasteners, if used to attach or anchor a temporary ground blind, shall be removed with the blind and shall not consist of any item that penetrates the cambium of a tree.

(3) This section shall not apply to blinds constructed and used for taking waterfowl as described in section 3.401 or structures constructed by a public agency upon lands administered by that public agency.

(4) The placement or use of a ground blind on publicly owned lands shall in no way convey exclusive hunting rights to the area surrounding that blind.

(5) A ground blind that does not meet the requirements of subsection (2) shall be an illegal ground blind. A person shall not use an illegal ground blind.

(6) Only ground blinds which meet the requirements of subsections (2)(a) or (2)(b) may be used in state game areas, state recreation areas and state parks that are located in zone 3.

History: Am. 9, 1995, Eff. Jan 1, 1996; Am. 4, 1996, Eff. Jun 6, 1996; Am. 3, 1997, Eff. Jun 1, 1997; Am. 1, 1998, Eff. May 15, 1998; Am. 10, 1998, Eff. Jun 15, 1998; Am. 11, 2005, Eff. Jun 3, 2005.

## **2.10 Handicapped person defined; handicapped persons use of temporary blinds on publicly owned lands, conditions for use; exception for a person assisting a handicapped person.**

Sec. 2.10 For the purposes of this section, a handicapped person shall mean a person issued a permit to hunt from a standing vehicle under the authority of section 40114 of part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.40114 of the Michigan Compiled Laws, a person issued a handicapped permit by the department of state which entitles that person to the privileges bestowed by section 675 of Act No. 300 of the Public Acts of 1949, being section 257.675 of the Michigan Compiled Laws, or a handicapped person as defined by section 81101 of part 811, off-road recreational vehicles, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.81101 of the Michigan Compiled Laws.

(1) Notwithstanding the provisions of section 2.9, a handicapped person may place, use, and occupy a temporary blind constructed of manufactured materials which is left overnight on publicly owned lands if all of the following conditions are met:

(a) The person has first etched, engraved, implanted, burned, printed, or painted on the blind the name and address of the person placing the blind on publicly owned lands in legible English. It shall be unlawful for a person to affix a fictitious name or address to a blind, or remove a name or address from a blind until after the blind is removed from publicly owned lands.

(b) The blind is a temporary blind which is manufactured for that purpose and is placed no earlier than 10 days prior to the open hunting season for which it is used and removed at the end of the season for which it is used.

(c) The blind is not affixed or attached to any tree or other natural feature using nails, screws, bolts, lag screws, wire, rope, or any other device or fastener made by a person.

(2) A person who is not a handicapped person may assist a handicapped person in placing or removing a lawful blind on publicly owned land.

History: Am. 9, 1995, Eff. Jan 1, 1996; Am. 3, 1997, Eff. Jun 1, 1997.

## **2.11 "Fence" and "passages" defined; certain fence construction shall constitute a taking or maintaining in captivity of deer, elk, bear and moose; temporary permits, permit and issuance requirements, fees; exceptions.**

Sec. 2.11 (1) As used in this order, "fence" means a structure or combination of a structure and natural barrier which is sufficient to prohibit the natural movement of an animal. For the purposes of this order, except as provided by subsections (6) and (7), construction of a fence shall constitute a taking or the maintaining in captivity of wild, free-ranging deer, elk, bear, or moose if the structure is constructed in an area frequented by wild, free-ranging deer, elk, bear, or moose and if 1 or more of the following conditions apply:

(a) The constructed structure is greater than 52 inches in height above the adjacent grade anywhere along its length and the total length of the constructed structure is more than ¼ mile and does not contain passages constructed in such a manner as to ensure the passage of wild, free ranging deer, elk, bear, or moose.

(b) The constructed structure is greater than 52 inches in height above the adjacent grade anywhere along its length and the combination of the constructed structure length and natural barrier length is more than ¼ mile in length and does not contain within the length of the constructed structure passages constructed in such a manner as to ensure the passage of wild, free ranging deer, elk, bear, or moose.

(c) The proposed fence would enclose deer, elk, bear, or moose and the person constructing or causing the construction of the fence did not obtain a permit prior to construction of the fence from the department for the temporary enclosing of animals or did not comply with the conditions of the temporary enclosing permit including the removal or flushing of deer, elk, bear, or moose or the payment of fees as directed by the permit. An application for a permit to temporarily enclose deer, elk, bear, or moose shall not be considered unless the applicant includes a proposed method and timetable for the removing or flushing the deer, elk, bear, or moose and the proposed method and timetable of removing or flushing the deer, elk, bear, or moose is approved by the department. If approved by the department, a permit shall be issued by the wildlife permit specialist.

(2) As used in this order, "passage" means a space, opening, or fence 52 inches or less in height constructed in a manner to ensure the passage of wild, free-ranging deer, elk, bear, or moose. For a passage to be constructed in a manner to ensure the movement of wild, free ranging deer, elk, bear, or moose, all of the following shall apply:

(a) Passages shall be at least 40 feet wide and shall be spaced no more than 660 feet from the next passage.

(b) Fence corners shall have passages extending at least 20 feet in each direction.

(3) A person shall not construct, obstruct, or place passages in a manner to inhibit the movement of wild, free-ranging deer, elk, bear, or moose.

(a) A person violates this section when the person does any of the following:

(i) Constructs passages in a place where the terrain or other natural features would inhibit passage use by wild, free-ranging deer, elk, bear, or moose.

(ii) Physically constructs passages in a manner that inhibits passage use by wild, free-ranging deer, elk, bear, or moose.

(iii) Blocks passages with physical barriers or otherwise constructs or uses physical barriers to impede the movement of wild, free-ranging deer, elk, bear, or moose through passages.

(iv) Uses a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus to affect animal behavior in order to hinder, impede, or prevent the movement of wild, free-ranging deer, elk, bear, or moose through passages.

(v) Erects barriers or uses a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus to affect animal behavior in order to hinder, impede, or deny wild, free-ranging deer, elk, bear, or moose ingress or egress to areas where passages are located.

(vi) Engages in any other act or behavior for the purpose of violating this subsection.

(4) The department may provide a written variance from these requirements for passages if the variance is deemed beneficial to wildlife and consistent with the intent of this order. Passages shall be placed along known travel lanes used by deer, elk, bear, or moose whenever practicable. It is recommended that either a minimum space of 4 inches be provided between the bottom of the fence and the adjacent grade, or that the fencing material contains 6-inch by 6-inch openings at ground level, in order to provide for the movement of other wildlife.

(5) In issuing a permit for the temporary enclosing of animals, the department shall do all of the following:

(a) If a permit is issued for a fence which would enclose wild, free-ranging elk, bear, or moose, the permit shall require the flushing or removal of all elk, bear, and moose.

(b) If a permit is issued for a fence which would enclose deer, the approved flushing plan shall require the flushing or removal of as many deer as practical. Deer not flushed or otherwise removed from an enclosure shall be killed in a manner approved by the department.

(c) Include a statement to advise the applicant that additional local or state regulations may apply to the construction and placement of fences.

(d) Charge a fee of \$45.00 for each permit issued. However, if any deer is killed pursuant to subdivision (b), the permit fee shall be \$45.00 plus \$250.00 for each deer killed.

(6) This section shall not apply to premises licensed under the provisions of part 427, breeders and dealers, of the natural resources and environmental protection act, Act 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws, or premises registered as a cervidae livestock facility under the provisions of the privately owned cervidae producers marketing act, Act 190 of the Public Acts of 2000, being sections 287.951 to 287.969 of the Michigan Compiled Laws, or to an exclusion structure which does not kill, harm, capture, trap, or collect animals and which is constructed to:

(a) Deter or prevent damage by wild animals to private property, including but not limited to fences to protect livestock; poultry and other birds, including captive-reared game birds; farm crops; orchards; and gardens.

(b) Protect public safety, including but not limited to airport fencing, military fencing, and fencing to restrict access to dangerous or potentially dangerous areas.

(c) Provide any function and be constructed within the curtilage or within the incorporated limits of a city or village.

(d) Provide any type of industrial or commercial security function and be constructed within a recognized industrial or commercially zoned area.

(7) As provided by law for the taking of animals to prevent or control damage and when deemed advisable for public health or safety reasons, the wildlife division chief may issue a permit to allow the taking of deer, elk, bear, or moose by fence.

History: Am. 4, 2000, Eff. Jan 14, 2000; Am. 2, 2002, Eff. Mar 11, 2002.

## **2.12 Pure Michigan hunt; eligibility requirements, definition, open area, exceptions.**

Sec. 2.12 (1) A pure Michigan hunt applicant must meet the age requirement and all other eligibility requirements established in statute to purchase a regular (not apprentice) hunting license to hunt bear, deer, or elk with a firearm.

(2) Notwithstanding any other provisions of this order, and subject to the requirements of applicable statutes, a pure Michigan hunt license shall include the opportunity to purchase:

- (a) One any-elk license (Michigan resident only).
- (b) One bear license (not valid for Drummond island bmu).
- (c) One spring turkey license.
- (d) One fall turkey license.
- (e) One antlerless deer license.

(3) Successful applicants shall be determined by a drawing. Pure Michigan hunt drawing success does not affect or involve any preference points or ineligibility periods related to other hunting licenses or lifetime licenses.

(4) Three pure Michigan packages shall be awarded each year allowing the successful applicant to purchase the above licenses for the prices established by the department pursuant to law.

(5) The nonrefundable application fee for a pure Michigan hunt license is \$4.00.

(6) Pure Michigan hunt applicants may purchase multiple pure Michigan hunt applications.

(7) Licenses purchased by a successful pure Michigan hunt applicant shall be valid for the following:

- (a) Pure Michigan hunt unit defined in section 12.999 for each game species.
- (b) During any open season for that species, with the appropriate weapons authorized by this order.
- (c) On any lands open to hunting for those licenses in section 2.12(2) with permission of the private landowner, if applicable.
- (d) The party hunt leader with the first selection at any managed waterfowl area during the reserved hunt period.

(8) A pure Michigan hunt applicant must meet all the requirements to participate in any season covered by the pure Michigan hunt license.

(9) Successful pure Michigan hunt applicants are not prohibited from:

- (a) Applying for a limited draw license authorized by any other provision of this order.
- (b) Purchasing a license authorized by other provisions of this order.
- (c) Utilizing a kill tag authorized by other provisions of this order.
- (d) Retention of any preference points or chances accumulated by other provisions of this order.

(10) Nonresidents are not eligible to purchase a Michigan elk hunting license.

(11) Pure Michigan hunt licenses are not transferable.

History: Am. 12, 2009, Eff. Jun 4, 2009.