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BILL



ANALYSIS

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Senate Bill 1350 (as enacted)
Sponsor: Senator Tom Casperson
Senate Committee: Natural Resources, Environment and Great Lakes
House Committee: Natural Resources, Tourism, and Outdoor Recreation

PUBLIC ACT 520 of 2012

Date Completed: 8-19-13

CONTENT

The bill amended Parts 401 (Wildlife Conservation) and 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act to do the following:

- **Include wolf in the definition of "game".**
- **Authorize the establishment of the first open season for wolf, and allow the Natural Resources Commission (NRC) to establish annual wolf hunting seasons.**
- **Prohibit an individual from hunting wolf without a wolf hunting license, and establish a license fee of \$100 for a resident and \$500 for a nonresident.**
- **Make it a misdemeanor to illegally possess or take wolf.**
- **Create the Wolf Management Advisory Council, and require it to submit to the NRC and the Legislature an annual report containing wolf management recommendations.**
- **Specify legislative findings regarding wildlife management.**

The bill took effect on December 28, 2012.

Wolf Hunting Season & Penalties

Under the Act, a person may not take, release, transport, sell, buy, or possess game, whether living or dead, or parts of game, from the State or from outside of the State, except as provided for in Part 401 or by an order or interim order of the

Department of Natural Resources (DNR). The bill includes wolf in the definition of "game".

The bill states, "The legislature hereby authorizes the establishment of the first open season for wolf." In addition, the bill allows the NRC to issue orders establishing annual wolf hunting seasons throughout the State.

A person who violates a provision of Part 401 or an order or interim order regarding the possession or taking of deer, bear, or wild turkey is guilty of a misdemeanor punishable by imprisonment for at least five days but not more than 90 days and a fine of at least \$200 but not more than \$1,000, plus the cost of prosecution. Under the bill, these penalties also apply to the illegal possession or taking of wolf.

The bill provides that a person may not be punished for lawfully removing, capturing, or destroying a wolf under Public Act 290 of 2008. (That Act governs the control of gray wolves, and allows a livestock owner to remove, capture, or, if deemed necessary, kill a gray wolf that is in the act of preying upon the owner's livestock.)

Wolf Hunting License

The bill prohibits an individual from hunting wolf without a wolf hunting license. The fee is \$100 for a resident license and \$500 for a nonresident license. The DNR may establish a nonrefundable application fee of up to \$4

for each person who applies for a wolf hunting license.

The DNR may issue a kill tag with, or as part of, a wolf hunting license. The provisions of Section 43526(2) regarding kill tags apply with respect to a wolf hunting license. (Under that subsection, the DNR may issue a kill tag with or as part of each deer license. The tag must bear the license number, and also may include space for other pertinent information required by the Department. The kill tag, if issued, is part of the license.)

The bill deleted wolf from the definitions of "fur-bearing animals" and "small game" in Part 435. (As a rule, an individual may not trap or hunt fur-bearing animals without a fur harvester's license, or hunt small game without a small game license.)

Wolf Management Advisory Council

The bill created the Wolf Management Advisory Council within the DNR. The Council must consist of the DNR Director or his or her designee and one member appointed by the Director or designee to represent each of the following:

- An organization that promotes conservation in Michigan.
- Organizations that promote hunting and fishing in Michigan.
- A tribal government.
- Agricultural interests.
- An animal advocacy organization.

The Council must meet at least annually, and is subject to the Open Meetings Act and the Freedom of Information Act.

Council members will serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

The bill requires the Council to submit to the NRC and the Legislature an annual report that makes nonbinding recommendations as to the proper management of wolves in Michigan.

Legislative Findings

The bill contains the following legislative findings:

- "The wildlife populations of the state and their habitat are of paramount importance to the citizens of this state."
- "The sound management of wolf populations in this state is necessary, including the use of hunting as a management tool, to minimize negative human and wolf encounters and to prevent wolves from threatening or harming humans, livestock, and pets."

MCL 324.40103 et al.

BACKGROUND

Several hundred years ago, several different wolf species occupied most of the United States, and the gray wolf could be found throughout Michigan. Following settlement by Europeans, however, wolves came to be seen as a nuisance due to their predation on livestock and game animals. As a result, over the next several hundred years, wolves were the target of extermination efforts. For example, bounty systems were implemented in many states, including Michigan, and the Federal government took other measures to eradicate wolves. Hundreds of thousands were killed throughout the country, and by 1900, the animals were rare in the eastern United States and parts of Minnesota, Wisconsin, and Michigan. Eventually, the gray wolf was extirpated in 95% of its historic range. The gray wolf population is thought to have reached its lowest point in the 1960s, when only several hundred remained in northeastern Minnesota and approximately 20 lived on Michigan's Isle Royale.

Michigan declared the gray wolf an endangered species in 1965. In 1967, the animal was granted protection on Federal land under the Endangered Species Preservation Act. In 1974, the gray wolf was listed as endangered under the Federal Endangered Species Act (ESA), meaning it was considered to be at risk of extinction. The listing made it illegal to kill, trap, or otherwise harm a gray wolf. In addition to this protection, over the next few decades efforts were made to reintroduce wolves within the species' historical territory.

In 1978, the U.S. Fish and Wildlife Service (USFWS) adopted a recovery plan for the eastern timber wolf (which is considered a subspecies of the gray wolf). The plan established a population goal of 1,250 to

1,400 wolves in the State of Minnesota by the year 2000 and 100 wolves combined for Wisconsin and Michigan. The Minnesota population reached the goal by 1989, and the desired level for Michigan and Wisconsin was met by 1994. According to the plan, the latter population had to be maintained for five years before the subspecies could be considered for delisting under the ESA.

Michigan reclassified the gray wolf under State statute as threatened, rather than endangered, in 2002. In that year, the population was estimated at 280 in the Upper Peninsula with an additional 17 on Isle Royale. On several occasions over the next few years, the USFWS issued a final rule to reclassify the gray wolf by identifying "distinct population segments" ("DPSs"), and to remove the species from the list of endangered and threatened wildlife in certain DPSs. A number of wildlife conservation organizations sued the USFWS and the U.S. Department of the Interior, claiming that the rule violated the ESA and the Department's own policy through improper use of the DPS designation. Each time, U.S. District Courts agreed with the plaintiffs, granting their motion for judgment and vacating the rule.

The USFWS most recently delisted the gray wolf in the Western Great Lakes DPS (which includes Michigan, Minnesota, and Wisconsin and parts of Illinois, Indiana, Iowa, North Dakota, and South Dakota) by a final rule that took effect in January 2012. In response, a complaint was filed in the U.S. District Court for the District of Columbia. The complaint alleges that the USFWS has once again violated the ESA and the DPS policy, rendering the rule "arbitrary, capricious, an abuse of discretion, and not in accordance with the law". The complaint requests an order to vacate the rule and reinstate protections for the gray wolf in the Great Lakes region. A hearing in the case is expected to take place this fall and the courts final decision will likely be issued in early 2014.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill by itself will have a minor, but negative fiscal impact on the Department of Natural Resources (DNR) as it merely authorizes the Natural Resources

Commission and the DNR to establish a wolf hunting season; it does not require such a season to be established. The bill establishes a \$100 wolf hunting license fee for residents, and a \$500 license fee for nonresidents.

Since the bill's enactment, the DNR has established a wolf hunting season and has indicated that 1,200 licenses will be sold. Depending on the resident/nonresident distribution of licensed hunters, the sale of these licenses will generate between \$120,000 and \$600,000 in revenue, which will be credited to the Game and Fish Protection Fund. Additionally, the bill allows the DNR to charge hunters up to \$4 to enter a lottery to receive a wolf license. Presently, the DNR has elected not to use a lottery, but rather to sell licenses on a first-come, first-served basis. This approach to distributing the licenses will result in no new revenue from a lottery, but also no new costs as the distribution of the licenses will be handled by license retailers through the DNR's license point-of-sale system.

The establishment of a wolf hunting season will result in new, but indeterminate costs that will likely be offset to some extent by additional revenue from license sales. These costs will be related to the establishment of a wolf hunting season, law enforcement, and administration of the season. The bill also introduces some minor administrative costs related to the establishment of a Wolf Management Advisory Council. It is unknown whether these costs will be greater or less than the amount of new revenue received, so the fiscal impact is indeterminate.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.