

March 8, 2024

VIA EMAIL AND U.S. MAIL

Natural Resources Commission
P.O. Box 30028
Lansing, MI 48909
nrc@michigan.gov

Re: Public Comment regarding WCO Amendment No. 1 of 2024
(Coyote Hunting Season) for consideration at the NRC's March 14, 2024
meeting

Dear Commissioners:

This letter is provided by the Michigan Trappers and Predator Callers Association (“MTPCA”) as a written public comment under MCL § 324.40113a(2) and Paragraph 6 of the Natural Resource Commission’s (“NRC’s”) Public Appearance Guidelines.¹ This letter and its accompanying exhibits are provided as supplements to the comments that the MTPCA intends to provide at the NRC’s March 14, 2024 meeting. Under the NRC’s Public Appearance Guidelines, we understand that this letter and the accompanying documents will become part of the formal NRC record.

The MTPCA and its members have significant concerns about Wildlife Conservation Order Amendment No. 1 of 2024, which is scheduled to be considered by the NRC at its March 14, 2024 meeting. In relevant part, the Amendment would revise Wildlife Conservation Order § 3.610(1) by reducing the coyote hunting season—which is currently year-round—to only “from July 15 to April 15” (the “Coyote Season Amendment”) (**Exhibit 1**, Feb. 12, 2024 DNR Memo, at 9).²

Because there are several problems with the Coyote Season Amendment, the NRC should decline to adopt it.

1. “Public perception” is not a sound scientific basis for amending the coyote season.

First, the proposed Coyote Season Amendment does not comport with Proposal G, the voter-adopted proposal that is codified at MCL § 324.40113a. Proposal G’s “general purpose, or object, is to ensure that decisions affecting the management of fish, wildlife, and their habitats are to be governed by sound scientific principles” instead of on purely political grounds. *Keep*

¹ https://www.michigan.gov/-/media/Project/Websites/dnr/Documents/Boards/NRC/2019/folder2/Public_Appearance_Guidelines.pdf?rev=bf92e6773a4d4adb93d1adffc7c3e302

² https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Boards/NRC/2024/February-2024/Signed_01WCO2024_INFO.pdf

Michigan Wolves Protected v. State, Dep't of Nat. Res., No. 328604, 2016 WL 6905923, at *5 (Mich. Ct. App. Nov. 22, 2016). In other words, the goal of Proposal G was to professionalize wildlife management in Michigan: that is, “to remove politics and other non-scientific considerations from the management of fish, wildlife, and their habitats, and to place management of these natural resources on a scientific footing.” *Id.*³

To that end, Proposal G stresses that “conservation of fish and wildlife populations of the state depend upon the wise use and sound scientific management of the state’s natural resources.” MCL § 324.40113a(1)(b). And, most importantly, Proposal G requires that the NRC “shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. The commission may take testimony from department personnel, independent experts, and others, and review scientific literature and data, among other sources, in support of its duty to use principles of sound scientific management.” MCL § 324.40113a(2).

The Coyote Season Amendment is not supported by any scientific principle or data. In fact, as noted in the DNR’s January 16, 2024 memorandum (which was resubmitted on February 12, 2024), the DNR did not identify any biological impact that would result from reducing the coyote hunting season:

Biological

Since the coyote hunting season was extended to year-round, statewide harvest estimates and average number of coyotes harvested per hunter have not increased. The Department does not expect a significant biological impact.

(**Exhibit 1**, Feb. 12, 2024 DNR Memo, at 5).

Instead, the DNR’s memo observes that certain groups asked the NRC to adopt the Coyote Season Amendment due to (1) “public perception” and (2) “potential future impacts to their hunting and trapping opportunities.” (**Exhibit 1**, Feb. 12, 2024 DNR Memo, at 5).

Neither of these bases is an appropriate ground on which to amend the WCO. “Public perception” is the opposite of “sound scientific principles.” The whole point of Proposal G was “to remove politics and other non-scientific considerations” from the analysis. *Keep Michigan Wolves Protected*, 2016 WL 6905923, at *5. Wildlife management decisions must be based on what the science demands, not based on whether the public intuitively favors one approach over another. The NRC cannot base its decision on “public perception” without contradicting the core dictate of Proposal G. See MCL § 324.40113a(2).

Nor does any scientific data support certain groups’ concerns about “potential future impacts” to their hunting opportunities. The DNR’s memo does not identify any data

³ See also Chris Lamphere, “Proposal G: From ‘ballot box biology’ to professional wildlife management.” *Michigan Out-Of-Doors* (Jul 6, 2022), available at <https://www.michiganoutofdoors.com/proposal-g-from-ballot-box-biology-to-professional-wildlife-managment/>.

supporting these concerns. Instead, the DNR found after a review of the data that “[t]he Department does not expect a significant biological impact.” (**Exhibit 1**, Feb. 12, 2024 DNR Memo, at 5). In fact, as explained in the speaker notes that accompany the PowerPoint presentation that the DNR’s Cody Norton submitted to the NRC on February 8, 2024, “this is largely a social issue,” not a biological one. (**Exhibit 2**, Feb. 8, 2024 DNR PowerPoint, at 21). As Mr. Norton explained, “there are no trends in harvest per day of effort that would indicate a change in coyote abundance due to implementation of a year-round season in 2016.” (**Exhibit 2**, Feb. 8, 2024 DNR PowerPoint, at 21).

Proposal G demands professional, scientific management of Michigan’s natural resources, not ad hoc decision-making based upon “public perception” and vague concerns about potential future limitations that are not supported by any data. Under Proposal G, there is no basis for adopting the Coyote Season Amendment.

2. Adopting the Coyote Season Amendment would be inconsistent with the NRC’s own policies.

Not only is the Coyote Season Amendment unsupported by any scientific principle or data, but it would be inconsistent with the NRC’s policies for the NRC to adopt it.

For example, Paragraph 5 of NRC Policy 1003 recognizes that “relevant experiences from other states” is often helpful for the NRC to better understand the issues presented by a particular proposal. (**Exhibit 3**, NRC Policy 1003, at 1). The DNR’s memo does not address other states’ approaches to the coyote hunting season. Mr. Norton’s February 8, 2024 PowerPoint presentation reviewed the approaches of five neighboring States, the majority of which have year-round coyote seasons. (**Exhibit 2**, Feb. 8, 2024 DNR PowerPoint, at 21). A wider review of the other states’ coyote hunting regulations reveals an even stronger trend in favor of a 12-month coyote season. Of the 49 states that have coyote populations, it appears that only seven states limit the hunting season to something less than a 12-month season—and none of those states have adopted the same April 16 through July 14 limitation that the Coyote Season Amendment proposes. (**Exhibit 4**, State Regulation Comparison). Adopting the Coyote Season Amendment would place Michigan out of step with the large majority of its sister states.

NRC Policy 1003 also recognizes that “action by the NRC on matters over which it has exclusive jurisdiction often starts with the receipt of recommendations from the [DNR].” (**Exhibit 2**, NRC Policy 1003, at 1). The February 12 version of the DNR’s memo does *not* recommend that the NRC adopt the Coyote Season Amendment. (**Exhibit 1**, Feb. 12, 2024 DNR Memo, at 5). Instead, because it does not believe that a change would have material biological effects, the DNR “has decided to remain more neutral” on the issue. (**Exhibit 2**, Feb. 8, 2024 DNR PowerPoint, at 21).

Even though the DNR’s memo does not recommend that the Coyote Season Amendment be implemented, the proposed WCO Amendment No. 1 of 2024 nevertheless contains proposed language that would amend WCO § 3.610:

3.610 Coyote, open season; exceptions; fur harvester's license not required to hunt.

Sec. 3.610 (1) The statewide open season for taking coyote by hunting shall be ~~all year~~ from July 15 to April 15 except:

(Exhibit 1, Feb. 12, 2024 DNR Memo, at 9).

Ordinarily, if the DNR is not recommending a change to the WCO, then its proposed amendments will not contain a proposed change to the language of the WCO and a separate motion would be needed in order to amend the WCO. Here, however, the presumption is upside down. Even though the DNR is not recommending a change to WCO § 3.610, the proposed amendment that is attached to the DNR's memorandum contains a change to the language of WCO § 3.610, such that a separate motion will be needed in order *not* to amend WCO § 3.610.

With respect to the Coyote Season Amendment, the NRC appears to be using a procedure under which the default presumption is that WCO § 3.610 will be amended in the absence of a DNR recommendation unless a separate motion is made to strip that language out of the overall amendment. That contradicts the ordinary process, as reflected in NRC Policy 1003.

3. The available information does not support the proposed Coyote Season Amendment.

Beyond the lack of scientific studies or data to support the proposed Coyote Season Amendment, all of the information that is currently available on this issue strongly suggests that the stated "public perception" concerns are misplaced.

First, coyotes in Michigan are primarily a management species, which require active participation by hunters in order to check their population and avoid detrimental outcomes on both environmental aspects as well as social aspects. There are no predatory species in the lower peninsula to aid in keeping the coyote population at a healthy equilibrium. The 12-month coyote season was adopted due to the alarming amount of nuisance reports in order to allow hunters to be used as a tool of wildlife management and to keep coyote population numbers from reaching a point of no return. Reducing the season to 9 months would significantly decrease the ability of hunters to have as much impact opportunity as possible. And, as Mr. Norton explained at the NRC's February 8, 2024 meeting, coyote populations require significant management efforts:

- When 60% of coyote population [is] removed from an area, population can recover within a year (Pitt et al. 2001).
- A 3-year South Carolina study reduced coyotes by 78% each year and their numbers rebounded to pre-trapping levels in nine months (Kilgo et al. 2014).
- To cause a decline in the coyote population, 90% of coyotes must be removed. However, the population can recover in less than five years without continued intensive removal (Pitt et al. 2001).

(**Exhibit 2**, Feb. 8, 2024 DNR PowerPoint, at 21).

To the extent that hunters have a reduced opportunity to help control the coyote population, that role would be left to resource limitations and other natural causes, such as disease. If these phenomena were the sole limitations on coyote population, the state of Michigan likely would see a decrease in the population numbers of game species such as squirrels, rabbits, turkeys, and whitetail deer.

Second, the suggestion that these concerns are mitigated by Wildlife Conservation Order § 5.56 is incorrect. WCO § 5.56(2) allows “[a] property owner or their designee” to harvest a coyote “on property owned by the individual” if the coyote “is doing damage or physically present where it could imminently cause damage.” *Id.* That language is ambiguous in several ways, not least because the concept of a coyote being in a place “where it could imminently cause damage” is highly malleable. The larger problem, though, is that WCO § 5.56(2) does not have sufficient scope. It allows coyotes to be harvested only when the coyote is “on” the property that is owned by the hunter. Due to coyotes’ large range, however, effective population management requires that coyote populations be managed through methods that can take into account factors such as their areas of geographical concentration rather than through patchwork, episodic solutions. Allowing hunters to take coyotes only when they pop up on their own property is a Whack-A-Mole system of coyote population management, not a professional or scientifically sound one.

Third, it is likewise incorrect to suggest without scientific support that there should be parity between coyote season and the hunting seasons applicable to other species. Each species is different. The considerations regarding the appropriate season for each species depends on the data pertaining to the particular species that is involved. Coyotes are not only a management species rather than a strictly game species, but they also have significant rebound capabilities that are not equally shared by other species. (**Exhibit 2**, Feb. 8, 2024 DNR PowerPoint, at 21). Without scientific support for treating all species the same regardless of their differences, the notion that there should be temporal parity between all hunting seasons is not grounded in data or in scientific principles—it is grounded only in social perception. Under Proposal G, that is not an appropriate ground for making a change to the WCO.

Fourth, although the coyote season currently is 12 months long, that does not mean that coyote hunters are afield actively hunting coyotes for a full 12 months. On average, most hunters in Michigan target coyotes for only 5 or 6 months out of the year. That is because many hunting enthusiasts partake in the variety of hunting activities that Michigan has to offer. This means that a coyote hunter may only hunt during the winter and late spring months until another season opens for a game species such as turkey. After turkey season, fishing and other outdoor recreation resumes with the warmer weather. Following this time, the majority of coyote hunters focus solely on deer hunting and do not go afield hunting coyotes for several consecutive months. Any perception that a year-round season will cause Michigan hunters to hunt coyotes incessantly is incorrect. As the DNR has observed, the switch to a year-round season did not have significant effects on the numbers of coyotes that were harvested in any given year.

Fifth, MTPCA members engage in hunting methods that are designed to allow hunters to harvest coyotes and control their populations while limiting the environmental impact on other species and the environment. The famous hunter, Jim Shockey, routinely says that walking into a landscape is very similar to stepping into a pond. When you step into the pond, you are going to create a ripple and that ripple moves through the entire pond. Using this analogy, predator calling creates the least amount of ripple while other methods have a much larger effect on the pond.

Predator hunting or “calling” occurs when a hunter using firearms, or even archery gear, will go afield with an electronic call or mouth calls in order to “call in” a coyote and harvest it. This is done on legal hunting public land, personal private property, or on private property where the landowner has given the hunter permission to be. Because a predator caller standing in a single area has the ability to push sound out to a much wider area, predator callers can target coyotes with large home ranges from a single spot. During the hunt, vehicles are left parked near the road while the hunter walks to their predetermined hunting spot.

Although the MTPCA supports all practices of legally taking coyotes and legal hunting, predator calling does not require the use of domestic dogs or traps being set where potential injury to non-targeted species can occur. Predator calling allows hunters to “walk in and walk out” without leaving a footprint on the surrounding landscape. Taking into account these methods, predator calling continues to be the most effective method for reducing coyote numbers while having the least amount of impact on other species and the landscape.

Sixth, although some concern has been raised that allowing coyote hunting during the spring months will result in female coyotes being killed, such that unweaned pups may be divested of a caregiver, that concern is misplaced. The MTCPA is not aware of any scientific study or data that supports this stated concern. In fact, in the MTCPA’s experience, it is extraordinarily unusual for a predator caller to be able to call a mother away from unweaned pups.

The two main types of calls used to lure a coyote are either food (e.g., rabbit distress) or social (coyote vocals). A nursing mother coyote has no need to respond to food calls because food is brought to her and is often cached near the den. Even if her mate is killed, other family members (they are not a “pack”) will continue to provide food. Nursing female coyotes ordinarily will not respond to social (coyote vocal) calls, either. Coyotes recognize each other’s voices just as easily as humans do. If a nursing mother hears any coyote vocals that she doesn’t recognize, her ordinary response will be to stay with her pups and defend them with her life.

These observations are supported by the decades-long experiences of members of the MTCPA and have been confirmed by experts such as Scott Evans (a retired U.S. Fish and Wildlife Service Coyote Specialist) and Buck Wells of Powell, Wyoming (a fourth generation predator hunter with over 50 years of experience hunting coyotes, mostly in northwest Wyoming).

In short, not only does Proposal G preclude the proposed amendment to Michigan’s current year-round coyote season due to the lack of any scientific basis for making the proposed

change, but the available evidence strongly suggests that the “public perception” concerns are not based in correct data, either.

4. The large majority of stakeholders oppose the proposed Coyote Season Amendment.

Even if it was appropriate under Proposal G for the NRC to assess social concerns, the majority of stakeholders opposed the proposed amendment. The amendment was initially proposed by the Furtaker User Group meeting in September 2023. Several of those individuals, however, have retracted their support for the proposal, including the UP Trappers Association, whose membership recently voted in support of a 12-month season. The Upper Peninsula Sportsman’s Alliance also recently voted almost unanimously in favor of retaining the 12-month season. The MTPCA also understand that the Eastern Upper Peninsula Citizens Advisory Council discussed the issue at a recent meeting and supported a 12-month season. Michigan United Conservation Clubs is also expected to pass a resolution in support of a 12-month season before the NRC’s March 14, 2024 meeting. To the extent that public perception is a relevant consideration, the majority of relevant stakeholders strongly oppose the proposed amendment.

The MTPCA welcomes the further opportunity to discuss these issues at the NRC’s March 14, 2024 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Merle Jones', written in a cursive style.

Merle Jones
Director of Public Relations
MTPCA