

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT  
INGHAM COUNTY

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MICHIGAN UNITED CONSERVATION  
CLUBS; and MICHIGAN TRAPPERS AND  
PREDATOR CALLERS ASSOCIATION,  
INC.,

Appellants,

v

MICHIGAN NATURAL RESOURCES  
COMMISSION

Appellee.

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Circuit Court Case Nos. 24-000225-  
AA, 24-000427-AA

Appeal of Wildlife Conservation Order  
Amendment No. 1 of 2024

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**BRIEF OF APPELLANT MICHIGAN UNITED CONSERVATION CLUBS**

**Oral Argument Requested**

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## **STATEMENT OF JURISDICTION**

This Court has jurisdiction under MCL 600.631 and MCR 7.103. MCL 600.631 provides that "[a]n appeal shall lie from any order, decision, or opinion of any state board, commission, or agency, authorized under the laws of this state to promulgate rules from which an appeal or other judicial review has not otherwise been provided for by law, to . . . the circuit court of Ingham county, which court shall have and exercise jurisdiction with respect thereto as in nonjury cases." MCR 7.103(A)(3) provides that "[t]he circuit court has jurisdiction of an appeal of right filed by an aggrieved party from . . . a final order or decision of an agency from which an appeal of right to the circuit court is provided by law." Appellee Michigan Natural Resources Commission issued Amendment No. 1 of 2024 to the Wildlife Conservation Order on March 14, 2024. **(Exhibit A)**. Appellant Michigan United Conservation Clubs ("MUCC") filed a timely notice of appeal 18 days later, on April 1, 2024. MCR 7.104(A) (providing for a 21-day jurisdictional deadline to appeal).

MUCC is a nonprofit corporation whose members include over 200 local conservation clubs, representing over 40,000 hunters, anglers, trappers, and conservationists. MUCC's members include hunters and trappers who harvest coyotes between April 15 and July 15 of each year for commercial purposes including, but not limited to, the preservation of private property, and other legitimate game-management purposes. The March 14, 2024 Order, which prohibits coyote harvesting during this period, therefore inflicts a "concrete and particularized injury" on these MUCC members, which means that MUCC is "aggrieved" under MCR 7.103(A)(3). See *Federated Ins Co v Oakland Co Rd Comm*, 475 Mich 286, 290-292; 715 NW2d 846 (2006); *Trout Unlimited v City of White Cloud*, 195 Mich App 343, 348; 489 NW2d 188 (1993) ("A nonprofit corporation has standing to advocate for the interests of its members where the members

themselves have a sufficient stake or have sufficiently adverse and real interests in the matter being litigated.").

## **STATEMENT OF QUESTIONS PRESENTED**

- I. Whether the Natural Resources Commission's decision to close the coyote hunting season was authorized by law.

The Commission answered "Yes"  
Appellee would answer "Yes"  
Appellant MUCC answers "No"

- II. Whether the Natural Resources Commission's decision to close the coyote hunting season was supported by competent, material, and substantial evidence on the whole record.

The Commission answered "Yes"  
Appellee would answer "Yes"  
Appellant MUCC answers "No"

## **INTRODUCTION**

Michigan law recognizes that "hunting, fishing, and the taking of game are a valued part of the cultural heritage of this state and should be forever preserved." MCL 324.40113a(3). Michigan citizens therefore "have a right to hunt, fish, and take game[.]" *Id.* Like many rights, however, the right to hunt is not absolute; the Legislature has delegated authority to regulate hunting to the Michigan Natural Resource Commission ("NRC"), which is comprised of seven members appointed by the Governor.

On its face, the NRC's structure creates the opportunity for partisan mischief: four unelected, unaccountable political appointees can band together and dictate the hunting rights of 10 million Michiganders. However, Michigan's citizens long ago decided that the State's natural resources, including wildlife, are too precious to be subject to personal whims or the fickleness of public opinion and politics. In 1996, a supermajority of Michigan voters enacted Proposal G, now enshrined at MCL 324.40113a, which mandates that "[t]he commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game." Thus, the NRC's power is limited and a Michigan citizen's right to hunt can only be abridged when science compels the limitation.

In a narrow sense, this case is about whether the NRC violated MCL 324.40113a, and exceeded its authority, when it shortened the coyote hunting season. But this case has broader implications for the regulation of personal rights and Michigan's natural resources going forward. The citizens of Michigan have made clear that they expect decisions regarding the taking of game to be based on sound science. The NRC disregarded that mandate here and instead based its decision on speculation and subjective notions of how the public *might* perceive springtime coyote hunting. Without this Court's intervention, the NRC will be emboldened to continue disregarding

science and the statutory limitations on its power, endangering Michiganders' personal rights and the future conservation of the State's natural resources. Accordingly, the Michigan United Conservation Clubs ("MUCC") respectfully asks that this Court vacate § 3.610 of Wildlife Conservation Order, Amendment No. 1 of 2024.

## **STATEMENT OF FACTS**

### **I. MICHIGANDERS OVERWHELMINGLY PASS PROPOSAL G.**

Although this case centers on coyotes, its roots deal with bears. In 1996, various special-interest groups and animal-rights organizations sponsored a ballot initiative in Michigan that would have prohibited certain techniques for hunting black bears. See generally, Chris Lamphere, *Proposal G: From 'ballot box biology' to professional wildlife management*, Michigan Out-of-Doors, July 6, 2022 (available at <https://www.michiganoutofdoors.com/proposal-g-from-ballot-box-biology-to-professional-wildlife-managment/>) (**Exhibit B**). "Proposal D . . . sought to prohibit the use of bait piles and dogs for hunting black bears — techniques seen as cruel and unsporting by most of the proposal's supporters[.]" *Id.* Proposal D was one of several state-level initiatives around the country at that time that asked voters to make value judgments about game management. *Id.*

Conservation groups opposed Proposal D for two principal reasons. First, "locating bear in the wild without bait or dogs is extremely difficult," so Proposal D threatened to allow the bear population to explode. *Id.* "The larger issue that galvanized hunting and angling groups against Proposal D, however, was how wildlife and habitat management efforts all over the country were increasingly being dictated by special interest groups and radical activists rather than by experts in the field." *Id.* To fight back, approximately a dozen conservation groups, including MUCC and Safari Club International, formed the "Citizens for Professional Wildlife Management." ("CPWM"). *Id.*

At CPWM's urging, the Michigan Legislature responded to the threat of Proposal D. A bipartisan coalition of Michigan state senators introduced Senate Bill 1033 of 1996, which provided that "the Director of the Department of Natural Resources shall have the exclusive authority to regulate the taking of game in this State" and that "in making decisions regarding the taking of game, the Director shall utilize principles of sound scientific management." SB 1033 of 1996 (**Exhibit C**). After SB 1033 was amended to replace the Director with the NRC—which is a commission within the Department of Natural Resources ("DNR")—the bill was overwhelmingly passed by both the House of Representatives (73-26) and the Senate (33-2). Legislative History of SM 1033 (**Exhibit D**). Governor Engler signed SB 1033 mere hours after it reached his desk. *Id.* About *eight weeks* elapsed between the time that SB 1033 was first introduced and when Governor Engler signed it into law—a breathtakingly short time, which indicates the bill's obvious support among those elected to represent the Michigan citizenry.

Because SB 1033 was enacted in response to Proposal D (a ballot initiative), Michigan law provided that SB 1033 could only take effect if a majority of Michigan voters approved it during the next general election. Const 1963, art 2, § 9. Thus, SB 1033 became "Proposal G," and statewide educational campaigns began on the pros and cons of the dueling proposals. (Article, Ex. B). Michiganders had a choice: either game-management could be dictated by objective science and hard facts or by subjective notions of fairness and opinion.

On November 5, 1996, Michiganders overwhelming chose science over feelings. By any measure, Proposal G routed Proposal D. Over 2.4 million Michiganders voted in favor of the science-based Proposal G, which represented approximately 68.7% of votes cast. See Elections Result (**Exhibit E**). Proposal G received majority support in **every single one of Michigan's 83 counties**—never receiving less than 60% of votes in its favor in any county and garnering nearly

80% of votes in some counties. See Election Result Analysis (**Exhibit F**).<sup>1</sup> The margin was so wide that even if every single voter in Wayne County (the State's largest county by far) had opposed Proposal G, it still would have passed. And to be clear, this is a hypothetical: a supermajority (66.35%) of Wayne County voters approved Proposal G too.

In contrast, only about 38.2% of voters supported the subjective-based Proposal D. (*Id.*) It lost in every single county, some spectacularly. For example, in two counties, over 80% of voters rejected Proposal D. (*Id.*). Proposal D was the least popular of the six ballot questions presented to voters that year; no proposal received more "no" votes or fewer "yes" votes. (*Id.*)

Via these landslide votes on Proposal G and Proposal D, Michigan citizens clearly, expressly, and unequivocally rejected the idea that game-management decisions can be made based on subjective notions of fairness and instead squarely adopted the rule that they must be based on sound scientific principles.

## **II. PROPOSAL G IS CODIFIED IN MCL 324.40113A.**

After the election, Proposal G was codified at MCL 324.40113a. The structure of this provision is important. First, this statute generally recognizes that "[t]he fish and wildlife populations of the state and their habitat are of paramount importance to the citizens of this state"; that "hunting, fishing, and the taking of game are a valued part of the cultural heritage of this state and should be forever preserved;" and that "these activities play an important part in the state's economy and in the conservation, preservation, and management of the state's natural resources." *Id.* at (1)(a), (3). Accordingly, MCL 324.40113a(2) confirms that "the citizens of this state have a right to hunt, fish, and take game[.]" *Id.* at (3).

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<sup>1</sup> This Exhibit was created by undersigned counsel as a demonstrative and is merely a reorganization of the data reflected in Exhibit E.



As soon as MCL 324.40113a(2) recognizes this right, however, it clarifies that the right is subject to regulation and restriction. *Id.* (providing that the right is "subject to the regulations and restrictions prescribed by subsection (2) and law."). Subsection 2 of MCL 324.40113a defines permissible limitations on a Michigander's right to hunt. That subsection provides: "[t]he [NRC] has the exclusive authority to regulate the taking of game . . . [and] **shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game.**" *Id.* at (2) (emphasis added). MCL 324.40113a(2) specifically imposes on the NRC a "duty to use principles of sound scientific management." *Id.* The statute also *repeatedly confirms* the public importance of scientific tools in managing game by noting that "[t]he conservation of fish and wildlife populations of the state **depend upon the wise use and sound scientific management of the state's natural resources**[" and that "[t]he sound scientific management of the fish and wildlife populations of the state . . . **is declared to be in the public interest.**" *Id.* at (1)(a)-(b) (emphasis added).

After limiting the NRC's discretion to only decisions based on science, MCL 324.40113a(2) then explains the methods by which the NRC should reach those decisions: "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." This language confirms that the NRC's decisions will primarily depend on the view of game-management personnel, "experts," and "scientific literature and data." See *Keep Michigan Wolves Protected v State*, Dkt No. 328604, 2016 WL 6905923, at \*5 (Mich Ct App, Nov 22, 2016) (describing this language as the "means" to achieve the end of scientific-based wildlife management).<sup>2</sup>

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<sup>2</sup> This unpublished case is attached as **Exhibit L**.

In sum, MCL 324.40113a starts with a presumptive right to hunt, which can only be restricted "as prescribed" by the statute itself. The statute gives the power to restrict the hunting right to the NRC, but then limits both the substance and procedure of the NRC's decision-making process. In restricting the right to hunt, the NRC has a "duty" to utilize sound scientific principles, which it can determine only by testimony from the DNR, experts, or others or by reviewing scientific literature and data. Under this statutory scheme, Michigan has struck a balance where individual hunting rights are limited only when sound science demands.

### **III. THE NRC CLOSES THE COYOTE SEASON BASED ON SPECULATION REGARDING PUBLIC PERCEPTION AND FEAR OF POLITICAL BACKLASH.**

Coyotes are members of the canine family that can weigh up to 45 pounds and typically have dense, greyish-brown fur. DNR, Coyote SMART Brochure (available at <https://www.michigan.gov/dnr/education/michigan-species/mammals/coyote>) (**Exhibit G**). Although coyotes are native to North America, their population was historically concentrated in the Western United States and Mexico. Hody JW, Kays R; *Mapping the expansion of coyotes (Canis latrans) across North and Central America*, ZooKeys 759, 89 ("Hody-Kays Article") (**Exhibit H**). However, coyotes "have naturally expanded their range," (Coyote SMART Brochure, Ex. G), which came to include Michigan in the mid-twentieth century, (Hody-Kays Article, 89, Ex. H). "Coyotes are an incredibly adaptable animal and have learned how to survive in just about every environment, including urban areas." (Coyote SMART Brochure, Ex. G). Coyote populations are also incredibly resilient; according to Justin Miller, a PhD student in Michigan State University's Department of Fisheries and Wildlife, "sustained annual harvest of greater than 70 percent

is . . . needed to reduce coyote populations." (Public Comment of Justin Miller, 2/8/24 NRC Meeting, Administrative Record ("AR") 1:91-92).<sup>3</sup>

Many people have strong opinions about Michigan coyotes. Some see coyotes as an invasive species "with absolutely no redeeming qualities." (Public Comment of Mark Brandli, 2/8/24 NRC Meeting, AR 1:107). At the hearing before the NRC, people testified that coyotes lack natural predators in most parts of Michigan, which allows for unchecked population growth, which in turn affects prey populations. (*Id.* at AR 1:105). People also attributed the death of their pets to coyote attacks, (*Id.*; Public Comment of Mark Brandli, 3/14/24 NRC Meeting, AR 3:229 ("I personally, as well as several friends and acquaintances, have lost pets and other small animals and birds to coyotes.")), which is consistent with the DNR's recommendation that people "[k]eep small pets indoors, or accompany them outside and keep them on a leash" when coyotes are present in an area. (Coyote SMART Brochure, Ex. G). On the other hand, some people view coyotes as a "misunderstood and ruthlessly persecuted species." (Public Comment Jill Fritz, Senior Director of Wildlife Protection at the Humane Society of the United States, 3/14/24 NRC Meeting, AR 3:215).

In recent years, coyote hunting has risen in popularity, both as a sport and as a tool for managing the nuisance effects of coyote populations. In 2016, the NRC established a year-long hunting season for coyote, which was consistent with how most of Michigan's neighboring states schedule their coyote seasons. (Memo from DNR to NRC regarding "Coyote and Nighttime

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<sup>3</sup> The DNR's research confirms the coyote population's resiliency. (Cody Norton's Presentation Notes from 2/8/24 NRC Meeting ("Norton Notes"), AR 5:159 (citing academic sources that concluded that when 60% of a coyote population is removed from an area, the population can recover within a year; that when a coyote population is reduced by 78% annually, its population can recover in nine months; and that to decrease a coyote population, 90% must be removed, and even then the population will recover within five years)).

Predator Hunting Regulations" and "Wildlife Conservation Order Amendment No. 4 of 2016," AR 5:21 (describing the coyote hunting season of Minnesota, Wisconsin, and Ohio as "year-round/no limit"), AR 5:25). This yearlong season was expected to reduce coyote populations in certain areas of the state. (*Id.* at AR 5:21).

Many animals do not have yearlong hunting seasons. DNR, Hunting Season Calendar (available at <https://www.michigan.gov/dnr/things-to-do/hunting/hunting-season-calendar>) (attached as **Exhibit I**). For non-nuisance animals and animals whose populations would be unsustainably reduced by yearlong hunting (e.g., bear, deer, turkey, etc.), there are typically "closed" periods, which often coincide with when the animal has young. (*Id.*). For nuisance animals, or animals that are less susceptible to population reduction because they reproduce quickly, (e.g., skunks, Russian boar, opossums, etc.), Michigan recognizes a yearlong season. *Id.* By way of its 2016 order, the NRC placed coyotes in this latter category. A yearlong open season necessarily means that hunting occurs throughout an animal's life cycle, including when it is pregnant or caring for its young. Female coyotes tend to have dependent young from approximately mid-April to mid-July. (Memo from DNR to NRC regarding "Furbearer Regulations" and "Wildlife Conservation Order Amendment No. 1 of 2024" ("2024 DNR Memo") AR 2:79). Thus, the 2016 order authorized the hunting of pregnant coyotes and female coyotes with dependent young, just like what current NRC regulations allow for skunks, boar, opossums, and other animals.

Coyotes behave differently during different parts of the year, which influences the effectiveness of a coyote hunt. One hunter testified that high snowfall during the beginning of the year causes coyotes to ignore many hunters' calls. (Public Comment of Mitch McEachern, 2/8/2024 NRC Meeting, AR 1:99 ("With harsher winters up north and increased metabolic

demands, predators prioritize energy costs as opposed to maximizing energy gains. This means during high snowfall, predators such as coyotes will understand that if they have to utilize more energy to catch a prey than they would receive in consuming that prey, it is not worth the energy used.")). Hunting effectiveness increases as the snow decreases and "around late March" hunters "can return to managing populations." (*Id.*). Spring is a coyote hunters' "highest-producing time of the year." (*Id.* at AR 1:100). Eventually, however, the crops in the most commonly hunted fields become too high for hunters to positively identify coyotes. (*Id.*). After these crops are harvested in the fall, coyote hunters face another impediment: the start of deer season, during which many private landowners jealously guard access to hunting land and exclude coyote hunters. (*Id.* at AR 1:101). The end of fall brings winter's snow and the cycle begins again.

Thus, although coyotes are taken throughout the year, the most productive time is spring, which is also the time that female coyotes tend to dependent young. This overlap has consequences that some find distasteful. And, unfortunately, a few bad apples have caused these consequences to be blown out of proportion. Specifically, certain members of the hunting community have seen activity on social media websites (specifically Facebook) that they describe as "multiple posts a day of dead coyotes and [hunters] laughing about it and videos of them shooting coyotes, and they're jumping all around and stuff." (Public Comment of Roger Thorman, 2/8/2024 NRC Meeting, AR 1:116-117). According to these observers, this activity included "pictures every day of female coyotes being killed." (*Id.* at AR 1:114). The implication of these posts is that, if a nursing coyote is harvested, her pups would lose their caregiver and could die.

This social-media activity caused turmoil in a portion of the Michigan hunting community, though not because of any affinity for coyote pups or any concern about hunting practices, ecological issues, or management of the coyote population. Rather, the concern was that

"anti-hunters" (i.e., people or organizations that oppose hunting of any kind) would use springtime coyote hunting as a wedge issue among voters to legislate greater restrictions on hunting in general or on their specific hunting interests. The hunting communities that were most concerned were those that see themselves as particularly vulnerable to political backlash, such as the bear hunters, who remember that Proposal D was specifically targeted at their hunting technique. (Public Comment of Mike Thorman, 3/14/2024 NRC Meeting, AR 3:289 (describing bear hunters as "low hanging fruit" for anti-hunters)).

A representative of the Upper Peninsula Bear Houndsmen testified to this fear before the NRC:

The antis, like the hunters, are about six percent of the population. Only six percent of the population identify themselves as hunters. And six percent isn't going to get us in trouble anyway, it's not enough. What I worry about is the 80-some percent of the public, the voting public and how they view hunting, how they view trapping . . . And I would challenge you to allow the public, a general voter, to see or know, and it's all over Facebook, just a mother that's nursing be killed, knowing that those cubs are going to die in that den . . . . You couldn't get one person in a thousand to think that was good. And they vote. And it don't [sic] cost very much for [the Humane Society of the United States] to put something on a referendum . . . [W]e have to protect our image.

(Public Comment of Mike Thorman, 2/8/2024 NRC Meeting, AR 1:109-111). A representative from the Michigan State Fox Hunter Association echoed these fears of electoral backlash:

[P]eople must also realize there are three groups of voters in this state, as we heard previously: seven percent hunters, roughly four percent animal rights activists, and 89 percent are the regular citizens. Those 89 percent would not object to coyote hunting. They believe they need to be controlled.

But if a referendum was placed, these pictures that are daily on there of dead coyotes, joking about killing babies and babies starving, that vote would turn around 100 percent. Nobody would vote to have female coyotes, nursing coyotes, and babies starving and killed at that time of year . . . . If we continue the practice of killing pregnant and nursing mothers, the animal rights groups will easily use that as grounds for the end of coyote hunting in this state.

(Public Comment of Roger Thorman, 2/8/2024 NRC Meeting, AR 1:113-114). This representative's view was that "every time you open up a door for anti-hunters, they're going to grab at it." (*Id.* at AR 1:117). Similarly, a representative from the Michigan State United Coon Hunters testified that, although he'd prefer if all coyotes were destroyed, Facebook photos of harvested female coyotes were a threat to hunting in general:

[I] think we wouldn't even be talking here if it wasn't for the stuff that's coming across the computer to start with. That's what triggered it all . . . [T]he antis sure can look at [springtime coyote hunting], like these coyotes are wasted, threw away, killed for sport. It makes hunters look bad.

I'm no friend of the coyote. If it was shoot them all or save them, I'd say shoot them all. That's right. My thing is I'm not worried about protecting the coyote . . . What I do believe is by allowing this - - I mean, we wouldn't have pictures of a spotted fawn there and brag on it. We wouldn't have pictures of a cub bear, brag on it. But yet, people are putting out there - - the first one I seen [sic] was a mama with four little cubs hanging there on a post. That appalls even me. So, I just can't see why we need things like that happening.

It's not scientific management, but it is. Because the science shows if we let this kind of stuff happen . . . it's taken our rights to have hunting contests because of stuff like this being allowed to happen. So, we need to watch that, so we can protect our sport, so we can keep having hunting seasons and hunting contests and the things we like to do, because we could lose it all just as easy . . . I think it's a matter of ethics. And we need to make sure we have them [sic] ethics or it can all bite us in the long run.

(Public Comment of Jim Wale, 2/8/2024 NRC Meeting, AR 1:146-147).

These hunters' fear of political backlash came to a head during a September 2023 meeting of the DNR's "Furtaker User Group." (Testimony of DNR Representative Cody Norton, 2/8/2024 Meeting, AR 1:57). Despite its name, this is not a formal or defined entity within the DNR. It is, in fact, not an entity of any kind. Rather, the DNR sporadically hosts "open" meetings related to the taking of fur-bearing animals, extends an "open invitation," to anyone who has signed up to receive e-mail notifications, and then calls whoever shows up the "Furtaker User Group." (*Id.*). At the September 2023 Meeting—which occurred on the Friday before Labor Day Weekend, when

many Michiganders are on vacation or enjoying the end of summer—ten participants voted on various recommendations. DNR, Minutes of September 1, 2023 Furtaker User Group Meeting ("Furtaker Minutes") (**Exhibit J**). These ten participants included one person who jointly represented the Michigan Hunting Dog Federation and Michigan United Coon Hunters Association; one representative each from the Michigan Farm Bureau, the United States Forest Service, the Michigan Trappers and Predator Callers Association ("MTPCA"), the Northern Great Lakes Fur Harvesters, and the MUCC; and four representatives from the Upper Peninsula Trappers Association. (*Id.*).

Cody Norton, the DNR's Bear/Furbearer/Small Game Specialist, oversaw this meeting and testified that some attendees brought up their fear that springtime coyote hunting could trigger political backlash against hunters:

Comm'r Walters: Do we know why [shortening the coyote season] was even brought up?

Mr. Norton: Yeah, I think the, you know, I tried to get at it. But basically, there are stakeholders that are concerned that if we're taking coyotes during the time when they have dependent young, that leaves our coyote hunting and trapping, there may be other predator hunting and trapping vulnerable to potential legislation or other things if non-hunters don't view that positively and want to seek change.

Comm'r Walters: So, it was more in the form of fear; fear of legislation changes or fear that some anti-hunting groups may try to influence in a totally difference capacity. Fair?

Mr. Norton: Yeah, I think - - I think concern, yeah, concern that it can negatively impact other activities or further impact predator hunting, yep.

(Testimony of Cody Norton, 2/8/2024 NRC Meeting, AR 1:60-61); see also Furtaker Minutes, Ex. J (reflecting Jim Wale's comments as it "[w]ouldn't be a problem without the public perception issues. Don't need that. Problem is posting it on social media. The public perception of hunters



harvesting lactating coyotes during the summer months is bad for all hunters."). During the meeting, seven of the ten participants voted to recommend that the coyote season be closed from April 15 to July 15 each year. (Furbear Minutes, Ex. J). Four of these votes came from the four representatives from the Upper Peninsula Trappers Association. MUCC and the Farm Bureau cast "no" votes. The MTPCA provided a nuanced response to the recommendation, (*Id.*), and later confirmed that it opposed the closure, (Written Comment from Merle Jones, AR 6:227-233).

Based on this obviously flawed vote,<sup>4</sup> the DNR included a proposal to shorten the coyote season as part of the NRC's biennial review of furbearer regulations. (2024 DNR Memo, AR 2:74-85). For each of the five other proposals included in the review, the DNR explicitly noted its support or opposition. (*Id.* AR 2:74-78) (stating that the DNR "does not support" requiring signage around traps; "supports" changing the hunting season for bobcats in the Upper Peninsula; "supports" authorizing the use of a second bobcat kill tag on public land; "supports" increased harvesting of fishers; and "supports" the increased nighttime use of centerfire firearms to target furbearers)). *The DNR only remained neutral on one proposal: the coyote-season limitation.* (AR 2:79). At the agency hearing, Mr. Norton confirmed that this neutral position was intentional and unusual:

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<sup>4</sup> Any notion that this vote was representative of the hunting community's view on the coyote issue is absurd. Four of the seven "yes" votes came from the same organization, which represents only trappers in the Upper Peninsula, where there are far fewer coyotes, and who are not affected by the Coyote Order because the limitation applies only to hunting and not trapping. And notably, the record indicates that, after the Furbearer Meeting, the Upper Peninsula Trappers Association general members voted in support of a year-long coyote season. (Written Comment of Merle Jones, AR 6:233). Moreover, the only organization that specifically represented coyote hunters at the Furbearer meeting (MTPCA) opposed the closure, as did the only organization present that advocates for general hunting and conservation efforts statewide (MUCC). This vote can be viewed as nothing more than it is: a handful of opinionated hunters catching the DNR's ear on one specific day.

Comm'r Nyberg: Cody, I noticed in the order itself, Section 3.610, that the department included a change of the season, which you discussed, back to July 15th to April 15th. But in the memo, unlike the other items where the department indicated support or opposition to, it simply said the department has heard strong input on all sides from stakeholder groups.

So, to me, it's -- I guess the question is, it's from a process standpoint, it seems abnormal to me, usually when the department is proposing a change in the order, it's saying why it's proposing a change in the order and it's indicating, you know, the variables that led to that decision or that recommendation. Here, that's not the case. So, I don't know if you can speak to that.

You know, I think you said that it came from the furbearer workgroup. I'm guessing it's a complicated answer. I just wanted to bring it up. That's something that's just not adding up to me, and I'm having a hard time understanding why there would be a proposed change in the order when the department's not actually recommending it.

Mr. Norton: Yeah, absolutely. And, yeah, this is -- this is a topic that the department ultimately decided to remain more neutral on, and not necessarily take a -- take a stance, supporting or in opposition. And so, we tried to kind of bring forward or follow through with that particular user group recommendation. We don't have a lot of examples of when we've been neutral on something. And so, we tried to represent that, you know, as best we could. But certainly understand, you know, any confusion around that and can try to address that.

(Testimony of Cody Norton, 2/8/2024 NRC Meeting, AR 1:53-55). For each proposal, the DNR provided sections for categories of analysis, such as "Issues Pros and Cons," "Biological," "Social," and "Economics." In discussing the coyote-season closure, the DNR noted that this change was driven by "concern about social perception and future loss of management tools if the open season continues to allow coyotes to be taken when there are dependent young present" and that "the proposed change will result in not allowing coyote harvest while female coyotes have dependent young." (2024 DNR Memo, AR 2:79). Under the "Social" heading, the DNR reported that "[s]everal trapping and hound hunting groups and individuals have requested the

Department make this change to the coyote hunting season, due to public perception and potential future impacts to their hunting and trapping opportunities." (*Id.*).

The Department's discussion of the coyote proposal's biological effects was two sentences:

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.

(*Id.*).

On February 8, 2024, the NRC held a hearing, at which it considered the coyote-season closure. During this hearing, Mr. Norton confirmed that this proposal was initiated "due to concern about public perception and potential impacts to coyote hunting and trapping seasons that could result from negative public perception." (Testimony of Cody Norton, AR 1:50). Mr. Norton also explained that the DNR estimated how the season closure would impact the coyote population based on two surveys that it sends to hunters and trappers each year. (*Id.* at AR 1:55-57, 1:61-64). These surveys are voluntary and neither specifically targets coyote hunters or coyote trappers. (*Id.* at AR 1:61-64). Mr. Norton's notes from his presentation to the NRC confirm that, in the DNR's view, closing the springtime coyote hunting season "**is largely a social issue.**" (Norton Notes, AR 4:101).

The proposal to shorten the coyote season sparked strong opposition from most stakeholders in Michigan's conservation community. Of the fifty-one public comments that were made over the course of two NRC meetings, thirty-six (over 70%) opposed closing the coyote season. This opposition was often not based on any specific interest in coyote hunting, but rather on the fear that the NRC would disregard Proposal G and begin making game-management

decisions based on factors other than sound scientific game management principles, such as public perception or fear of political backlash.

On March 14, 2024, the NRC voted 4-2 to close the coyote season. (3/14/2024 NCR Meeting, AR 3:357). Over the course of the hearings, each Commissioner who voted "yes" explained their decision. Commissioner Anthony favored the closure because of his history with the hunting groups that supported it:

I find a little bit offense -- I'll tell you a little more than a little bit offense about being lectured about Proposal G. I was in the legislature during the 1990s, elected in 1990, served to 1998. During the whole time when this stuff was developed, the statutes and the ballot initiative, my office served as the office for the people who were working to fight the shutdown of bear hunting and resisting Proposal G.<sup>5</sup>

If it wasn't for the people advocating for this motion, we wouldn't have Proposal G and we wouldn't have bear hunting. **I trust very, very deeply in their instinct.** And I support this motion.

(3/14/2024 NRC Meeting, AR 3:334) (emphasis added). Commissioner Cozad supported the closure because of his view that regulations should be regularly revisited, even though he acknowledged that the data underlying the DNR's prediction on the impact to the coyote population was flawed:

As you can tell, because I supported the motion, I'm supportive of it, and I will vote in favor of it. I believe that, that contrary to what we've been hearing, that there is science there. And if you look at the furbearer slides that are out there, the presentation to the commission, in 2016, when the season was changed to 365 days a year for coyote hunting, it was in response to complaints about problems and conflicts with coyotes.

The department has examined and assessed the effect of that regulation change since then, and they found that in terms of, as I read it, in terms of effort and harvest, there was minimal change. **So, I'm typically of the view that regulation should**

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<sup>5</sup> It appears that either Commissioner Anthony misspoke when he said "resisting Proposal G" or the transcript does not accurately reflect his comment. The gist of his statement was that he had been on the forefront of *supporting* Proposal G and *resisting* Proposal D during the 1996 campaign.

**be looked and assessed and evaluated periodically.** Because as we all know, natural systems are dynamic. They're changing constantly.

So, what worked regulation-wise in the past, in some instances continues to work. In others, it may not, or it may not be producing the effect or the impact that was anticipated. In those situations, I think you have to reevaluate.

**Now, personally, as one commissioner, I would suggest that if a change is made again, that we track it perhaps a little more diligently, generate more data and again assess it over time.** That's, in summary, that's the way I'm positioned at this point in time.

(*Id.* at AR 3:335-336). Commissioner Clark noted her view that science is intertwined with value judgments and includes subjectivity:

I also have noticed a lot of talk about the, or a lot of reference to Proposal G and our responsibility to rely on science, and been thinking about this, really a misconception about science as being like objectively divorced from value that we all as human beings, you know, make value judgments. And you know, what is our science? What are the questions we have? How are we going to answer those questions? What data are we going to use?

And so, I think this is a --as difficult as this coyote quiet period proposal is, it's also a really good opportunity to like think deeper about how we're -- how we're using our science.

(2/8/2024 NRC Meeting, AR 1:153-154). Chairman Baird provided the most detail for this decision. (3/14/2024 NRC Meeting, AR 3:340-355). Chairman Baird offered his interpretation of Proposal G, opining that it establishes a rule where the NRC can make decisions on "legitimate considerations," such as "stakeholder preferences;" conflict-avoidance; tradition; public perception; "public interest and public input and the public trust;" and ethics such as the "fair chase doctrine" and the North American Model for Wildlife Management; as long as the regulations are not "contrary to" science. (*Id.*). Chairman Baird also articulated his opinion that Proposal G "does not tell us what to do when science is neutral" and that this was an instance "where a regulation change will not help or hurt the resource in any way." (*Id.* at AR 3:346). In the end, Chairman

Baird concluded that science "doesn't answer" the question of whether the coyote season should close and that based on "other legitimate considerations," he supported closure. (*Id.* at AR 3:355).

Commissioners Nyberg and Walters opposed the closure, primarily because it did not satisfy the requirements of Proposal G and set a dangerous precedent for NRC decisions. (*Id.* at AR 3:338 -340, AR 3:332 ("We have not seen sound science.")).

The NRC's regulations are embodied in the Wildlife Conservation Order. (available at <https://www.michigan.gov/dnr/managing-resources/laws/orders/wildlife-conservation-order>)

(**Exhibit K**). Because of the NRC's March 14 vote, § 3.160 of the Order was amended to provide:

**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 from July 15 to April 15 except:

- (a) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.
- (2) A resident possessing a base license may hunt coyote without securing a fur harvester's license.

(Coyote Order, Ex. A). Accordingly, it is now a misdemeanor to take a coyote between April 15 to July 15. See MCL 324.40118.

#### **IV. MUCC FILES THIS APPEAL.**

Founded in 1937, the MUCC is the largest statewide conservation organization in the nation, representing over 40,000 hunters, anglers, trappers and conservationists and over 200 affiliated local clubs around the State of Michigan. <https://mucc.org/about-us/>. MUCC's mission is to unite citizens to conserve, protect, and enhance Michigan's natural resources and outdoor heritage. To further this mission, MUCC performs significant advocacy, conservation, and education efforts.

On April 1, 2024, the MUCC filed a claim of appeal of the NRC's Amendment No. 1 of 2024 to the Wildlife Conservation Order in this Court. To be clear, MUCC challenges the 2024 Amendment only the extent that it prohibits the taking of coyote between April 15 and July 15.

## **LAW AND ARGUMENT**

"The NRC is part of the DNR and, therefore, is an administrative body." See *Mich Bear Hunters Ass'n, Inc v NRC*, 277 Mich App 512, 523; 746 NW2d 320 (2007) (citing MCL 324.501). As such, its decisions are subject to judicial review under the Revised Judicature Act of 1961, MCL 600.631, and the Michigan Constitution, Const 1963, art 6, § 28. *Id.* "This review shall include, as a minimum, the determination whether [an agency's] final decisions, findings, ruling and orders are authorized by law; and, in such cases in which a hearing is required, whether the same are supported by competent, material, and substantial evidence on the whole record." Const 1963, art 6, § 28. MCL 324.40113a(2) requires NRC to hold a public meeting before issuing orders on the taking of game. Thus, to withstand this Court's scrutiny, the Coyote Order must (1) be authorized by law; and (2) be supported by competent, material, and substantial evidence on the whole record. Neither requirement is satisfied here.

### **I. THE COYOTE ORDER IS NOT AUTHORIZED BY LAW**

Agency action "is not authorized by law" if it is "in violation of statute" or "in excess of the statutory authority or jurisdiction of the agency." *Northwestern Nat'l Cas Co v Ins Com'r*, 231 Mich App 483, 489; 586 NW2d 563 (1998). "When interpreting a statute, [courts] follow the established rules of statutory construction, the foremost of which is to discern and give effect to the intent of the Legislature." *Whitman v City of Burton*, 493 Mich 303, 311; 831 NW2d 223 (2013). "To do so, [they] begin by examining the most reliable evidence of that intent, the language of the statute itself." *Id.* "If the language of a statute is clear and unambiguous, the statute must be enforced as written and no further judicial construction is permitted." *Id.* "Moreover, the statutory language must be read and understood in its grammatical context." *Dep't of Environmental Quality v Worth Twp*, 491 Mich 227, 238; 814 NW2d 238 (2012). "When considering the correct interpretation, the statute must be read as a whole, unless something

different was clearly intended." *Id.* "Individual words and phrases, while important, should be read in the context of the entire legislative scheme." *Id.*

The NRC "has the exclusive authority to regulate the take of game[.]" MCL 324.40113a(2). "The NRC's authority is not limitless, however, but is instead limited by the statutes creating the NRC." *Mich Humane Society v NRC*, 158 Mich App 393, 406; 404 NW2d 757 (1987). In fact, the Michigan Supreme Court has described the authority of the Conservation Commission—the NRC's predecessor—as constrained by "defined legislative limits," which ensure that it acts within the "expressed will of the legislature " *Id.* at 400 (quoting *People v Soule*, 238 Mich 130, 139; 213 NW 195 (1927)).

Legislative constraint is necessary because the NRC is insulated from democratic processes. Commissioners are not elected; they are appointed by the Governor. MCL 324.501(2). And once appointed, they serve fixed, four-year terms and are removable only by the Governor and only "for cause." *Id.* This appointment process, fixed term length, and removal protections mean that, once appointed, NRC Commissioners are neither directly accountable to Michigan voters nor indirectly accountable to the Michigan citizenry via their representatives in the Executive and Legislative Branch. See, generally, *Seila Law LLC v CFPB*, 591 US 197, 213 (2020). The NRC's structure is doubly concerning given the consequences of its decisions. For example, the NRC is able to regulate the private rights of Michigan citizens and to effectively declare that certain conduct (e.g., taking a coyote between April 15 and July 15) carries criminal consequences, including jail time. MCL 324.40113a(3); MCL 324.40118. It is unsurprising then that courts do not hesitate to strike down NRC orders that exceed its statutory authority. See, e.g., *Michigan Humane Soc*, 158 Mich App at 394-408; *Michigan Audubon Soc v NRC*, 206 Mich App



1, 2-4; 520 NW2d 353 (1994). These statutory constraints are the only influence that the electorate has in how the NRC makes its decisions.

Here, the Legislature enacted—and Michigan voters overwhelmingly approved—Proposal G to constrain the NRC's decision-making authority with respect to the taking of game. Proposal G provides that "[t]he commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game." MCL 324.40113a(2). "The Legislature's use of the word 'shall' . . . dictates a mandatory and imperative directive." *Fradco, Inc v Dep't of Treasury*, 495 Mich 104, 114; 845 NW2d 81 (2014). According to the Michigan Court of Appeals, the object of the language in MCL 324.40113a "is to **ensure** that decisions affecting the management of fish, wildlife, and their habitats **are to be governed by sound scientific principles**"; **"to remove politics and other non-scientific considerations from the management of fish, wildlife, and their habitats,** and to place management of fish, wildlife, and to place management of these natural resources **on a scientific footing.**" *Keep Mich Wolves Protected*, 2016 WL 6905923, at \*5.

Accordingly, the people of Michigan have made clear that the NRC must, first and foremost, base its decisions on "principles of sound scientific management." These words are not defined by the statute so the Court must give them "their plain and ordinary meanings." *Koontz v Ameritech Srvs, Inc*, 466 Mich 304, 312 (2002). To determine this meaning, "it is appropriate to consult a dictionary for definitions." *Anzaldua v Neogen Corp*, 292 Mich App 626, 632; 808 NW2d 804 (2011).

A "principle" is "a comprehensive and fundamental law, doctrine, or assumption." *Merriam-Webster's Collegiate Dictionary* (11th ed.). Something is "sound" when it is "free from error, fallacy, or misapprehension." *Id.* "Scientific" means "of, relating to, or exhibiting the

methods or principles of science." *Id.* "Science" is further defined as "knowledge or a system of knowledge covering general truths or the operation of general laws, especially as obtained and tested through scientific method." *Id.* The "scientific method" is "principles and procedures for the systematic pursuit of knowledge involving the recognition and formulation of a problem, the collection of data through observation and experiment, and the formulation and testing of hypotheses." *Id.* And "management" is "the conducting or supervising of something." *Id.*

Putting these definitions together, one thing becomes clear: the NRC is expected and required to make decisions based on objective evidence that has been tested and proven. There must be a comprehensive doctrine (i.e., a "principle") that is error-free (i.e., "sound") and derived from the systemic collection of data, and the formulation and testing of a hypotheses, related to the supervision of game (i.e., "scientific management").

According to the NRC Commissioner's own statements, that is not at all what the NRC did with respect to the Coyote Order. Commissioner Anthony based his decision on his implicit trust in the proposal's supporters. (3/14/2024 NRC Meeting, AR 3:334). Commissioner Cozad voted "yes" because of his belief that regulations should be revisited periodically. (*Id.* at AR 3:335-336). And Commissioners Baird and Clark based their vote on their belief that value judgments, public perception, and their personal opinions on sportsmanship and ethics were permissible considerations. (2/8/2024 NRC Meeting, AR 1:153-154; 3/14/2024 NRC Meeting, AR 3:340-355). None of these reasons is a "principle[] of sound scientific management." Accordingly, the NRC's decision to close the coyote season violates MCL 324.40113a, exceeds its authority, and is therefore not authorized by law for the purposes of Section 28 of Article 6 of the Michigan Constitution. See *Northwestern*, 231 Mich App at 489.

In its response brief, the NRC may argue that the statute's use of the phrase "to the greatest extent practicable" saves the Coyote Order because this language allows for non-scientific considerations. This argument is meritless. First, it ignores how the Michigan Court of Appeals has previously interpreted the language of MCL 324.40113a. See *Keep Michigan Wolves Protected*, 2016 WL 6905923, at \*5 ("[T]he act'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.").

Second, it would contradict the position that the NRC has itself taken in previous litigation over this statute. *Id.* at \*6 ("This purpose . . . also comports with **defendants' position at oral argument** that the purpose of [this language] 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**"). Michigan's doctrine of judicial estoppel prevents a party who has "successfully and unequivocally" asserted a position in a prior proceeding from asserting a wholly inconsistent position in a later proceeding. See *Szyszlo v Akowitz*, 296 Mich App 40, 51; 818 NW2d 424 (2012). Here, the NRC previously argued that MCL 324.40113a "remove[s] politics and other non-scientific considerations" from game-management decision making and the Court accepted this position as true, so the NRC should be estopped from taking a contrary position here. *Keep Michigan Wolves Protected*, 2016 WL 6905923, at \*5; *Szyszlo*, 296 Mich App at 51.

Third, the plain language of the "to the greatest extent practicable" clause does not support the view that it allows non-scientific considerations. This language is not an invitation to ignore science if an individual Commissioner decides that following the science is impracticable. It is not an "out." Rather, this language **emphasizes** the need for the NRC's decisions to be affirmatively

supported by science. Courts interpret this language as "imposing a clear duty on the agency to fulfill the statutory command to the extent that is feasible or possible." *Biodiversity Legal Foundation v Babbitt*, 146 F3d 1249, 1254 (CA 10, 1998); *Funds for Animals v Babbitt*, 903 F Supp 96, 107 (DDC, 1995). Put differently, if the decision can be based on science, it must be. And here, there is no indication that it was impracticable to rely on science.

Further, this statutory language must be read in the context in which it was enacted and as part of MCL 324.40113a as a whole. Proposal G was championed as a direct competitor to the subjective, ethics-based Proposal D. Michigan voters roundly rejected this policy and enacted the objective, science-based Proposal G. Under these circumstances, it would be absurd to allow the NRC to exercise discretion or base decisions on non-science reasons just because it finds the scientific reasons to be impracticable or sees science (or the lack thereof) as an impediment to its preferred policy. See *Hmeidan v State Farm Mut Auto Ins Co*, 326 Mich App 467, 478; 928 NW2d 258 (2018) ("Courts should not abandon common sense when construing a statute."). And interpreting the "to the greatest extent practicable" language broadly would ignore that MCL 324.40113a emphasizes the need to use science in game-management decisions *five times*. See MCL 324.40113a(1)(b) ("The conservation of fish and wildlife populations of the state depend upon the wise use and **sound scientific management** of the state's natural resources."); *Id.* at (1)(c) ("The **sound scientific management** of the fish and wildlife populations of the state . . . is declared to be in the public interest."); *Id.* at (2) ("The [NRC] shall, to the greatest extent practicable, utilize principles of **sound scientific management** in making decisions regarding the taking of game."); *Id.* (noting that the NRC may take testimony from "independent experts" and "review **scientific** literature and data"); *Id.* (describing the NRC's "duty to use principles of **sound scientific management**"). "Individual words and phrases, while important, should be read in the context of

the entire legislative scheme." *Worth Twp*, 491 Mich 227 at 238 (2012). Here, the context dictates use of science, not discretion.

Moreover, an expansive reading of "to the greatest extent practicable" would violate Michigan's nondelegation doctrine. Michigan's Constitution provides:

The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this Constitution.

Const 1963, art 3, § 2. The Constitution further provides that "the legislative power of the State of Michigan is vested in a senate and a house of representatives." *Id.* at art 4, § 1. "The legislative power has been defined as the power to regulate public concerns and to make law for the benefit and welfare of the state." *In re Certified Questions From the United States District Court for the Western District of Michigan, Southern Division*, 506 Mich 332, 358; 958 NW2d 1 (2020) (internal quotation marks omitted). Accordingly, "one of the settled maxims in constitutional law is, that the power conferred upon the legislature to make laws cannot be delegated by that department to any other body or authority." *Id.*

The Legislature may, however, "confer[] authority or discretion as to [the law's] execution, to be exercised under and in pursuance of the law." *Id.* The difference between an unconstitutional delegation of legislative power and a constitutional conferral of authority is "whether the *degree* of generality contained in the authorization for exercise of executive . . . powers in a particular field is so unacceptably high as to *amount* to a delegation of legislative powers." *Id.* Put differently, the key constitutional question is "whether [the Legislature] has supplied an intelligible principle to guide the delegatee's use of discretion." *Id.* at 360 (adopting language from *Gundy v United States*, 588 US 128, 135 (2020)).

Here, the Legislature conferred the authority to regulate the taking of game to the NRC and provided an intelligible principle as to how the NRC must exercise that authority: it must do so utilizing sound scientific principles. If the "to the greatest extent practicable" language negates the scientific-principle language, and NRC Commissioners are the arbiters of when science is impracticable, then the NRC's discretion to make decisions becomes limitless. This plenary authority would violate Michigan's separation of power and nondelegation doctrine because NRC Commissioners—members of the Executive Branch<sup>6</sup>—would exercise the general power to regulate public concerns. See, e.g., *In re Certified Questions*, 506 Mich at 367-372 (holding that the nondelegation doctrine prohibited the Legislature from delegating to the Governor the authority to issue "reasonable" and "necessary" orders to address public emergencies).

The Court must read the "to the greatest extent practicable" language in a way that avoids an unconstitutional result. See *Grebner v State*, 480 Mich 939, 940; 744 NW2d 123 (2007) ("This Court must presume a statute is constitutional and construe it as such, unless the only proper construction renders the statute unconstitutional."); *People v Skinner*, 502 Mich 89, 110-11; 917 NW2d 292 (2018) ("[A]ssuming that there are two reasonable ways of interpreting [a statute]--one that renders the statute unconstitutional and one that renders it constitutional--we should choose the interpretation that renders the statute constitutional."). Here, the constitutional view of this language is that it is an *emphasis* on the need to use scientific principles, not an exception that swallows the rule. This view also accords with Michigan case law, the NRC's prior position, the statute's plain language, the context of the legislative scheme, and common sense. Accordingly, an argument that this clause releases the NRC from its statutory duty is meritless.

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<sup>6</sup> See *Mich Bear Hunters*, 277 Mich App at 523 ("The NRC is part of the DNR[.]"); Executive Branch, <https://www.michigan.gov/som/government/branches-of-government/executive-branch>, (listing the DNR as an administrative department within the Executive Branch).

The NRC, via its counsel, may also now attempt to scour the administrative record for bits of scientific evidence that could support closing the coyote season. This would miss the point. There is a fundamental tenant of judicial review in administrative law cases that "an agency's action must be upheld, if at all, **on the basis articulated by the agency itself.**" *Motor Vehicle Mfrs Ass'n of US, Inc v State Farm Mut Auto Ins*, 463 US 29, 50 (1983); see also *Ass'n of Businesses Advocating Tariff Equity v Public Serv Comm*, 192 Mich App 19, 24; 480 NW2d 585 (1991) (recognizing this "rule"). Courts "**may not accept appellate counsel's post hoc rationalizations for agency action.**" *State Farm*, 463 US at 50. The record squarely establishes each Commissioner's rationale for their vote; none of the "yes" votes were based on science. This principle is also consistent with MCL 324.40113a itself, which requires that principles of sound management be "utilized." Thus, the statute was violated the moment that the Commissioners used non-science reasoning. No amount of litigation hindsight can save the Coyote Order.

Finally, the NRC may echo Chairman Baird's view that, when the science is "neutral," Commissioners may make decisions based on their own judgment. In addition to the separation-of-powers concerns discussed above, this approach also ignores MCL 324.40113a(3), which provides that "citizens of this state have a right to hunt, fish, and take game, **subject to the regulations and restrictions prescribed by subsection (2)** and law." (emphasis added). This language establishes a statutory presumption in favor of the right to hunt which, as described in subsection (2), can only be overcome by "principles of sound scientific management." Put differently, Chairman Baird misapplied the burden of proof; if the science is "neutral," the statute ensures that the default right to hunt prevails.

For these reasons, this Court must vacate the Coyote Order as unauthorized by law.

**II. THE COYOTE ORDER IS NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.**

"Substantial evidence is that which a reasonable mind would accept as adequate to support a decision, being more than a mere scintilla, but less than a preponderance of the evidence." *VanZandt v State Employees Retirement Sys*, 266 Mich App 579, 584; 701 NW2d 214 (2005) (quotation marks and citation omitted). "Evidence is competent, material, and substantial if a reasoning mind would accept it as sufficient to support a conclusion." *City of Romulus v Mich Dep't of Environmental Quality*, 260 Mich App 54, 63; 678 NW2d 444 (2003).

Here, the conclusion that must be supported is that closing the coyote season is appropriate based on principles of sound scientific management. There is insufficient evidence in the record for this conclusion. To begin, the DNR's guess that closing the season would not have a biological effect on the coyote population is based on self-reported surveys **that do not track the coyote-hunting community**, but instead target the general small-game and trapping community. And based on this ill-fitting data set, the DNR only concluded that "[s]ince the coyote hunting season was extended to year-round, statewide harvest estimates and average number of coyotes harvested per hunter have not increased." This conclusion is about *hunting activity*, not *game or population management*.

The number of coyotes harvested in general or per hunter provides no insight on whether the current coyote population is sustainable or whether the current coyote population has unsustainable effects on prey populations. If the coyote population is growing unsustainably, but the "statewide harvest estimates and average number of coyotes harvested per hunter have not increased," that would suggest that the NRC should do something to encourage a larger harvest. Or if coyotes are unsustainably decreasing prey population, that too suggests that a larger harvest is needed. Conversely, if the coyote population is shrinking unsustainably and hunting activity is



remaining the same, then that suggests the NRC should limit the harvest. The problem with the NRC's Coyote Order in general is that it never examined the first variable in those scenarios: the current sustainability of Michigan's coyote/coyote prey populations.

Notably even proponents of closing the coyote season recognize the flaws in the DNR's data processes. For example, in discussing the bobcat regulations proposed alongside the coyote season closure, the Humane Society for the United States argued that "[n]umerous studies have shown that for wildlife in general . . . measures of hunter effort . . . are wholly unrelated to wildlife population size and are poor indices for monitoring population trends." (AR 6:25). Similarly, Commissioner Cozad expressed his displeasure with how the DNR collected and presented the data related to the coyote regulation. (AR 3:335-336) ("Now, personally, as one commissioner, I would suggest that if a change is made again, that we track it perhaps a little more diligently, generate more data, and again, assess it over time."). Put simply, the DNR's survey data does not answer the relevant question, which means it is not competent, material, or substantial for the purposes of approving the NRC's Order.

Various special interest groups also attempted to provide scientific cover for the NRC to close the coyote season. For example, the Humane Society and Project Coyote each submitted written comments that cited to academic papers about management of coyote populations. (Written Comments, AR 6:29-31, 6:303-304).<sup>7</sup> None of these comments opine on, let alone establish, how Michigan's coyote population is doing today and whether regulatory change to the status quo is necessary to responsibly conserve coyotes or other species as a natural resource.

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<sup>7</sup> The Humane Society explicitly opposes all forms of hunting as recreation, which it refers to as "trophy hunting." <https://www.humanesociety.org/all-our-fights/banning-trophy-hunting>. Project Coyote is a California-based organization that "seek[s] to change negative attitudes toward coyotes, wolves and other misunderstood predators by replacing ignorance and fear with understanding, respect, and appreciation." <https://projectcoyote.org/about/>

Moreover, these comments present argument against the hunting of coyotes in general, not evidence related to springtime coyote hunting, which was the issue before the NRC. And even if they did support the NRC's conclusion, there is no indication that the NRC relied on them in making its decision. See *State Farm*, 463 US at 50. Accordingly, these comments do not justify the NRC's decision.

Finally, much was said before the agency about the importance of "social science" in game management and its relevance to Proposal G. (Public Comment of Mike Thorman, 3/14/2024 NRC Meeting, AR 3:290 ("We're terribly concerned about how all hunters look . . . Proposal G doesn't have anything to do with this. Social science is science."); Public Comment of Keith Schaffer, 3/14/2024 Meeting, AR 3:297 ("A lot of talk about proposal G. I haven't heard really much about the social science impact on things. Social science is important."), AR 3:298 ("[Other states] have all lost significant opportunity in their state because they fail to recognize the social science behind the things they do."); AR 3:299 ("If we aren't cognizant of the social perception, the social science of the people who don't do what we do, in 10 years we'll be in the same boat as Colorado, Washington, name one . . . Proposal G says sound science; that encompasses all of this stuff."); AR 3:300 ("Sound science matters. Social science matters today."); Public Comment of Jim Wale, 3/14/2024 NRC Meeting, AR 3:310 ("I don't think anything we're doing here violates Proposal G. Social science has to be considered."); AR 3:311-312 ("There's 10 other states right now that have lost a lot of their hunting rights. Is Michigan going to be number 11, just because we don't want to realize social science exists out there?"); see also March 12, 2024 Email from DNR Wildlife Division Chief Sara Thompson to Chairman Baird, AR 5:86 ("The real difference to contend with is whether proposal G is only about biological science or whether the intent is to include social science as well.")).

As these excerpts demonstrate, people generally used the phrase "social science" as a shorthand for public perception and the need for the non-hunting public to view hunters favorably. Even assuming that social science is a permissible consideration in the NRC's decisions,<sup>8</sup> no social science was put before the NRC. There were no data-driven conclusions about how the general public perceives springtime coyote hunting. There were no systematic studies. No hypotheses were tested. Instead, the "social science" referenced was anecdotal testimony and speculation about how some people feared the non-hunting public *might* perceive springtime coyote hunting.

The record lacks competent, material, and substantial evidence to support the Coyote Order. Accordingly, the Coyote Order does not pass muster under Michigan law.

### **CONCLUSION**

The idea of closing the coyote season came from a handful of fearful hunters who wanted to appease the boogeyman they thought might be lurking in the shadows. It had no basis in science. It was not driven by data. And, perhaps worst of all, there is no evidence that this boogeyman (public disapproval) even exists. Yet this idea was accepted by a bare majority of political appointees, who believe that they can regulate Michigan's natural resources and Michiganders' individual rights based on their own policy preferences, and has now become an existential threat

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<sup>8</sup> To be clear, MUCC does not concede this point. As explained above, the phrase "principles of sound scientific management" implies that the NRC will utilize objective, demonstrable evidence. As valuable as the social sciences are for understanding tendencies in human behavior, they do not produce objective evidence. Moreover, it is difficult to believe that the plain meaning of "scientific management" in MCL 324.40113a includes the social sciences. If you asked a high school student how they were doing in science, you'd likely be confused if they told you about the results of their most recent history test, even though history is a "social science." *Black's Law Dictionary* (12th ed) (defining social science as "one of several subjects relating to the study of people in society, examples being history, politics, sociology, sociolinguistics, and anthropology."). Similarly, if someone told you they were a "scientist," you'd likely be surprised to later learn that they were *political* scientist. "Social science" is simply not the plain and ordinary meaning of "science."

to the future of game management and hunting rights in Michigan. Voters long ago established that facts prevail over feelings when it comes to Michigan's natural resources. This Court must vindicate that fundamental principle of Michigan law and public policy. Accordingly, Appellant MUCC respectfully requests that the Court vacate § 3.610 of the Wildlife Conservation Order, Amendment No. 1 of 2024.

Respectfully submitted,

VARNUM LLP

Dated: September 5, 2024

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### **CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limitations of MCR 7.111(B) and MCR 7.212(B)(1) and (G) because this brief contains 10,304 words. As required under MCR 7.212(B)(2), this statement of countable words includes only the elements of the brief listed in MCR 7.212(C)(6)-(8).

Under MCR 7.212(B)(3), this statement of the number of countable words relies on the word count of the word-processing system used to prepare the brief.

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Dated: September 5, 2024

# Exhibit A



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



M. SCOTT BOWEN  
DIRECTOR

SUBMITTED: January 16, 2024  
RESUBMITTED: February 12, 2024



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Furbearer Regulations  
Wildlife Conservation Order Amendment No. 1 of 2024

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:

The Department and stakeholders review the furbearer regulations on a two-year cycle to provide consistency in regulations. More consistent regulations provide for better understanding by hunters and trappers, as well as facilitate monitoring the impacts of regulation changes. A two-year cycle also allows more time to consider potential regulation changes.

Accordingly, the Department recommends that regulations set in 2024 remain in effect for two years.

Regulation Changes Considered

Based on stakeholder requests and subsequent feedback from the Furtaker User Group and the internal Department Furbearer Workgroup, the Department reviewed the current regulations and reviewed the following: 1) require trap warning signs near public roads and trails; 2) Upper Peninsula (UP) bobcat trapping season dates; 3) UP second bobcat kill tag landownership; 4) fisher and marten combined bag limit; 5) centerfire firearm use at night in the limited firearms deer zone; and 6) coyote season length.

The Furtaker User Group is an advisory body consisting of representatives from the UP Trappers Association, Michigan Trappers and Predator Callers Association, Northern Great Lakes Fur Harvesters, Michigan Hunting Dog Federation, Michigan State Coonhunters Association, Michigan State Fox Hunters Association, Michigan Bear Hunters Association, UP Bear Houndsmen Association, Michigan United Conservation Clubs, Michigan Farm Bureau, and United States Forest Service, as well as other groups and unaffiliated members.

The internal Department Furbearer Workgroup consists of Cody Norton (Bear, Furbearer, and Small Game Specialist), Brian Roell (Biologist, UP Region), Angela Kujawa (Biologist, Northern Lower Peninsula [NLP] Region), Pete Kailing (Biologist, Southwest Lower Peninsula [SWLP] Region), Tammy Giroux (Biologist, Southeast Lower Peninsula [SELP] Region), Dwayne Etter

(Southern Lower Peninsula [SLP] Wildlife Research Specialist), and Sgt. Jon Wood (Law Enforcement Division [LED]).

#### Item 1 – Require Trap Warning Signs Near Public Roads and Trails

The Department and the Furtaker User Group reviewed a proposal to require trap warning signs near public roads and trails. The proposal required that if a trap of any kind was set within 25 feet of a public road, drive, or trail, a warning sign must be posted in a highly visible place along the trail in both directions, 100 to 150 feet before the trail's nearest point to the trap (or first trap, if multiple traps are set close together). After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department does not support this regulation.

#### *Issues Pros and Cons*

The intent behind requiring trap warning signs is to alert other recreational users that traps are set in an area in order to reduce conflicts between trappers and domestic dog owners. However, the effectiveness of signs placed to reduce incidental captures is often limited. In addition, since trap warning signs identify the location of traps, this can lead to trapper harassment and theft of traps or animals caught in traps. The Department believes education and outreach is a more effective approach to reducing conflicts between trappers and domestic dog owners and has recently conducted targeted social media posts to increase awareness of trapping and how to safely remove domestic dogs from traps. Additionally, the Department is currently developing informative signs to be placed at kiosks at trailheads and Customer Service Centers in the near future.

#### *Other States*

The Department researched other Midwest states' regulations regarding trap warning signs and found that they are not required in Illinois, Indiana, Minnesota, Ohio, Pennsylvania, or Wisconsin.

#### *Biological*

Trap warning signs may increase the illegal take of protected species, limited-take species, or species outside of the open season if someone other than the trapper dispatches the animal. This could include wolves, bobcat, fisher, marten, and other species.

#### *Social*

The majority of the Fur Taker User Group did not support this regulation, mainly due to concerns of trapper harassment and theft of traps and animals caught in traps.

#### *Economic*

We do not expect any large-scale economic impacts due to the use of trap warning signs, but there could be significant economic impacts to individual trappers. Placement of trap warning signs along any public road or trail would be expensive and time consuming. Increased trap and catch theft could greatly increase the amount of money required for a trapper to maintain a trapline. There can also be damage to the fur if someone other than the trapper dispatches the animal.

#### Item 2 – UP Bobcat Trapping Season Dates

The Department and the Furtaker User Group reviewed a proposal to change the UP bobcat trapping season dates. The current dates are from October 25 to December 26, and the proposed dates are from November 1 to November 14 and December 1 to January 18. After



further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

*Issues Pros and Cons*

Last regulatory cycle, the UP bobcat trapping season was moved to earlier in the year (from December 1 to February 1, to October 25 to December 26) at the request of stakeholders, due to a desire to trap bobcats at a time when there typically aren't deep snow conditions. Several trapping groups have now expressed interest in a later season when less activities are going on in the woods and pelts are more prime. The proposed dates are a compromise that was supported by all trapping groups represented at the Furtaker User Group meeting. Some Department staff have concerns that there may be increased illegal activity due to the split-season structure. The Department intends to monitor any reports of illegal activity during the closed period within the season (November 15 to November 30) and evaluate if these concerns are warranted. The proposed season dates exclude November 15 to November 30 in order to avoid the firearm deer season, when trappers have expressed it can be more challenging to trap.

*Biological*

The UP bobcat trapping season length will remain at 63 days, therefore the Department does not expect a significant change in the number of bobcats harvested.

*Social*

The majority of the Furtaker User Group supports this proposed regulation change. All trapping groups represented on the Furtaker User Group worked together to identify these dates and supported this proposed change.

*Economic*

The Department does not expect an economic impact.

Item 3 – UP Second Bobcat Kill Tag Land Ownership

The Department and the Furtaker User Group reviewed a proposal to make the second bobcat kill tag valid for any land ownership in Unit A. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

*Issues Pros and Cons*

Currently, the second bobcat kill tag can only be used on private land in Unit A. This unnecessarily reduces opportunity for hunters and trappers that don't own or have access to private land. It is also problematic for hound hunters that may start running a bobcat on private land but end up treeing it on public land. This proposed change will provide more recreational opportunity and will also simplify regulations.

*Biological*

When this kill tag was changed to private land only several years ago, there was no significant reduction in bobcat harvest, so this restriction of opportunity is not having an impact on the bobcat population. Therefore, the Department does not expect a biological impact.

*Social*

The majority of the Furtaker User Group supports this proposed regulation change.

*Economic*

The Department does not expect an economic impact.

Item 4 – Fisher and Marten Combined Bag Limit

The Department and the Furtaker User Group reviewed a proposal to make the number of fisher and marten that can be harvested by a resident fur harvester a combined bag limit of two. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

*Issues Pros and Cons*

Currently the marten and fisher combined bag limit is two, of which only one may be a fisher. Fisher bag limits were reduced in 2011 due to declines in fisher populations from the mid-1990s through 2007. Additionally, season length was decreased from 15 days to 10 days in 2018, which reduced fisher harvest. Current trends of fisher abundance suggest that the population is stable to increasing in recent years. With the current season length of 10 days, the Department does not expect the proposed change to result in harvest levels significantly above levels since 2011, which have allowed the population to stabilize and increase. This recommendation will allow for more recreational opportunities and will simplify regulations.

*Biological*

Due to how harvest has responded to past changes in bag limit and season length for fisher and marten, the Department does not expect a significant increase in harvest. In addition, it may reduce the number of incidentally caught fishers. Therefore, the Department does not expect a biological impact.

*Social*

The majority of the Furtaker User Group supports this proposed regulation change.

*Economic*

The Department does not expect an economic impact.

Item 5 – Centerfire Firearm Use at Night in the Limited Firearms Deer Zone

The Department and the Furtaker User Group reviewed a proposal to allow the use of  $\leq .269$  caliber centerfire firearms to hunt coyote, fox, raccoon, and opossum at night on public lands in the limited firearms deer zone. After further discussions with stakeholders and Department staff during and after the Furtaker User Group meeting, the Department supports this regulation.

*Issues Pros and Cons*

Currently,  $\leq .269$  caliber centerfire firearms can be used at night in the limited firearms deer zone on private lands only. The use of  $\leq .269$  caliber centerfire firearms at night for predator hunting was approved in 2016, with the condition that it was prohibited in all state parks and recreation areas statewide and limited to private lands only in the limited firearms deer zone. These restrictions were put in place due to human safety concerns, and the Department believed that a more incremental approach to regulation changes rather than substantive changes would allow the Department to evaluate and determine the impact of the regulatory change and base future regulatory decisions on that information more accurately. Expanding the use of  $\leq .269$  caliber centerfire firearms at night to public lands in the limited firearms deer zone will simplify regulations and provide more recreational opportunities to hunters. In addition, allowing the use of  $\leq .269$  caliber centerfire firearms on private lands has not created substantial increases in safety concerns, and hunters on public lands are more likely to be farther from occupied

dwelling. Law Enforcement Division is supportive of the change and does not expect the change to increase risk of injury.

*Biological*

The Department does not expect a biological impact.

*Social*

The majority of the Furtaker User Group supports this proposed regulation change.

*Economic*

The Department does not expect an economic impact.

Item 6 – Coyote Hunting Season Length

The Department and Furtaker User Group reviewed a proposal to change the coyote hunting season dates to July 15 to April 15. The Department has heard strong input on all sides of the issue from stakeholder groups and the Furtaker User Group.

*Issues Pros and Cons*

In 2016, the Natural Resources Commission requested the Department develop a recommendation to expand the coyote hunting season. The coyote hunting season was changed from July 15 to April 15, to year-round. At the time, the Department did not expect a year-round season to have a significant biological impact at the statewide level. Instead, the Department felt that in some localized areas, some temporary reductions in coyote densities may occur, but these reductions would be based on the level of increase in harvest and likely to be short-lived.

As expected, estimated statewide coyote harvest during 2016-2020 did not increase in response to implementation of a year-round season. Similarly, the estimated average number of coyotes harvested per hunter did not increase during this time either. However, there is concern about social perception and future loss of management tools if the open season continues to allow coyotes to be taken when there are dependent young present. The proposed change will result in not allowing coyote harvest while female coyotes have dependent young. However, the coyote hunting season will still be one of the most liberal seasons in the state, open for nine months. Additionally, coyotes will still be able to be taken year-round on private land if a coyote is doing damage or physically present where it could imminently cause damage. Currently, an individual may not hunt or train dogs on game (including coyote) from April 16 to July 7 due to the presence of dependent young. The Department recommends maintaining this limitation to prohibit the use of dogs to hunt or train on coyotes during this time period.

*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.

*Social*

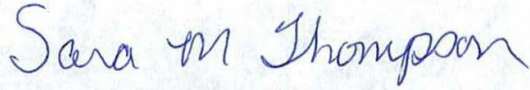
The majority of the Furtaker User Group supports this proposed regulation change. Several trapping and hound hunting groups and individuals have requested the Department make this change to the coyote hunting season, due to public perception and potential future impacts to their hunting and trapping opportunities. The Department has been contacted by some predator callers that are opposed to this change, due to reduced hunting opportunity during a period after

snow melts and before crops grow in height, when coyotes may be more responsive to calls. Predator callers would be able to continue hunting year-round on private lands where coyotes are doing damage or physically present where they could imminently cause damage. However, other private lands and public lands would be closed that time of year, resulting in some reduced recreational opportunity.

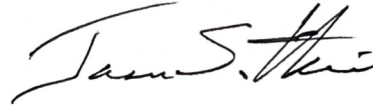
*Economic*

The Department does not expect an economic impact.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on February 8, 2024, at the Natural Resources Commission meeting. This item appeared on the Department's January 30, 2024 calendar and may be eligible for approval on March 14, 2024.



Sara Thompson, Chief  
Wildlife Division



Jason S. Haines, Chief  
Law Enforcement Division



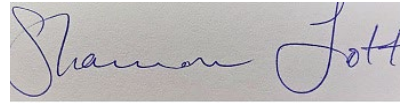
Jeffery J. Stampfly, Chief  
Forest Resources Division



Ronald A. Olson, Chief  
Parks and Recreation Division

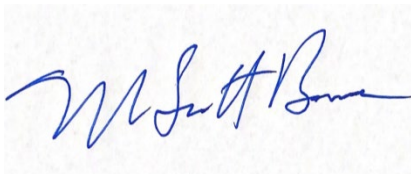


Randall M. Claramunt, Chief  
Fisheries Division



Shannon Lott  
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



M. Scott Bowen, Director

Date: March 14, 2024

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 1 of 2024**

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 14, 2024, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **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 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a pneumatic gun, a rimfire firearm .22 caliber or smaller, a centerfire rifle or centerfire pistol .269 caliber or smaller, or shotgun with loads other than buckshot larger than number 3, slug or cut shell, unless otherwise provided by law, may take within their specified open seasons raccoon, opossum, coyote, and fox. However, subject to MCL 324.43510, (2) and (3), 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 unless one or more of the following conditions apply:

(a) The individual is hunting with the aid of dogs and is at the point of kill.

(b) The individual is hunting with the aid of game call or predator call.

(3) A person shall not use a centerfire rifle or centerfire pistol to take an animal during nighttime hunting hours as specified in subsection (2) in any state park or recreation area.

(4) 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).

(5) 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.

(6) The hunting hours for teal during the early season shall substantially conform to sunrise to sunset, and shall be those starting times and ending times as published in the waterfowl hunting digest.

(7) Subject to MCL 324.43510, (2) and (3), except during the hunting hours specified in this section and as otherwise provided by subsection (2) and sections 5.42, 5.46 and 5.47, 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.

### **3.608 Bobcat open seasons, season limit, closed areas, restrictions; kill tags and tagging requirements; registration requirements; unlawful acts.**

Sec. 3.608 (1) The open season for taking bobcat by trapping in bobcat management units A and B shall be November 1 to November 14 and December 1 to January 18. The open season for taking bobcat by hunting in bobcat management units A and B shall be from January 1 to March 1.

(2) The open season for taking bobcat by trapping in bobcat management units C and D shall be from December 10 to December 29, using foothold traps or live-restraining cage traps only. The open season for taking bobcat by hunting in management unit C shall be from January 1 to March 1. The open season for taking bobcat by hunting in management unit D shall be from January 1 to February 1.

(3) The open season for taking bobcat by trapping in bobcat management unit G shall be from December 10 to December 29, using foothold traps or live-restraining cage traps only. The open season for taking bobcat by hunting in management unit G shall be from January 1 to January 20.

(4) The open season for taking bobcat by trapping in bobcat management unit H shall be from December 10 to December 20, using foothold traps or live-restraining cage traps only. The open season for taking bobcat by hunting in management unit H shall be from January 1 to January 11.

(5) The season limit shall be 2 bobcats per licensed resident fur harvester except an individual shall take not more than 1 bobcat from bobcat management unit B, and not more than 1 bobcat in bobcat management units C, and D, G, and H combined.

(6) Through the day before the open bobcat season, a resident issued a fur harvester's license who intends to hunt or trap bobcat shall request and be issued up to 2 free bobcat kill tags. A resident shall not sell, loan, or permit in any manner another individual to use the bobcat kill tag or use or attempt to use another individual's bobcat kill tag. Free bobcat kill tags may be obtained only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a bobcat shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the bobcat from the upper jaw to the eye socket or through the lower jaw of the bobcat in a secure and permanent manner. An individual shall not tag a bobcat with a kill tag that is not valid for the unit in which the bobcat is taken. This kill tag shall remain attached to the bobcat until the animal is registered and sealed by the department. An individual shall not possess a bobcat or bobcat hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (7).

(7) An individual that kills a bobcat shall present the pelt and skull of the bobcat to the department to be registered and sealed no later than 10 days following the close of the season in which it was taken. The pelt and skull shall be presented for sealing in person by the resident fur harvester that killed the animal and shall not be presented for sealing or registration by another individual. The individual presenting the bobcat pelt and skull shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain at least one tooth or the skull, at the discretion of the department, and attach an official seal to the pelt of each bobcat presented for examination. The seal shall be locked upon the hide in such a manner that it cannot be removed without cutting or ripping the bobcat pelt or damaging the seal. An official seal attached by the department shall not be removed from the bobcat pelt until the bobcat pelt is processed or tanned. Subsequent to 10 days following March 1, it shall be unlawful to possess a bobcat pelt without an official department seal attached unless the pelt has been processed or tanned or the bobcat season is open.

### **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 from July 15 to April 15 except:

(a) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.

(2) A resident possessing a base license may hunt coyote without securing a fur harvester's license.

### **3.620 Fisher, open seasons, closed areas; registration requirements; unlawful acts.**

Sec. 3.620 (1) The open season for taking fisher by trapping shall be from the first Friday in December through 9 days after in all of Zone 1 except Drummond Island.

(2) The fisher and marten season limit shall be a combined bag limit of 2 animals per licensed resident.

(3) Through the last day of the open fisher season, a resident issued a fur harvester's license may obtain a free fisher kill tag. A resident who intends to trap fisher shall request and be issued 1 kill tag valid for either a fisher or a marten. A resident shall not sell, loan, or permit in any manner, another individual to use the fisher kill tag or use or attempt to use another individual's fisher kill tag. Free fisher kill tags may be obtained only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a fisher shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the fisher from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. An individual shall not tag a fisher with a kill tag that is not valid for the unit in which the fisher is taken. This kill tag shall remain attached to the fisher until the animal is registered and sealed by the department. An individual shall not possess a fisher or fisher hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

(4) An individual that kills a fisher shall present the pelt and skull of the fisher to the department to be registered and sealed no later than 3 business days following the last day of the season. The pelt and skull shall be presented for sealing in person by the resident fur harvester that killed the animal and shall not be presented for sealing or registration by another individual. The individual presenting the fisher pelt and skull shall display their resident fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull and attach an official seal to the pelt of each fisher presented for examination and shall lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the fisher pelt or damaging the seal. An official seal attached by the department, shall not be removed from the fisher pelt until the fisher pelt is processed or tanned. Subsequent to 3 business days following the close of the season, it shall be unlawful to possess a fisher pelt without an official department seal attached unless the pelt has been processed or tanned or the fisher season is open.

### **3.630 Marten, open season, exceptions; trapping permit; sealing requirements; unlawful acts.**

Sec. 3.630 (1) The open season for taking marten by trapping shall be from the first Friday in December through 9 days after in all of zone 1 except Drummond Island.

(2) The fisher and marten season limit shall be a combined bag limit of 2 animals per licensed resident.

(3) Through the last day of the open marten season, a resident issued a fur harvester's license may obtain a free marten kill tag. A resident who intends to trap marten shall request and be issued 1 free marten or fisher kill tag and 1 marten only kill tag. A resident shall not sell, loan, or permit in any manner, another individual to use the marten kill tag or use or attempt to use another individual's marten kill tag. A free marten kill tag may be obtained only by a resident who is at least 8 years old, subject to section 2.14. An individual who kills a marten shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the marten from the upper jaw to the eye socket or through the lower jaw in a secure and permanent manner. This kill tag shall remain attached to the marten until the animal is registered and sealed by the department. An individual shall not possess a marten or marten hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (4).

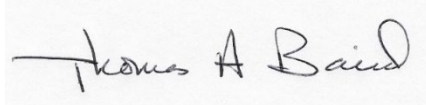
(4) An individual that kills a marten shall present the pelt and skull of the marten to the department to be registered and sealed no later than 3 business days following the last day of the season. The pelt and skull shall be presented for sealing in person by the resident fur harvester that killed the animal and shall not be presented for sealing or registration by another individual. The individual presenting the marten pelt and skull shall display their resident fur harvester's license; including identification used to acquire the license, and shall provide harvest information as requested by the department. The department shall retain the skull, and, attach an official seal to the pelt of each marten presented for examination, and lock the seal



upon the hide in such a manner that it cannot be removed without cutting or ripping the marten pelt or damaging the seal. An official seal attached by the department, shall not be removed from the marten pelt until the marten pelt is processed or tanned. Subsequent to 3 business days following the last day of the season, it shall be unlawful to possess a marten pelt without an official department seal attached unless the pelt has been processed or tanned or the marten season is open.

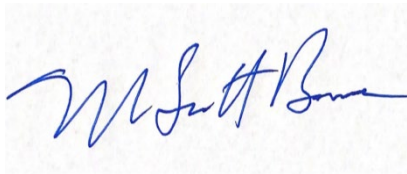
Issued on this 14th day of March, 2024.

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

A handwritten signature in black ink that reads "Thomas A Baird". The signature is written in a cursive style with a horizontal line extending from the left of the first letter.

Thomas Baird, Chair  
Natural Resources Commission

Approved as to matters over which the Director has authority.

A handwritten signature in blue ink that reads "M Scott Bowen". The signature is written in a cursive style with a horizontal line extending from the left of the first letter.

M. Scott Bowen  
Director

# Exhibit B

# Proposal G: From 'ballot box biology' to professional wildlife management

[michiganoutdoors.com/proposal-g-from-ballot-box-biology-to-professional-wildlife-management/](https://michiganoutdoors.com/proposal-g-from-ballot-box-biology-to-professional-wildlife-management/)

Editor

July 6, 2022



By Chris Lamphere

## *Proposal G has a legacy; it has to be protected*

Imagine a world where hunting and fishing regulations are established through a process similar to electing a public official, where grandstanding, hyperbole and backroom deals aren't just common practice but are virtually the only path to success — that world doesn't include Proposal G.

In 2021, fresh off one of the most divisive election cycles in recent history, it's easy to imagine how nightmarish such a system would be, but 25 years ago in 1996, it was how things were done in Michigan and elsewhere.

To change a game law in Michigan, someone could simply collect enough signatures and place a referendum on the ballot for a public vote.

One such referendum was Proposal D, which sought to prohibit the use of bait piles and dogs for hunting black bear — techniques seen as cruel and unsporting by most of the proposal's supporters, although the initial impetus behind the referendum was a landowner who had a problem with bear hounds trespassing on his property.

Similar types of proposals involving other game species were placed before voters in several other states that year, most of which were backed by animal rights groups energized by an unsuccessful attempt in California to repeal the ban on hunting mountain lions in the state.

Bob Garner, then-host of the television program "Michigan Out of Doors," said the proposal terrified many in the bear hunting community for the obvious reason that locating a bear in the wild without bait or dogs is extremely difficult and could very well have led to a massive drop off in harvest success rates.

The larger issue that galvanized hunting and angling groups against Proposal D, however, was how wildlife and habitat management efforts all over the country were increasingly being dictated by special interest groups and radical activists rather than by experts in the field.

Enter Proposal G, which was drafted by a large and diverse coalition of conservation groups led by Michigan United Conservation Clubs, Michigan Bear Hunters Association, Safari Club International and others known collectively as Citizens for Professional Wildlife Management (CPWM).

Proposal G sought to vest exclusive authority for all hunting regulations, including bear hunting, in the Michigan Natural Resources Commission. Crucially, Proposal G would also require the NRC to utilize "principles of sound scientific management" in regulating all game hunting and require public meetings prior to the issuance of any orders by the NRC.

Garner said Proposal G would effectively remove the politics and emotion from any consideration about game policies in Michigan but as supporters of the proposal quickly discovered, convincing the public to go along with the idea was going to be an uphill battle.



## Uniting for a common cause

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Dennis Knapp worked for MUCC in 1996 and was heavily involved in the discussions surrounding both Prop D and Prop G.

Months before the election, Knapp remembers that CPWM conducted phone surveys to gauge public opinion about the use of bait and dogs to hunt for bears. The results were grim: by a nearly two-to-one margin, people disapproved of both practices.

Thus, bear hunting became a focal point illustrating the difference between sound science and proven harvest technique versus how people with little knowledge of wildlife management felt about certain practices.

"We started to hone our messages," Knapp said. "That professional management was better than management by emotion, politics or whatever else."

Crafting the message was easy, but garnering support from the numerous disparate conservation groups to unite behind it would be a tall order.

To help bridge the divide between the fractured conservation groups in Michigan, CPWM brought in Ron Lundberg, an avid hunter and leader in Safari Club International.

"Ron was good at getting people to see the big picture," Knapp said. "To understand where each other was coming from. Ron was really critical for the campaign."

With Lundberg's help, CPWM hit the ground running, spreading their message far and wide through any medium at their disposal, including television and radio interviews, newspaper editorials and campaign signs with the simple and memorable slogan, "Proposal D is dangerous!"

The message highlighted the importance of relying on expertise when managing wildlife, with a special emphasis on bears.

"We helped the public understand that the bear population was healthy and vigorous," Knapp said. "That bears were in no danger of being depleted (as a result of baiting or hunting with dogs). Without these harvest methods (keeping the population in check), there would actually be more conflict between humans and bears."

Through a statewide raffle program where people could buy a \$5 ticket and potentially win 40 acres and a log cabin in the Upper Peninsula, along with other fundraising efforts, Knapp said they were able to generate around \$1.7 million for the campaign.

**This groundswell of support for Prop G and against Prop D came at a time when the Prop D campaign was losing steam. Knapp said the timing of the campaign was very strategic and likely played a role in the eventual outcome of the election, which was a reversal of the survey conducted earlier in the year: Prop D failed by a margin of 61.7% to 38.3% while Prop G passed by a margin of 68.7% to 31.3%.**

## **Legacy of Proposal G**

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**While the passage of Prop G safeguarded the professional management of Michigan's wildlife and wild places for the time being, supporters remain vigilant of future challenges to the status quo.**

**After all, Prop G is a law just like any other, and laws change all the time.**

**"That vulnerability remains," Knapp said. "It's always a precarious process. That's why it's incumbent on hunters to maintain a good image and ethics ... look how polarized everything is right now. Groups can spread almost any message they want on social media, and it can become very influential on people's opinions. I think (conservationists) have to be very careful about focusing on the things we all have in common and staying united because history can repeat itself."**

**Amy Trotter, executive director of MUCC, agreed that conservationists should remain in lockstep on certain issues, including the importance of leaving wildlife and habitat management decisions to the experts.**

**"MUCC membership has always been opposed to ballot box biology," Trotter said. "Prop G is one safeguard against that, and so are watchdog groups like MUCC. We don't believe (that wildlife and habitat management decisions) should be one person's preference. We believe the NRC should be making those decisions. It's not a perfect system, but it's better than trying to convince politicians and educating the general public on activities they may never do."**

**Trotter also agreed wholeheartedly with Knapp that hunters, anglers, trappers and all other conservationists need to be very cognizant of the image and message they convey to the public; now more than ever, it seems, as mounting a defense to a measure as Prop D would probably be a lot more difficult and costly today.**

**"We can be our own worst enemies," Trotter said. "Someone can make a post or video that doesn't paint the rest of us in the most positive light, and it's so easy to take something like that and use it out of context. It never used to be that way."**

**For that reason, Trotter said the messaging campaigns of groups like the Michigan Wildlife Council will continue to be critical in the coming years.**

**"They're keeping that buzz going about the positive attributes (of hunters, anglers and other conservationists)," Trotter said. "We need that positive valence when we come to these types of contentious ballot discussions."**

# Exhibit C





# SENATE BILL No. 1033

May 16, 1996, Introduced by Senators DUNASKISS, BENNETT and DINGELL and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend Act No. 451 of the Public Acts of 1994, entitled  
"Natural resources and environmental protection act,"  
as amended, being sections 324.101 to 324.90106 of the Michigan  
Compiled Laws, by adding section 40113a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1994, as  
2 amended, being sections 324.101 to 324.90106 of the Michigan  
3 Compiled Laws, is amended by adding section 40113a to read as  
4 follows:

5 SEC. 40113A. (1) THE LEGISLATURE FINDS AND DECLARES THAT:

6 (A) THE FISH AND WILDLIFE OF THE STATE AND THEIR HABITAT ARE  
7 OF PARAMOUNT IMPORTANCE TO THE CITIZENS OF THIS STATE.

1 (B) THE SOUND SCIENTIFIC MANAGEMENT OF THE FISH AND WILDLIFE  
2 POPULATIONS OF THE STATE, INCLUDING HUNTING AND FISHING, IS  
3 DECLARED TO BE IN THE PUBLIC INTEREST.

4 (2) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES  
5 SHALL HAVE THE EXCLUSIVE AUTHORITY TO REGULATE THE TAKING OF GAME  
6 IN THIS STATE. IN MAKING DECISIONS REGARDING THE TAKING OF GAME,  
7 THE DIRECTOR SHALL UTILIZE PRINCIPLES OF SOUND SCIENTIFIC  
8 MANAGEMENT.

9 (3) DECISIONS REGARDING THE TAKING OF GAME SHALL BE MADE  
10 FOLLOWING A PUBLIC HEARING AFTER AN OPPORTUNITY FOR PUBLIC  
11 INPUT.

12 (4) NO COMMISSION, DEPARTMENT, DIRECTOR, AGENCY, OR PUBLIC  
13 OFFICIAL OF THIS STATE, OTHER THAN THE DIRECTOR OF THE DEPARTMENT  
14 OF NATURAL RESOURCES, SHALL HAVE AUTHORITY UNDER ANY SECTION OF  
15 THIS ACT, OR UNDER ANY OTHER PROVISION OF LAW, TO TAKE ANY ACTION  
16 INCONSISTENT WITH THIS SECTION.

# Exhibit D

# MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 122 of 2024

Senate adjourned until Wednesday, September 4, 2024 10:00 AM

House adjourned until Wednesday, September 11, 2024 1:30 PM

## Senate Bill 1033 of 1996 (Public Act 377 of 1996)



[Previous Bill](#) [Next Bill](#)

### Sponsors

Mat Dunaskiss (District 16)
Loren Bennett (District 8)
Christopher Dingell (District 7)

### Categories

[Natural resources: hunting](#); [Natural resources: wildlife](#); [State agencies \(existing\): natural resources](#)

Natural resources; hunting; regulation of taking of game; vest in the commission of natural resources. Amends Act 451 of 1994 (MCL 324.101 - 324.90106) by adding sec. 40113a.

### Documents

A SUBSET of documents (including the bill as introduced, the enrolled version if passed, and analyses/summaries) are available for sessions prior to 1997 and are provided by the Library of Michigan.

#### Bill Document Formatting Information

The following bill formatting information applies to the 1995-1996 session:

- New language in an amendatory bill will be shown in **bold**
- Language to be removed will be ~~stricken~~
- Amendments made by the House will be [\[blue with square brackets\]](#)
- Amendments made by the Senate will be [<red with angle brackets>](#)



#### Senate Introduced Bill

Introduced bills appear as they were introduced and reflect no subsequent amendments or changes

# Analysis

## Senate Fiscal Agency Analysis



### COMMITTEE SUMMARY (Date Completed: 5-22-96)

This document analyzes [SB1033](#)



### FLOOR ANALYSIS (Date Completed: 5-29-96)

This document analyzes [SB1033](#)



### ENROLLED ANALYSIS (Date Completed: 10-23-96)

This document analyzes [SB1033](#)

## History

(House actions in lowercase, Senate actions in UPPERCASE)

Note: A page number of 0 indicates that the page number is coming soon

Date	Journal	Action
5/16/1996	<a href="#">SJ 46</a> Pg. 927	REFERRED TO COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS
5/28/1996	<a href="#">SJ 50</a> Pg. 1093	REPORTED FAVORABLY WITH SUBSTITUTE (S-1)
5/29/1996	<a href="#">SJ 51</a> Pg. 1117	AMENDED
5/29/1996	<a href="#">SJ 51</a> Pg. 1117	REPORTED BY COMMITTEE OF THE WHOLE FAVORABLY WITH SUBSTITUTE (S-1) AND AMENDMENT(S)
5/29/1996	<a href="#">SJ 51</a> Pg. 1117	SUBSTITUTE (S-1) AND AMENDMENT(S) CONCURRED IN
5/29/1996	<a href="#">SJ 51</a> Pg. 1117	PLACED ON ORDER OF THIRD READING WITH SUBSTITUTE (S-1) AND AMENDMENT(S)
5/30/1996	<a href="#">SJ 52</a> Pg. 1153	PASSED : \
		ROLL CALL # 0512 YEAS 19 NAYS 17 EXC 01 NOT VOTING 00
5/30/1996	<a href="#">HJ 56</a> Pg. 1366	referred to Committee on Conservation, Environment and Great Lakes
6/05/1996	<a href="#">HJ 58</a> Pg. 1472	notice given to discharge committee
6/06/1996	<a href="#">HJ 59</a> Pg. 1492	motion to discharge committee
7/02/1996	<a href="#">HJ 61</a> Pg. 1581	reported with recommendation with substitute (H-8)

Date	Journal	Action
7/02/1996	<a href="#">HJ 61</a> Pg. 1581	referred to second reading
7/02/1996	<a href="#">HJ 61</a> Pg. 1646	substitute (H-8) amended and adopted
7/02/1996	<a href="#">HJ 61</a> Pg. 1646	placed on third reading
7/02/1996	<a href="#">HJ 61</a> Pg. 1647	placed on immediate passage
7/02/1996	<a href="#">HJ 61</a> Pg. 1647	passed; given immediate effect : \
Roll Call # 0720 Yeas 073 Nays 026		
7/02/1996	<a href="#">HJ 61</a> Pg. 1647	returned to Senate
7/03/1996	<a href="#">SJ 58</a> Pg. 1504	HOUSE SUBSTITUTE (H-8) CONCURRED IN
7/03/1996	<a href="#">SJ 58</a> Pg. 1504	ROLL CALL: : \
ROLL CALL # 0658 YEAS 33 NAYS 02 EXC 03 NOT VOTING 00		
7/03/1996	<a href="#">SJ 58</a> Pg. 1504	GIVEN IMMEDIATE EFFECT
7/03/1996	<a href="#">SJ 58</a> Pg. 1504	ORDERED ENROLLED
9/10/1996	<a href="#">SJ 59</a> Pg. 1583	PRESENTED TO THE GOVERNOR
TIME: 10:24AM DATE: 07/17/96		
9/10/1996	<a href="#">SJ 59</a> Pg. 1584	APPROVED BY THE GOVERNOR
TIME: 02:20PM DATE: 07/17/96		
9/10/1996	<a href="#">SJ 59</a> Pg. 1584	FILED WITH SECRETARY OF STATE
TIME: 10:50AM DATE: 07/18/96		
9/10/1996	<a href="#">SJ 59</a> Pg. 1584	ASSIGNED PA 0377'96

The Michigan Legislature Website is a free service of the Legislative Service Bureau in cooperation with the Michigan Legislative Council, the Michigan House of Representatives, the Michigan Senate, and the Library of Michigan. This site is intended to provide accurate and timely legislative information to the citizens of the State of Michigan and other interested parties. Additional historical documents can be found at <https://www.michigan.gov/libraryofmichigan>. The information obtained from this site is not intended to replace official versions of that information and is subject to revision. The Legislature presents this information, without warranties, express or implied, regarding the accuracy of the information, timeliness, or completeness. If you believe the information is inaccurate, out-of-date, or incomplete or if you have problems accessing or reading the information, please send your concerns to the appropriate agency using the online Comment Form in the bar above this text.

# Exhibit E



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS  
P.O. BOX 20126  
LANSING, MICHIGAN 48901  
PHONE: (517) 373-2540

ELECTION RESULTS  
GENERAL ELECTION  
November 5, 1996

Mon, Nov 25, 1996

PROP. A - REFERENDUM ON PA 118 OF 1994-AMENDMENT TO MICHIGAN'S BINGO ACT

90000001

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
01 ALCONA	4,863	2,243	2,620
02 ALGER	3,824	1,545	2,279
03 ALLEGAN	35,495	17,725	17,770
04 ALPENA	12,095	5,581	6,514
05 ANTRIM	8,853	4,345	4,508
06 ARENAC	5,955	1,816	4,139
07 BARAGA	2,955	1,162	1,793
08 BARRY	21,373	9,141	12,232
09 BAY	46,158	17,130	29,028
10 BENZIE	6,040	2,874	3,166
11 BERRIEN	50,908	27,612	23,296
12 BRANCH	13,295	6,387	6,908
13 CALHOUN	47,055	20,243	26,812
14 CASS	15,736	8,872	6,864
15 CHARLEVOIX	10,006	4,869	5,137
16 CHEBOYGAN	9,560	5,069	4,491
17 CHIPPEWA	11,843	6,121	5,722
18 CLARE	10,742	4,728	6,014
19 CLINTON	26,742	12,331	14,411
20 CRAWFORD	5,222	2,709	2,513
21 DELTA	13,177	5,544	7,633
22 DICKINSON	10,288	4,901	5,387
23 EATON	41,235	18,517	22,718
24 EMMET	11,537	5,963	5,574
25 GENESEE	160,522	65,880	94,642
26 GLADWIN	9,807	3,874	5,933
27 GOGEBIC	7,226	3,680	3,546
28 GD. TRAVERSE	30,392	14,921	15,471
29 GRATIOT	13,571	5,809	7,762
30 HILLSDALE	14,792	5,813	8,979
31 HOUGHTON	11,792	5,098	6,694
32 HURON	12,977	5,519	7,458
33 INGHAM	107,954	44,537	63,417
34 IONIA	19,713	8,589	11,124
35 IOSCO	11,523	4,978	6,545
36 IRON	5,321	2,309	3,012
37 ISABELLA	17,799	7,652	10,147
38 JACKSON	51,664	20,519	31,145
39 KALAMAZOO	84,592	39,473	45,119

PROP. A - REFERENDUM ON PA 118 OF 1994-AMENDMENT TO MICHIGAN'S BINGO ACT continues on Page 129

CL75.RPT

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ELECTION RESULTS  
GENERAL ELECTION  
November 5, 1996

Mon, Nov 25, 1996

PROP. A - REFERENDUM ON PA 118 OF 1994-AMENDMENT TO MICHIGAN'S BINGO ACT (continued)

90000001

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
40 KALKASKA	5,311	2,397	2,914
41 KENT	206,394	108,633	97,761
42 KEWEENAW	1,084	484	600
43 LAKE	3,936	2,022	1,914
44 LAPEER	30,530	12,287	18,243
45 LEELANAU	9,031	4,363	4,668
46 LENAWEE	30,011	14,205	15,806
47 LIVINGSTON	55,832	25,056	30,776
48 LUCE	2,132	1,113	1,019
49 MACKINAC	5,357	2,723	2,634
50 MACOMB	272,432	108,883	163,549
51 MANISTEE	9,590	5,012	4,578
52 MARQUETTE	24,017	10,185	13,832
53 MASON	11,409	5,688	5,721
54 MECOSTA	11,729	6,116	5,613
55 MENOMINEE	8,801	4,546	4,255
56 MIDLAND	33,706	15,292	18,414
57 MISSAUKEE	5,580	3,096	2,484
58 MONROE	46,343	19,318	27,025
59 MONTICALEM	19,345	9,387	9,958
60 MONTMORENCY	4,026	2,083	1,943
61 MUSKEGON	53,586	25,749	27,837
62 NEWAYGO	16,236	7,707	8,529
63 OAKLAND	449,849	189,245	260,604
64 OCEANA	8,629	4,371	4,258
65 OGEA	8,271	3,226	5,045
66 ONTONAGON	3,855	1,587	2,268
67 OSCEOLA	8,162	4,450	3,712
68 OSCODA	3,427	1,594	1,833
69 OTSEGO	8,015	4,278	3,737
70 OTTAWA	88,665	47,706	40,959
71 PRESQUE ISLE	6,237	3,195	3,042
72 ROSCOMMON	10,760	5,653	5,107
73 SAGINAW	78,922	31,425	47,497
74 ST. CLAIR	54,312	22,192	32,120
75 ST. JOSEPH	18,438	9,734	8,704
76 SANILAC	15,927	6,604	9,323
77 SCHOOLCRAFT	3,456	1,603	1,853
78 SHIAWASSEE	27,813	12,218	15,595

PROP. A - REFERENDUM ON PA 118 OF 1994-AMENDMENT TO MICHIGAN'S BINGO ACT continues on Page 130

CL75.RPT

Page 129

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ELECTION RESULTS  
GENERAL ELECTION  
November 5, 1996

Mon, Nov 25, 1996

PROP. A - REFERENDUM ON PA 118 OF 1994-AMENDMENT TO MICHIGAN'S BINGO ACT (continued)

90000001

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
79 TUSCOLA	20,753	8,140	12,613
80 VAN BUREN	23,961	10,997	12,964
81 WASHTENAW	108,347	51,488	56,859
82 WAYNE	637,463	252,858	384,605
83 WEXFORD	10,979	6,075	4,904
TOTALS	3,447,261	1,511,063	1,936,198

PROP. B - CONSTITUTIONAL AMENDMENT ON JUDICIAL QUALIFICATIONS

90000002

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
01 ALCONA	4,910	3,824	1,086
02 ALGER	3,851	2,946	905
03 ALLEGAN	35,832	28,517	7,315
04 ALPENA	12,004	9,316	2,688
05 ANTRIM	9,044	6,707	2,337
06 ARENAC	5,947	4,479	1,468
07 BARAGA	2,945	2,330	615
08 BARRY	21,393	16,899	4,494
09 BAY	45,498	36,921	8,577
10 BENZIE	6,112	4,495	1,617
11 BERRIEN	52,013	41,266	10,747
12 BRANCH	13,348	11,087	2,261
13 CALHOUN	47,233	38,674	8,559
14 CASS	15,886	12,923	2,963
15 CHARLEVOIX	10,106	7,894	2,212
16 CHEBOYGAN	9,713	7,906	1,807
17 CHIPPEWA	12,036	9,692	2,344
18 CLARE	10,702	8,871	1,831
19 CLINTON	26,695	21,644	5,051
20 CRAWFORD	5,263	4,247	1,016
21 DELTA	13,136	10,639	2,497
22 DICKINSON	10,521	8,815	1,706
23 EATON	41,084	33,553	7,531

CONSTITUTIONAL AMENDMENT ON JUDICIAL QUALIFICATIONS continues on Page 131

MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS  
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PHONE: (517) 373-2540

ELECTION RESULTS  
GENERAL ELECTION  
November 5, 1996

Mon, Nov 25, 1996

PROP. B - CONSTITUTIONAL AMENDMENT ON JUDICIAL QUALIFICATIONS

(continued)

90000002

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
24 EMMET	11,594	9,082	2,512
25 GENESEE	159,487	131,992	27,495
26 GLADWIN	9,684	7,704	1,980
27 GOGEBIC	7,276	6,066	1,210
28 GD. TRAVERSE	30,971	22,646	8,325
29 GRATIOT	13,511	11,050	2,461
30 HILLSDALE	14,853	11,236	3,617
31 HOUGHTON	11,912	9,394	2,518
32 HURON	12,916	9,928	2,988
33 INGHAM	107,928	88,482	19,446
34 IONIA	19,629	14,856	4,773
35 IOSCO	11,469	9,328	2,141
36 IRON	5,342	4,102	1,240
37 ISABELLA	17,860	14,558	3,302
38 JACKSON	51,807	39,261	12,546
39 KALAMAZOO	84,827	67,491	17,336
40 KALKASKA	5,408	3,885	1,523
41 KENT	207,319	173,623	33,696
42 KEWEENAW	1,093	901	192
43 LAKE	3,939	3,160	779
44 LAPEER	30,602	24,666	5,936
45 LEELANAU	9,142	6,546	2,596
46 LENAWEE	30,360	24,098	6,262
47 LIVINGSTON	56,186	46,042	10,144
48 LUCE	2,179	1,730	449
49 MACKINAC	5,442	4,422	1,020
50 MACOMB	273,264	233,152	40,112
51 MANISTEE	9,667	7,475	2,192
52 MARQUETTE	24,223	16,562	7,661
53 MASON	11,491	8,879	2,612
54 MECOSTA	11,839	9,592	2,247
55 MENOMINEE	8,882	7,321	1,561
56 MIDLAND	32,911	24,808	8,103
57 MISSAUKEE	5,628	4,668	960
58 MONROE	46,415	39,186	7,229
59 MONTCALM	19,352	15,431	3,921
60 MONTMORENCY	4,081	3,294	787
61 MUSKEGON	54,138	44,990	9,148
62 NEWAYGO	16,314	12,832	3,482

PROP. B - CONSTITUTIONAL AMENDMENT ON JUDICIAL QUALIFICATIONS continues on Page 132

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PROP. B - CONSTITUTIONAL AMENDMENT ON JUDICIAL QUALIFICATIONS

(continued)

90000002

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
63 OAKLAND	459,440	389,145	70,295
64 OCEANA	8,713	6,847	1,866
65 OGEMAW	8,166	6,510	1,656
66 ONTONAGON	3,775	3,014	761
67 OSCEOLA	8,219	6,735	1,484
68 OSCODA	3,422	2,736	686
69 OTSEGO	8,204	6,065	2,139
70 OTTAWA	88,924	74,166	14,758
71 PRESQUE ISLE	6,253	5,069	1,184
72 ROSCOMMON	10,807	9,252	1,555
73 SAGINAW	77,875	61,645	16,230
74 ST. CLAIR	54,903	46,194	8,709
75 ST. JOSEPH	18,436	14,913	3,523
76 SANILAC	15,995	12,735	3,260
77 SCHOOLCRAFT	3,428	2,737	691
78 SHIAWASSEE	27,807	22,422	5,385
79 TUSCOLA	20,700	16,426	4,274
80 VAN BUREN	24,105	18,120	5,985
81 WASHTENAW	110,467	82,772	27,695
82 WAYNE	632,048	524,141	107,907
83 WEXFORD	10,794	8,950	1,844
TOTALS	3,458,694	2,828,678	630,016

PROP. C - CONSTITUTIONAL AMENDMENT ON MICHIGAN'S VETERANS' TRUST FUND

90000003

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
01 ALCONA	4,938	3,737	1,201
02 ALGER	3,784	2,926	858
03 ALLEGAN	35,325	27,999	7,326
04 ALPENA	11,765	8,874	2,891
05 ANTRIM	9,022	7,339	1,683
06 ARENAC	5,835	3,976	1,859
07 BARAGA	2,907	2,305	602

PROP. C - CONSTITUTIONAL AMENDMENT ON MICHIGAN'S VETERANS' TRUST FUND continues on Page 133

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PROP. C - CONSTITUTIONAL AMENDMENT ON MICHIGAN'S VETERANS' TRUST FUND

(continued)

90000003

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
08 BARRY	20,879	15,741	5,138
09 BAY	44,159	32,754	11,405
10 BENZIE	5,976	4,763	1,213
11 BERRIEN	50,245	39,939	10,306
12 BRANCH	12,949	9,986	2,963
13 CALHOUN	45,508	33,484	12,024
14 CASS	15,693	12,540	3,153
15 CHARLEVOIX	9,926	7,923	2,003
16 CHEBOYGAN	9,539	7,645	1,894
17 CHIPPEWA	11,826	9,372	2,454
18 CLARE	10,514	8,375	2,139
19 CLINTON	26,077	20,565	5,512
20 CRAWFORD	5,216	4,291	925
21 DELTA	13,184	10,451	2,733
22 DICKINSON	10,434	8,396	2,038
23 EATON	39,902	30,823	9,079
24 EMMET	11,282	9,127	2,155
25 GENESEE	153,484	110,362	43,122
26 GLADWIN	9,392	7,266	2,126
27 GOGEBIC	7,311	5,980	1,331
28 GD. TRAVERSE	29,846	24,317	5,529
29 GRATIOT	13,143	9,917	3,226
30 HILLSDALE	14,391	10,145	4,246
31 HOUGHTON	11,656	8,952	2,704
32 HURON	12,841	9,637	3,204
33 INGHAM	101,326	75,300	26,026
34 IONIA	19,089	14,310	4,779
35 IOSCO	10,995	8,168	2,827
36 IRON	5,306	4,337	969
37 ISABELLA	17,264	13,345	3,919
38 JACKSON	50,240	34,177	16,063
39 KALAMAZOO	81,486	61,063	20,423
40 KALKASKA	5,453	4,367	1,086
41 KENT	198,763	158,742	40,021
42 KEWEENAW	1,089	888	201
43 LAKE	3,943	3,119	824
44 LAPEER	29,408	21,806	7,602
45 LEELANAU	8,988	7,005	1,983
46 LENAWEE	29,665	22,669	6,996

PROP. C - CONSTITUTIONAL AMENDMENT ON MICHIGAN'S VETERANS' TRUST FUND continues on Page 134

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PROP. C - CONSTITUTIONAL AMENDMENT ON MICHIGAN'S VETERANS' TRUST FUND

(continued)

90000003

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
47 LIVINGSTON	53,000	39,057	13,943
48 LUCE	2,202	1,804	398
49 MACKINAC	5,317	4,204	1,113
50 MACOMB	258,669	190,610	68,059
51 MANISTEE	9,515	7,545	1,970
52 MARQUETTE	23,579	19,151	4,428
53 MASON	11,253	8,500	2,753
54 MECOSTA	11,842	9,279	2,563
55 MENOMINEE	8,781	6,916	1,865
56 MIDLAND	32,367	23,728	8,639
57 MISSAUKEE	5,622	4,498	1,124
58 MONROE	44,481	33,625	10,856
59 MONTCALM	19,000	14,949	4,051
60 MONTMORENCY	4,067	3,311	756
61 MUSKEGON	52,758	41,880	10,878
62 NEWAYGO	16,049	12,274	3,775
63 OAKLAND	430,916	309,807	121,109
64 OCEANA	8,515	6,615	1,900
65 OGEMAW	8,027	5,946	2,081
66 ONTONAGON	3,799	3,015	784
67 OSCEOLA	8,097	6,513	1,584
68 OSCODA	3,422	2,773	649
69 OTSEGO	8,039	6,422	1,617
70 OTTAWA	86,206	69,866	16,340
71 PRESQUE ISLE	6,113	4,780	1,333
72 ROSCOMMON	10,766	8,922	1,844
73 SAGINAW	75,537	54,577	20,960
74 ST. CLAIR	53,135	40,455	12,680
75 ST. JOSEPH	18,101	14,320	3,781
76 SANILAC	15,737	11,548	4,189
77 SCHOOLCRAFT	3,401	2,680	721
78 SHIAWASSEE	27,231	20,783	6,448
79 TUSCOLA	20,109	13,648	6,461
80 VAN BUREN	23,283	17,882	5,401
81 WASHTENAW	101,573	65,420	36,153
82 WAYNE	605,765	436,214	169,551
83 WEXFORD	10,892	8,720	2,172
TOTALS	3,319,130	2,471,440	847,690

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PROP. D - LEGISLATIVE INITIATIVE ON BEAR HUNTING

90000004

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
-----	-----	-----	-----
01 ALCONA	5,174	1,308	3,866
02 ALGER	4,060	1,084	2,976
03 ALLEGAN	37,294	10,925	26,369
04 ALPENA	12,645	3,104	9,541
05 ANTRIM	9,562	2,816	6,746
06 ARENAC	6,324	1,479	4,845
07 BARAGA	3,141	687	2,454
08 BARRY	22,212	5,830	16,382
09 BAY	47,954	14,861	33,093
10 BENZIE	6,326	2,039	4,287
11 BERRIEN	52,875	26,053	26,822
12 BRANCH	14,041	3,523	10,518
13 CALHOUN	49,229	19,933	29,296
14 CASS	16,503	6,608	9,895
15 CHARLEVOIX	10,642	3,227	7,415
16 CHEBOYGAN	10,086	2,798	7,288
17 CHIPPEWA	12,635	3,405	9,230
18 CLARE	11,169	2,782	8,387
19 CLINTON	27,818	6,311	21,507
20 CRAWFORD	5,538	1,516	4,022
21 DELTA	14,279	3,788	10,491
22 DICKINSON	11,146	2,782	8,364
23 EATON	42,730	13,024	29,706
24 EMMET	12,252	3,814	8,438
25 GENESEE	164,839	64,120	100,719
26 GLADWIN	10,284	2,442	7,842
27 GOGEBIC	7,706	2,393	5,313
28 GD. TRAVERSE	32,028	11,708	20,320
29 GRATTIOT	14,227	3,101	11,126
30 HILLSDALE	15,540	4,120	11,420
31 HOUGHTON	12,685	3,953	8,732
32 HURON	13,924	3,592	10,332
33 INGHAM	109,787	44,806	64,981
34 IONIA	20,633	4,464	16,169
35 IOSCO	11,809	3,430	8,379
36 IRON	5,700	1,562	4,138
37 ISABELLA	18,838	5,254	13,584
38 JACKSON	53,555	17,254	36,301
39 KALAMAZOO	88,162	39,977	48,185

PROP. D - LEGISLATIVE INITIATIVE ON BEAR HUNTING continues on Page 136



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PROP. D - LEGISLATIVE INITIATIVE ON BEAR HUNTING

(continued)

90000004

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
40 KALKASKA	5,725	1,406	4,319
41 KENT	211,572	84,659	126,913
42 KEWEENAW	1,166	416	750
43 LAKE	4,141	1,161	2,980
44 LAPEER	32,225	8,327	23,898
45 LEEELANAU	9,581	3,492	6,089
46 LENAWEE	32,308	10,220	22,088
47 LIVINGSTON	58,858	18,159	40,699
48 LUCE	2,348	510	1,838
49 MACKINAC	5,722	1,512	4,210
50 MACOMB	286,695	109,641	177,054
51 MANISTEE	9,948	3,183	6,765
52 MARQUETTE	25,244	9,022	16,222
53 MASON	11,820	3,984	7,836
54 MECOSTA	12,513	3,325	9,188
55 MENOMINEE	9,401	2,702	6,699
56 MIDLAND	34,429	10,078	24,351
57 MISSAUKEE	5,896	1,017	4,879
58 MONROE	49,514	17,105	32,409
59 MONTCALM	20,228	4,368	15,860
60 MONTMORENCY	4,339	897	3,442
61 MUSKEGON	56,581	20,558	36,023
62 NEWAYGO	17,007	4,190	12,817
63 OAKLAND	477,060	201,815	275,245
64 OCEANA	9,104	2,454	6,650
65 OGEMAW	8,774	1,976	6,798
66 ONTONAGON	4,147	889	3,258
67 OSCEOLA	8,490	1,895	6,595
68 OSCODA	3,638	901	2,737
69 OTSEGO	8,558	2,177	6,381
70 OTTAWA	91,739	29,964	61,775
71 PRESQUE ISLE	6,621	1,234	5,387
72 ROSCOMMON	11,297	3,353	7,944
73 SAGINAW	82,395	27,667	54,728
74 ST. CLAIR	57,427	16,373	41,054
75 ST. JOSEPH	19,173	7,300	11,873
76 SANILAC	16,786	3,650	13,136
77 SCHOOLCRAFT	3,763	847	2,916
78 SHIAWASSEE	29,157	7,245	21,912

PROP. D - LEGISLATIVE INITIATIVE ON BEAR HUNTING continues on Page 137

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PROP. D - LEGISLATIVE INITIATIVE ON BEAR HUNTING

(continued)

90000004

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
79 TUSCOLA	21,683	4,697	16,986
80 VAN BUREN	24,929	8,870	16,059
81 WASHTENAW	116,575	53,294	63,281
82 WAYNE	659,701	323,917	335,784
83 WEXFORD	11,385	3,017	8,368
TOTALS	3,605,015	1,379,340	2,225,675

PROP. E - LEGISLATIVE INITIATIVE ON CASINO GAMING

90000005

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
01 ALCONA	5,007	2,127	2,880
02 ALGER	3,936	1,931	2,005
03 ALLEGAN	37,059	15,128	21,931
04 ALPENA	12,410	5,680	6,730
05 ANTRIM	9,453	3,801	5,652
06 ARENAC	6,070	3,041	3,029
07 BARAGA	3,001	1,401	1,600
08 BARRY	22,038	9,797	12,241
09 BAY	47,911	26,168	21,743
10 BENZIE	6,300	2,556	3,744
11 BERRIEN	53,735	19,640	34,095
12 BRANCH	13,931	6,598	7,333
13 CALHOUN	49,694	26,012	23,682
14 CASS	16,433	7,678	8,755
15 CHARLEVOIX	10,629	4,632	5,997
16 CHEBOYGAN	10,088	4,666	5,422
17 CHIPPEWA	12,643	5,413	7,230
18 CLARE	11,077	5,436	5,641
19 CLINTON	27,589	13,485	14,104
20 CRAWFORD	5,541	2,604	2,937
21 DELTA	13,640	7,222	6,418
22 DICKINSON	10,991	5,332	5,659
23 EATON	42,796	21,599	21,197

PROP. E - LEGISLATIVE INITIATIVE ON CASINO GAMING continues on Page 138

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PROP. E - LEGISLATIVE INITIATIVE ON CASINO GAMING

(continued)

90000005

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
24 EMMET	12,235	4,784	7,451
25 GENESEE	166,447	92,436	74,011
26 GLADWIN	10,056	5,139	4,917
27 GOGEBIC	7,630	3,063	4,567
28 GD. TRAVERSE	32,179	13,037	19,142
29 GRATIOT	14,058	5,912	8,146
30 HILLSDALE	15,439	6,319	9,120
31 HOUGHTON	12,369	5,031	7,338
32 HURON	13,513	6,625	6,888
33 INGHAM	112,714	60,401	52,313
34 IONIA	20,383	9,566	10,817
35 IOSCO	11,900	6,154	5,746
36 IRON	5,525	2,938	2,587
37 ISABELLA	18,783	6,341	12,442
38 JACKSON	53,825	27,999	25,826
39 KALAMAZOO	88,994	43,887	45,107
40 KALKASKA	5,647	2,443	3,204
41 KENT	213,870	81,680	132,190
42 KEWEENAW	1,140	518	622
43 LAKE	4,190	2,212	1,978
44 LAPEER	31,980	15,816	16,164
45 LEELANAU	9,590	3,700	5,890
46 LENAWEE	31,561	14,436	17,125
47 LIVINGSTON	58,836	28,587	30,249
48 LUCE	2,262	1,016	1,246
49 MACKINAC	5,703	2,304	3,399
50 MACOMB	289,010	163,506	125,504
51 MANISTEE	9,977	4,578	5,399
52 MARQUETTE	24,391	14,085	10,306
53 MASON	11,902	5,212	6,690
54 MECOSTA	12,685	5,734	6,951
55 MENOMINEE	9,122	4,583	4,539
56 MIDLAND	35,140	13,912	21,228
57 MISSAUKEE	5,872	2,334	3,538
58 MONROE	49,484	23,960	25,524
59 MONTCALM	20,010	9,462	10,548
60 MONTMORENCY	4,210	1,957	2,253
61 MUSKEGON	57,223	29,769	27,454
62 NEWAYGO	16,817	7,212	9,605

PROP. E - LEGISLATIVE INITIATIVE ON CASINO GAMING continues on Page 139

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PROP. E - LEGISLATIVE INITIATIVE ON CASINO GAMING

(continued)

90000005

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
63 OAKLAND	483,243	249,004	234,239
64 OCEANA	9,000	4,128	4,872
65 OGEMAW	8,640	4,508	4,132
66 ONTONAGON	3,991	1,939	2,052
67 OSCEOLA	8,565	3,765	4,800
68 OSCODA	3,622	1,540	2,082
69 OTSEGO	8,514	4,015	4,499
70 OTTAWA	92,357	29,953	62,404
71 PRESQUE ISLE	6,545	2,976	3,569
72 ROSCOMMON	11,099	5,634	5,465
73 SAGINAW	82,838	45,027	37,811
74 ST. CLAIR	57,182	32,314	24,868
75 ST. JOSEPH	19,164	8,758	10,406
76 SANILAC	16,666	8,177	8,489
77 SCHOOLCRAFT	3,611	1,905	1,706
78 SHIAWASSEE	28,825	14,143	14,682
79 TUSCOLA	21,647	10,536	11,111
80 VAN BUREN	24,811	12,899	11,912
81 WASHTENAW	117,006	55,117	61,889
82 WAYNE	689,340	436,491	252,849
83 WEXFORD	11,388	5,118	6,270
TOTALS	3,646,698	1,878,542	1,768,156

PROP. G - REFERENDUM ON PA 377 OF 1996-MANAGEMENT OF MICHIGAN'S WILDLIFE POP.

90000006

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
01 ALCONA	5,162	3,675	1,487
02 ALGER	4,012	2,881	1,131
03 ALLEGAN	36,769	25,933	10,836
04 ALPENA	12,390	8,939	3,451
05 ANTRIM	9,409	6,210	3,199
06 ARENAC	6,250	4,736	1,514
07 BARAGA	3,087	2,214	873

PROP. G - REFERENDUM ON PA 377 OF 1996-MANAGEMENT OF MICHIGAN'S WILDLIFE POP. continues on Page 140

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PROP. G - REFERENDUM ON PA 377 OF 1996-MANAGEMENT OF MICHIGAN'S WILDLIFE POP. (continued)

90000006

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
08 BARRY	21,947	15,240	6,707
09 BAY	46,878	34,570	12,308
10 BENZIE	6,209	3,816	2,393
11 BERRIEN	51,817	34,001	17,816
12 BRANCH	13,824	10,765	3,059
13 CALHOUN	47,992	33,213	14,779
14 CASS	16,262	11,124	5,138
15 CHARLEVOIX	10,422	7,182	3,240
16 CHEBOYGAN	9,905	6,787	3,118
17 CHIPPEWA	12,469	8,719	3,750
18 CLARE	10,941	8,203	2,738
19 CLINTON	27,539	20,622	6,917
20 CRAWFORD	5,468	3,721	1,747
21 DELTA	14,007	10,414	3,593
22 DICKINSON	10,989	8,355	2,634
23 EATON	42,194	30,096	12,098
24 EMMET	12,029	8,005	4,024
25 GENESEE	160,996	111,300	49,696
26 GLADWIN	10,073	7,750	2,323
27 GOGEBIC	7,517	5,226	2,291
28 GD. TRAVERSE	31,550	20,663	10,887
29 GRATIOT	14,065	11,094	2,971
30 HILLSDALE	15,248	10,904	4,344
31 HOUGHTON	12,324	8,340	3,984
32 HURON	13,680	10,445	3,235
33 INGHAM	107,674	71,668	36,006
34 IONIA	20,329	15,186	5,143
35 IOSCO	11,795	8,451	3,344
36 IRON	5,601	4,288	1,313
37 ISABELLA	18,560	13,876	4,684
38 JACKSON	52,880	36,465	16,415
39 KALAMAZOO	85,930	55,735	30,195
40 KALKASKA	5,611	3,635	1,976
41 KENT	206,451	130,232	76,219
42 KEWEENAW	1,142	795	347
43 LAKE	4,065	2,514	1,551
44 LAPEER	31,746	23,832	7,914
45 LEECLANAU	9,396	5,687	3,709
46 LENAWEE	31,640	22,354	9,286

PROP. G - REFERENDUM ON PA 377 OF 1996-MANAGEMENT OF MICHIGAN'S WILDLIFE POP. continues on Page 141

CL75.RPT

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MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS  
P.O. BOX 20126  
LANSING, MICHIGAN 48901  
PHONE: (517) 373-2540

ELECTION RESULTS  
GENERAL ELECTION  
November 5, 1996

Mon, Nov 25, 1996

PROP. G - REFERENDUM ON P\ 377 OF 1996-MANAGEMENT OF MICHIGAN'S WILDLIFE POP. (continued)

90000006

COUNTY CODE/NAME	TOTAL BY COUNTY	YES	NO
=====	=====	=====	=====
47 LIVINGSTON	57,801	40,794	17,007
48 LUCE	2,315	1,829	486
49 MACKINAC	5,595	3,942	1,653
50 MACOMB	279,546	196,616	82,930
51 MANISTEE	9,812	6,399	3,413
52 MARQUETTE	23,969	17,794	6,175
53 MASON	11,629	7,495	4,134
54 MECOSTA	12,471	9,172	3,299
55 MENOMINEE	9,293	6,527	2,766
56 MIDLAND	34,444	25,322	9,122
57 MISSAUKEE	5,839	4,265	1,574
58 MONROE	48,438	36,063	12,375
59 MONTCALM	19,936	15,235	4,701
60 MONTMORENCY	4,265	3,171	1,094
61 MUSKEGON	55,181	39,465	15,716
62 NEWAYGO	16,798	12,034	4,764
63 OAKLAND	464,606	318,578	146,028
64 OCEANA	8,940	5,898	3,042
65 OGEMAW	8,633	6,481	2,152
66 ONTONAGON	4,043	2,935	1,108
67 OSCEOLA	8,396	5,726	2,670
68 OSCODA	3,596	2,441	1,155
69 OTSEGO	8,375	5,595	2,780
70 OTTAWA	90,126	63,320	26,806
71 PRESQUE ISLE	6,474	4,842	1,632
72 ROSCOMMON	11,148	7,976	3,172
73 SAGINAW	80,196	55,983	24,213
74 ST. CLAIR	56,460	42,269	14,191
75 ST. JOSEPH	18,824	12,654	6,170
76 SANILAC	16,519	12,010	4,509
77 SCHOOLCRAFT	3,693	2,833	860
78 SHIAWASSEE	28,874	21,504	7,370
79 TUSCOLA	21,469	15,901	5,568
80 VAN BUREN	24,496	16,286	8,210
81 WASHTENAW	111,762	67,732	44,030
82 WAYNE	631,557	419,058	212,499
83 WEXFORD	11,229	7,724	3,505
TOTALS	3,512,992	2,413,730	1,099,262



# Exhibit F



PROP. G - REFERENDUM ON PA 377 OF 1996-MANAGEMENT OF MICHIGAN'S WILDLIFE POP. 90000006

Column1	Total	Yes	No	Yes %	No %
48 LUCE	2315	1829	486	79.01%	20.99%
29 GRATIOT	14065	11094	2971	78.88%	21.12%
12 BRANCH	13824	10765	3059	77.87%	22.13%
26 GLADWIN	10073	7750	2323	76.94%	23.06%
77 SCHOOLCRAFT	3693	2833	860	76.71%	23.29%
36 IRON	5601	4288	1313	76.56%	23.44%
59 MONTCALM	19936	15235	4701	76.42%	23.58%
32 HURON	13680	10445	3235	76.35%	23.65%
22 DICKINSON	10989	8355	2634	76.03%	23.97%
06 ARENAC	6250	4736	1514	75.78%	24.22%
65 OGEMAW	8633	6481	2152	75.07%	24.93%
44 LAPEER	31746	23832	7914	75.07%	24.93%
18 CLARE	10941	8203	2738	74.97%	25.03%
19 CLINTON	27539	20622	6917	74.88%	25.12%
74 ST, CLAIR	56460	42269	14191	74.87%	25.13%
71 PRESQUE ISLE	6474	4842	1632	74.79%	25.21%
37 ISABELLA	18560	13876	4684	74.76%	25.24%
34 IONIA	20329	15186	5143	74.70%	25.30%
78 SHIAWASSEE	28874	21504	7370	74.48%	25.52%
58 MONROE	48438	36063	12375	74.45%	25.55%
60 MONTMORENCY	4265	3171	1094	74.35%	25.65%
21 DELTA	14007	10414	3593	74.35%	25.65%
52 MARQUETTE	23969	17794	6175	74.24%	25.76%
79 TUSCOLA	21469	15901	5568	74.06%	25.94%
09 BAY	46878	34570	12308	73.74%	26.26%
54 MECOSTA	12471	9172	3299	73.55%	26.45%
56 MIDLAND	34444	25322	9122	73.52%	26.48%
57 MISSAUXEE	5839	4265	1574	73.04%	26.96%
76 SANILAC	16519	12010	4509	72.70%	27.30%
66 ONTONAGON	4043	2935	1108	72.59%	27.41%
04 ALPENA	12390	8939	3451	72.15%	27.85%
02 ALGER	4012	2881	1131	71.81%	28.19%
07 BARAGA	3087	2214	873	71.72%	28.28%
35 IOSCO	11795	8451	3344	71.65%	28.35%
62 NEWAYGO	16798	12034	4764	71.64%	28.36%
72 ROSCOMMON	11148	7976	3172	71.55%	28.45%
61 MUSKEGON	55181	39465	15716	71.52%	28.48%
30 HILLSDALE	15248	10904	4344	71.51%	28.49%
23 EATON	42194	30096	12098	71.33%	28.67%
01 ALCONA	5162	3675	1487	71.19%	28.81%
46 LENAWE	31640	22354	9286	70.65%	29.35%
47 LIVINGSTON	57801	40794	17007	70.58%	29.42%
03 ALLEGAN	36769	25933	10836	70.53%	29.47%
49 MACKINAC	5595	3942	1653	70.46%	29.54%

50	MACOMB	279546	196616	82930	70.33%	29.67%
70	OTTAWA	90126	63320	26806	70.26%	29.74%
55	MENOMINEE	9293	6527	2766	70.24%	29.76%
17	CHIPPEWA	12469	8719	3750	69.93%	30.07%
73	SAGINAW	80196	55983	24213	69.81%	30.19%
42	KEWEENAW	1142	795	347	69.61%	30.39%
27	GOGEBIC	7517	5226	2291	69.52%	30.48%
08	BARRY	21947	15240	6707	69.44%	30.56%
13	CALHOUN	47992	33213	14779	69.21%	30.79%
25	GENESEE	160996	111300	49696	69.13%	30.87%
38	JACKSON	52880	36465	16415	68.96%	31.04%
15	CHARLEVOIX	10422	7182	3240	68.91%	31.09%
83	WEXFORD	11229	7724	3505	68.79%	31.21%
63	OAKLAND	464606	318578	146028	68.57%	31.43%
16	CHEBOYGAN	9905	6787	3118	68.52%	31.48%
14	CASS	16262	11124	5138	68.40%	31.60%
67	OSCEOLA	8396	5726	2670	68.20%	31.80%
20	CRAWFORD	5468	3721	1747	68.05%	31.95%
68	OSCODA	3596	2441	1155	67.88%	32.12%
31	HOUGHTON	12324	8340	3984	67.67%	32.33%
75	ST. JOSEPH	18824	12654	6170	67.22%	32.78%
69	OTSEGO	8375	5595	2780	66.81%	33.19%
33	INGHAM	107674	71668	36006	66.56%	33.44%
24	EMMET	12029	8005	4024	66.55%	33.45%
80	VAN BUREN	24496	16286	8210	66.48%	33.52%
82	WAYNE	631557	419058	212499	66.35%	33.65%
05	ANTRIM	9409	6210	3199	66.00%	34.00%
64	OCEANA	8940	5898	3042	65.97%	34.03%
11	BERRIEN	51817	34001	17816	65.62%	34.38%
28	GD. TRAVERSE	31550	20663	10887	65.49%	34.51%
51	MANISTEE	9812	6399	3413	65.22%	34.78%
39	KALAMAZOO	85930	55735	30195	64.86%	35.14%
40	KALKASKA	5611	3635	1976	64.78%	35.22%
53	MASON	11629	7495	4134	64.45%	35.55%
41	KENT	206451	130232	76219	63.08%	36.92%
43	LAKE	4065	2514	1551	61.85%	38.15%
10	BENZIE	6209	3816	2393	61.46%	38.54%
81	WASHTENAW	111762	67732	44030	60.60%	39.40%
45	LEELANAU	9396	5687	3709	60.53%	39.47%

PHONE: (517)  
373-2540

PROP. D -  
LEGISLATIVE

INITIATIVE ON BEAR HUNTING  
90000004

TOTAL

COUNTY CODE/NAME BY YES NO  
COUNTY

Column1	Total	Yes	No	Yes %	No %
57 MISSAUKEE	5896	1017	4879	17.25%	82.75%
71 PRESQUE ISLE	6621	1234	5387	18.64%	81.36%
60 MONTMORENCY	4339	897	3442	20.67%	79.33%
66 ONTONAGON	4147	889	3258	21.44%	78.56%
59 MONTCAIM	20228	4368	15860	21.59%	78.41%
34 IONIA	20633	4464	16169	21.64%	78.36%
79 TUSCOLA	21683	4697	16986	21.66%	78.34%
48 LUCE	2348	510	1838	21.72%	78.28%
76 SANILAC	16786	3650	13136	21.74%	78.26%
29 GRATIOT	14227	3101	11126	21.80%	78.20%
07 BARAGA	3141	687	2454	21.87%	78.13%
67 OSCEOLA	8490	1895	6595	22.32%	77.68%
77 SCHOOLCRAFT	3763	847	2916	22.51%	77.49%
65 OGEMAW	8774	1976	6798	22.52%	77.48%
19 CLINTON	27818	6311	21507	22.69%	77.31%
06 ARENAC	6324	1479	4845	23.39%	76.61%
26 GLADWIN	10284	2442	7842	23.75%	76.25%
04 ALPENA	12645	3104	9541	24.55%	75.45%
40 KALKASKA	5725	1406	4319	24.56%	75.44%
62 NEWAYGO	17007	4190	12817	24.64%	75.36%
68 OSCODA	3638	901	2737	24.77%	75.23%
78 SHIAWASSEE	29157	7245	21912	24.85%	75.15%
18 CLARE	11169	2782	8387	24.91%	75.09%
22 DICKINSON	11146	2782	8364	24.96%	75.04%
12 BRANCH	14041	3523	10518	25.09%	74.91%
01 ALCONA	5174	1308	3866	25.28%	74.72%
69 OTSEGO	8558	2177	6381	25.44%	74.56%
32 HURON	13924	3592	10332	25.80%	74.20%
44 LAPEER	32225	8327	23898	25.84%	74.16%
08 BARRY	22212	5830	16382	26.25%	73.75%
49 MACKINAC	5722	1512	4210	26.42%	73.58%
83 WEXFORD	11385	3017	8368	26.50%	73.50%
30 HILLSDALE	15540	4120	11420	26.51%	73.49%
21 DELTA	14279	3788	10491	26.53%	73.47%
54 MECOSTA	12513	3325	9188	26.57%	73.43%
02 ALGER	4060	1084	2976	26.70%	73.30%
17 CHIPPEWA	12635	3405	9230	26.95%	73.05%
64 OCEANA	9104	2454	6650	26.96%	73.04%

20	CRAWFORD	5538	1516	4022	27.37%	72.63%
36	IRON	5700	1562	4138	27.40%	72.60%
16	CHEBOYGAN	10086	2798	7288	27.74%	72.26%
37	ISABELLA	18838	5254	13584	27.89%	72.11%
43	LAKE	4141	1161	2980	28.04%	71.96%
74	ST. CLAIR	57427	16373	41054	28.51%	71.49%
55	MENOMINEE	9401	2702	6699	28.74%	71.26%
35	IOSCO	11809	3430	8379	29.05%	70.95%
56	MIDLAND	34429	10078	24351	29.27%	70.73%
03	ALLEGAN	37294	10925	26369	29.29%	70.71%
05	ANTRIM	9562	2816	6746	29.45%	70.55%
72	ROSCOMMON	11297	3353	7944	29.68%	70.32%
15	CHARLEVOIX	10642	3227	7415	30.32%	69.68%
23	EATON	42730	13024	29706	30.48%	69.52%
47	LIVINGSTON	58858	18159	40699	30.85%	69.15%
09	BAY	47954	14861	33093	30.99%	69.01%
27	GOGEBIC	7706	2393	5313	31.05%	68.95%
24	EMMET	12252	3814	8438	31.13%	68.87%
31	HOUGHTON	12685	3953	8732	31.16%	68.84%
46	LENAWEE	32308	10220	22088	31.63%	68.37%
51	MANISTEE	9948	3183	6765	32.00%	68.00%
38	JACKSON	53555	17254	36301	32.22%	67.78%
10	BENZIE	6326	2039	4287	32.23%	67.77%
70	OTTAWA	91739	29964	61775	32.66%	67.34%
73	SAGINAW	82395	27667	54728	33.58%	66.42%
53	MASON	11820	3984	7836	33.71%	66.29%
58	MONROE	49514	17105	32409	34.55%	65.45%
80	VAN BUREN	24929	8870	16059	35.58%	64.42%
42	KEWEENAW	1166	416	750	35.68%	64.32%
52	MARQUETTE	25244	9022	16222	35.74%	64.26%
61	MUSKEGON	56581	20558	36023	36.33%	63.67%
45	LEELANAU	9581	3492	6089	36.45%	63.55%
28	GD. TRAVERSE	32028	11708	20320	36.56%	63.44%
75	ST. JOSEPH	19173	7300	11873	38.07%	61.93%
50	mACOmB	286695	109641	177054	38.24%	61.76%
25	GENESEE	164839	64120	100719	38.90%	61.10%
41	KENT	211572	84659	126913	40.01%	59.99%
14	CASS	16503	6608	9895	40.04%	59.96%
13	CALHOUN	49229	19933	29296	40.49%	59.51%
33	INGHAM	109787	44806	64981	40.81%	59.19%
63	OAKLAND	477060	201815	275245	42.30%	57.70%
39	KALAMAZOO	88162	39977	48185	45.34%	54.66%
81	WASHTENAW	116575	53294	63281	45.72%	54.28%
82	WAYNE	659701	323917	335784	49.10%	50.90%
11	BERRIEN	52875	26053	26822	49.27%	50.73%

Proposal	Subject	Total	Yes	No	Yes %	No %
D	Bear Hunting	3605015	1379340	2225675	38.26%	61.74%
A	Bingo	3447261	1511063	1936198	43.83%	56.17%
E	Casino	3646698	1878542	1768156	51.51%	48.49%
G	Science-Based Game Regulation	3512992	2413730	1099262	68.71%	31.29%
C	Veterans Trust Fund	3319130	2471440	847690	74.46%	25.54%
B	Judges	3458694	2828678	630016	81.78%	18.22%

# Exhibit G

## Know the Laws

Coyote hunting and trapping seasons are available statewide. Details on season dates and bag limits can be found in the current Fur Harvester Digest, found online at [Michigan.gov/Trapping](http://Michigan.gov/Trapping). If problems exist outside regular seasons, coyotes can be killed without a hunting license on private land by the landowner or a designee if the coyote is doing or about to do damage to private property, pets, livestock, or humans. Before beginning any hunting or trapping activities, please check with local ordinances to determine if these activities are allowed in your area. For safety, be sure to adhere to the safety zones around any homes or buildings.

If hunting or trapping are allowable in your area but you do not wish to take part in these activities yourself, trappers from the Michigan Trappers and Predator Callers Association may be able to help. You can learn more about their landowner assistance program at [mtpca.com](http://mtpca.com).

In many urban areas, hunting or trapping may not be allowed for certain reasons. In this case, specially permitted nuisance control companies can be hired to assist landowners in the safe removal of problem animals. A list of companies are available at [Michigan.gov/Wildlife](http://Michigan.gov/Wildlife).



Learn more about Michigan's coyotes and how to prevent conflicts by visiting  
**[Michigan.gov/Wildlife](http://Michigan.gov/Wildlife)**

## DNR Offices

*Open Monday through Friday, 8 a.m. to 5 p.m.,  
or visit us online at [Michigan.gov/DNR](http://Michigan.gov/DNR).*

### Baraga

427 US-41 North  
Baraga, MI 49908  
906-353-6651

### Bay City

3580 State Park Drive  
Bay City, MI 48706  
989-684-9141

### Cadillac

8015 Mackinaw Trail  
Cadillac, MI 49601  
231-775-9727

### Crystal Falls

1420 W. US-2  
Crystal Falls, MI 49920  
906-875-6622

### Detroit Metro

1801 Atwater St.  
Detroit, MI 48207  
313-396-6890

### Escanaba

6833 US-2 41 & M-35  
Gladstone, MI 49837  
906-293-5131

### Gaylord

1732 W. M-32  
Gaylord, MI 49735  
989-732-3541

### Lansing

4166 Legacy Parkway  
Lansing, MI 48911  
517-284-4720

### Marquette

1990 US-41 South  
Marquette, MI 49855  
906-228-6561

### Naubinway

PO Box 287  
W11569 US 2E.  
Naubinway, MI 49762  
906-477-6048

### Newberry

5100 M-123  
Newberry, MI 49868  
906-293-5131

### Norway

520 W. US-Hwy 2  
Norway, MI 49870  
906-563-9247

### Plainwell

621 N. 10th St.  
Plainwell, MI 49080  
269-685-6851

### Roscommon

I-75 & M-18 South,  
8717 N. Roscommon Rd.  
Roscommon, MI 48653  
989-275-5151

### Sault Ste. Marie

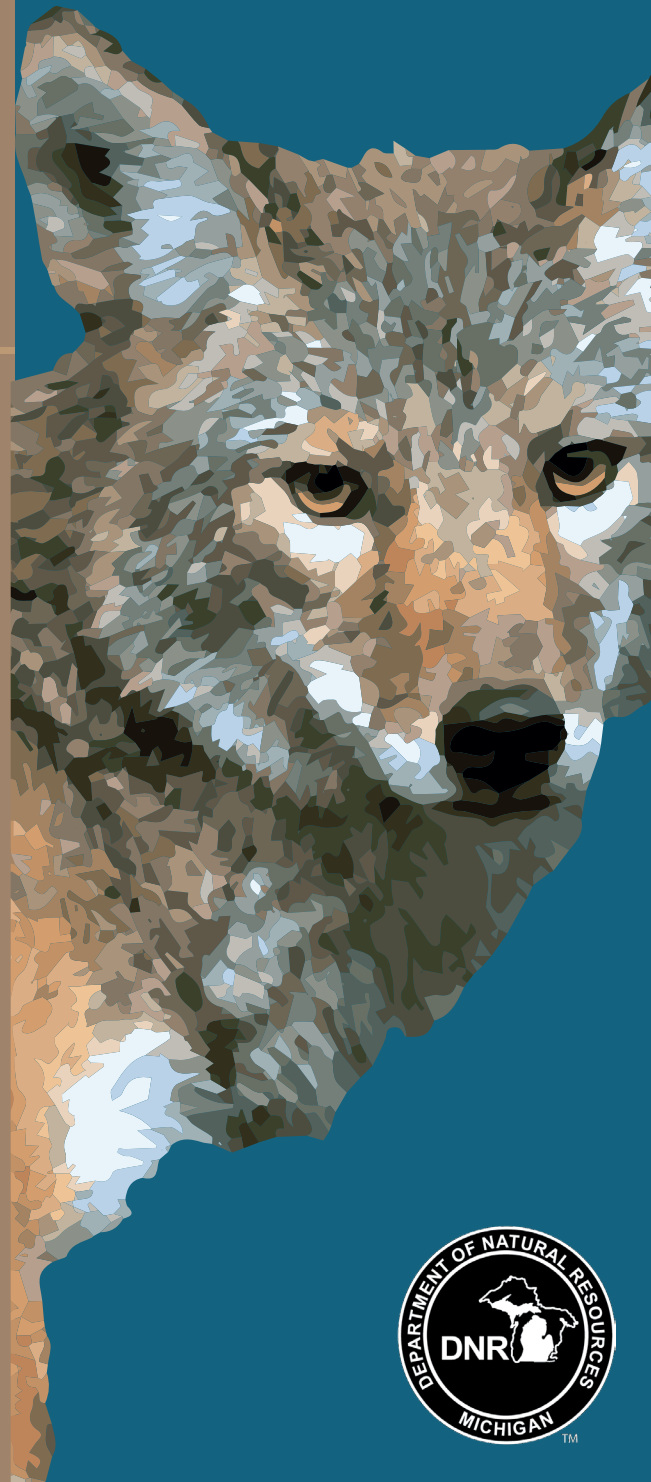
P.O. Box 798  
4131 S. M-129 Hwy.  
Sault Ste. Marie, MI 49783

### Traverse City

2122 South M-37  
Traverse City, MI 49685  
231-922-5280

# COYOTE

## Michigan Coyote



## Species

# Canis latrans

A wild canine in the family Canidae

## Life Span

6-8 years in the wild.

## Home Range

In urban areas, averages **2-5 sq. miles.**

In more rural areas, home range size may be larger, averaging 8 to 12 square miles. The size depends on the food and cover available as well as the number of other coyotes in the area.

## Litter Size

In Michigan coyotes have:

**4-7** pups

## Vocalizations

- Use several types of vocalizations including: howls, yelps, and other sounds similar to what domestic dogs make
- Considered the most vocal of all North American mammals

## Appearance

- Generally greyish brown with white fur on the throat and belly, (individual colors and patterns may vary)
- Fur is dense and thick, often giving them a larger appearance

## Size

Gray Wolf: 50 – 100lbs

Coyote: 25 – 45lbs

Red Fox: 7 – 30lbs

Coyotes may resemble a medium-sized German Shepard



# Coyotes

Coyotes are incredibly smart and adaptable critters that have learned to survive in just about any habitat – including human created habitats. There are simple ways for you to be coyote SMART. Just remember.... ▶

**S**afe to enjoy from a distance.

**M**ake noise if they are too close.

**A**ccompany pets outside.

**R**emove bird feeders - these attract small birds and mammals - a coyote's natural food!

**T**ake in the trash, pet foods and other possible attractants.

## People and Coyotes Can Coexist!

People are most likely to see and hear coyotes during their breeding period, which typically occurs January through March. If there is a den nearby, people may also see the adults throughout the summer as they care for their pups. As fall approaches, pups begin dispersing from the den site to establish home ranges of their own. These young dispersing animals are sometimes more visible. Coyotes are active day and night; however, peaks in activity occur at sunrise and sunset.

In urban or suburban areas, coyotes will take advantage of the small mammals and birds that bird feeders and gardens often attract. They may even eat some of the fruits and veggies too. Coyotes are opportunistic feeders and have a keen sense of smell. Garbage or pet food that is left out overnight may also draw their attention. If there are coyotes in the area, eliminating these potential food sources may make the area less appealing to them.

For your safety, NEVER intentionally feed or try to tame coyotes – it is in your and the coyote's best interest! It is critical that they retain their natural fear of people.

Keep small pets indoors, or accompany them outside and keep them on a leash.

If you see a coyote in your area, try to scare it off by yelling, clapping or making other loud noises. Most coyotes are naturally afraid of people and will leave if you frighten them.

Remember, coyotes, like any wild animal, can act unpredictably and should be treated with respect and enjoyed from a distance.

## Preventing Conflicts with Coyotes at Home

Coyotes are native to North America and can be found throughout Michigan. They have naturally expanded their range.



Coyotes are skilled hunters and provide people with free pest control by keeping populations of mice and rats in check!



Coyotes are valued by many people throughout Michigan as a part of the ecosystem, a predator, and a recreational opportunity.



Coyotes are shy creatures, avoiding people whenever possible. However, they are also naturally curious and may venture into an area if they smell something that might be a meal.



Coyotes are an incredibly adaptable animal and have learned how to survive in just about every environment, including urban areas.





# Exhibit H

# Mapping the expansion of coyotes (*Canis latrans*) across North and Central America

James W. Hody<sup>1</sup>, Roland Kays<sup>1,2</sup>

**1** North Carolina State University, Department of Forestry and Environmental Resources, 2800 Faucette Drive, Raleigh, NC, USA 27607 **2** North Carolina Museum of Natural Sciences, Nature Research Center, 9 West Jones Street, Raleigh, NC, USA 27601

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<http://zoobank.org/2D6125FB-10FA-435F-A431-A4B3ECE78836>

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## Abstract

The geographic distribution of coyotes (*Canis latrans*) has dramatically expanded since 1900, spreading across much of North America in a period when most other mammal species have been declining. Although this considerable expansion has been well documented at the state/provincial scale, continent-wide descriptions of coyote spread have portrayed conflicting distributions for coyotes prior to the 1900s, with popularly referenced anecdotal accounts showing them restricted to the great plains, and more obscure, but data-rich accounts suggesting they ranged across the arid west. To provide a scientifically credible map of the coyote's historical range (10,000–300 BP) and describe their range expansion from 1900 to 2016, we synthesized archaeological and fossil records, museum specimens, peer-reviewed reports, and records from wildlife management agencies. Museum specimens confirm that coyotes have been present in the arid west and California throughout the Holocene, well before European colonization. Their range in the late 1800s was undistinguishable from earlier periods, and matched the distribution of non-forest habitat in the region. Coyote expansion began around 1900 as they moved north into taiga forests, east into deciduous forests, west into coastal temperate rain forests, and south into tropical rainforests. Forest fragmentation and the extirpation of larger predators probably enabled these expansions. In addition, hybridization with wolves (*C. lupus*, *C. lycaon*, and/or *C. rufus*) and/or domestic dogs has been documented in the east, and suspected in the south. Our detailed account of the original range of coyotes and their subsequent expansion provides the core description of a large scale ecological experiment that can help us better understand the predator-prey interactions, as well as evolution through hybridization.

## Keywords

coyote, *Canis latrans*, range expansion, museum records, FAUNMAP, VertNet, historical ecology, Holocene

## Introduction

During the past century, coyotes have undergone a dramatic range expansion across much of North and Central America. Previously restricted to the western two-thirds of North America, the species now occurs across most of the continent, from the Atlantic to the Pacific seaboard and from Alaska to Panama (Macdonald and Sillero-Zubiri 2004). Despite widespread management as a pest species (Andelt 1987, Knowlton et al. 1999), coyotes have nevertheless expanded their geographic range by an estimated 40% since the 1950s, at least twice as much any other North American carnivore during the same time period (Laliberte and Ripple 2004).

Various interacting factors are thought to have contributed to coyotes' rapid expansion in North America. First, extirpation of apex predators likely helped coyotes expand by reducing predation risk and allowing coyotes to expand their niche to larger prey. Specifically, the extirpation of wolves (*C. lupus*, *C. rufus*, and/or *C. lycaon*) and cougar (*Puma concolor*) across most of eastern North America, and the decline of cougar and jaguar (*Panthera onca*) in Central America probably set the stage for coyote colonization (Bekoff and Gese 2003, Berger and Gese 2007, Cove et al. 2012, Méndez-Carvajal and Moreno 2014). Second, conversion of once-forested landscapes to agricultural landscapes in eastern North America and Central America likely facilitated coyote expansion by creating suitable coyote habitat in areas that were previously unsuitable (Vaughan 1983, Parker 1995, Macdonald and Sillero-Zubiri 2004). The expansion of coyotes into western Canada and Alaska has been attributed to the creation of new human settlements during gold rushes in the late 1880s (Gier 1975, Moore and Parker 1992), although this explanation has not been critically tested. Additionally, hybridization of coyotes with wolves and domestic dogs in eastern North America introduced new genotypes that may have promoted colonization and survival in eastern habitats (Kays et al. 2010, VonHoldt et al. 2011, Thornton and Murray 2014). Coyotes expanding into the southeastern United States likewise bear evidence of introgression from dogs (Adams et al. 2003). There is currently no evidence of coyote hybridization with dogs or wolves in the northwestern flank of their expansion, but coyotes moving into Central America are suspected to be hybridizing with dogs based on morphological characters (Cove et al. 2012, Hody 2016).

This ongoing range expansion poses an excellent case study in community ecology and acclimation or adaptation in the Anthropocene, and also presents a new challenge for conservation, as the ecological implications of spreading coyotes are still largely unknown. Coyotes may represent a new top predator in eastern North America and other parts of the continent, with cascading effects on predator communities and disease dynamics (Gompper 2002, Levi et al. 2012). Likewise, the recent arrival of coyotes in Panama may position them to colonize South America, with unknown implications for tropical ecosystems (Hidalgo-Mihart et al. 2004, Méndez-Carvajal and Moreno 2014,

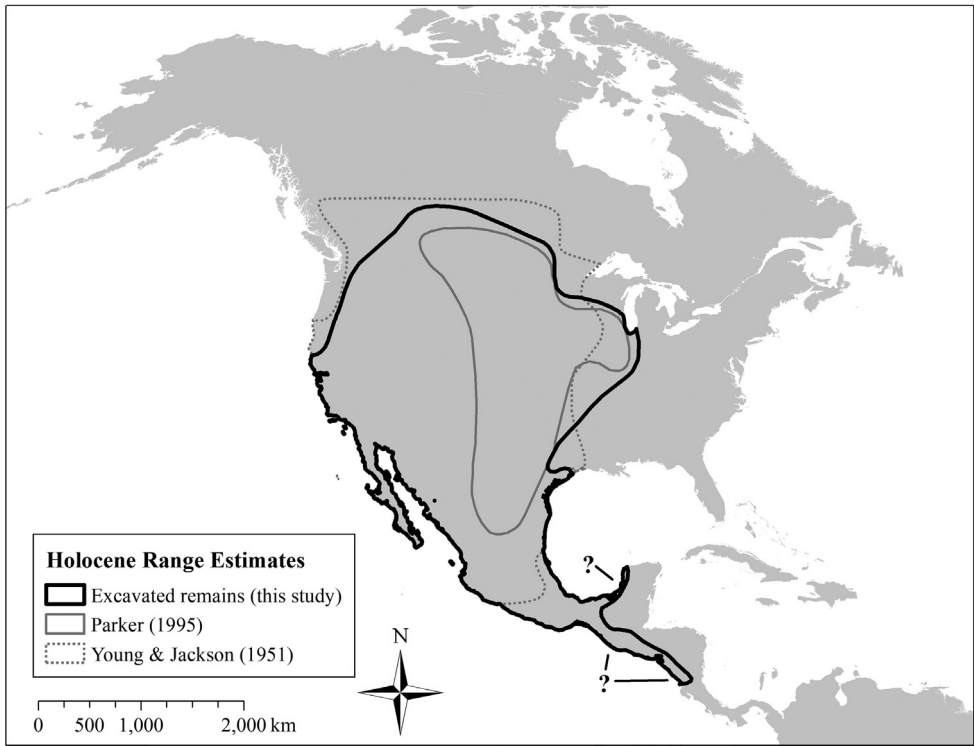
Hody 2016). Rigorously testing the causes and consequences of coyote range expansion requires an accurate historical context for where the species previously occurred. However, current accounts of coyote distribution suffer from two major problems.

First, the historic distribution of coyotes prior to the westward expansion of European settlers in the 1800s has recently been confused in the literature. This confusion is largely due to misinterpretation of a figure from Moore and Parker (1992) and Parker (1995). In these publications, the authors provide a general depiction of historical coyote ranges before and after European colonization of North America. In contrast to the authors' detailed written descriptions of subsequent coyote range expansion in eastern North America, these continent-wide maps were conceptual illustrations of an existing historical narrative and did not assess actual coyote occurrence data. More accurate coyote range maps have been published in the past (e.g., Young and Jackson 1951, Nowak 1978, 1979), but the Parker (1995) map has recently been reproduced as accurate description of coyote range expansion in the scientific and popular literature (e.g. Levy 2012).

In this popular narrative, coyotes were restricted to true prairie ecosystems prior to European settlement (Figure 1), bounded between the Mississippi River and the Rocky Mountains from southern Canada to central Mexico (Moore and Parker 1992, Parker 1995). The extirpation of wolves and land conversion by Europeans then presumably allowed a westward expansion of coyotes in the late 1800s, followed by a series of eastern expansions during the 1900s (Moore and Parker 1992, Parker 1995, Levy 2012).

However, range maps based on physical evidence (Nowak 1978, 1979), historical accounts, and coyote specimens in California suggests a wider western distribution. Grinnell et al. (1937) indicated that coyotes occurred in California well before European settlement, with the exception of a few heavily forested counties along the northern California seacoast, which coyotes colonized during the early 1900s. Numerous accounts by Native Americans and early European colonists confirm the presence of coyotes in California, as do zooarchaeological remains (e.g., Young and Jackson 1951 and references therein). Moreover, the genetic structure of Californian coyote populations suggest that they occurred in the area well before European colonization (Sacks et al. 2004), contradicting the hypothesis of a recent westward expansion.

Additionally, the original northern and southern range limits of coyotes remain uncertain in both narratives (Nowak 1978, Moore and Parker 1992). In Alaska and northern Canada, authors have debated whether coyotes historically occurred in low densities, arrived during the 1880s, or arrived during the 1900s (Nowak 1978, Parker 1995, MacDonald and Cook 2009). The original southern extent of coyote range has been similarly controversial. Fossil evidence confirms that coyotes were present in the Yucatán Peninsula and northwestern Costa Rica during the Pleistocene (Lucas et al. 1997, Arroyo-Cabrales and Alvarez 2003), but their southern distribution after late-Pleistocene climatic changes is less clear. In their seminal work on coyote ecology, Young and Jackson (1951) suggested that coyotes only recently colonized Central America, although the written accounts of coyote-like canids in the 1500s and late 1800s provide anecdotal evidence otherwise (Monge-Nájera and Morera Brenes 1987, Hidalgo-Mihart et al. 2004). Pre-Columbian coyote remains have also been found



**Figure 1.** Comparison of Holocene coyote range maps, pre-expansion. Fossil and zooarchaeological remains suggest that coyotes were distributed throughout western North America prior to European colonization, contrary to widely-cited accounts (e.g., Parker 1995).

in at least two sites in the Yucatán Peninsula, lending credibility to this hypothesis (Hidalgo-Mihart et al. 2004). Overall, the historical distribution of coyotes during the Holocene remains poorly characterized and warrants reexamination.

A second problem with existing large-scale accounts of coyote range is that the recent expansion of coyotes has been coarsely described, without clear spatiotemporal detail. Maps are typically offered without citing reference material, and with few, widely scattered time intervals. Consolidating and improving continent-wide descriptions of coyote range expansion would facilitate testing hypotheses about their effects on newly colonized ecosystems.

Fortunately, coyotes are well represented in museum collections, having been hunted extensively due to their abundance and widespread reputation as a nuisance species. Furthermore, coyotes are also well represented in the fossil and zooarchaeological record, allowing inferences about their distribution several thousand years ago. We compiled museum records from recent biological surveys, fossil and zooarchaeological collections, peer-reviewed literature, and management agency reports to characterize the historical distribution of coyotes prior to European settlement and catalogue their expansion decade-by-decade from 1900 to 2016.

## Materials and methods

We compiled coyote occurrences from two data repositories: VertNet (Constable et al. 2010) and the Quaternary Faunal Mapping Project, FAUNMAP (Graham and Lundelius 2010). These repositories allow ecological inferences at two different time-scales. FAUNMAP documents fossil and zooarchaeological coyote remains (hereafter, “excavated remains”) throughout the Quaternary period, providing occurrence records across deep time scales. Conversely, VertNet documents coyote specimens collected during biological surveys of live animals (e.g., skins, skeletons, taxidermy animals, tissue samples; hereafter, “preserved specimens”) and allows inferences about the distribution of coyotes from the mid-1800s through the present. Both data sources provide spatially and temporally referenced coyote occurrences across North America, collectively documenting their distribution over the past 10,000 years.

For our query in FAUNMAP, we searched for excavated remains of coyotes (*Canis latrans*) from the Holocene epoch (10,000–0 years before present, BP). Taxonomically modern coyotes (*C. latrans*) also occurred in the late Pleistocene, but biomes and faunal assemblages present in North America at the time drastically differed from those of the Holocene (Van Valkenburgh and Hertel 1993, Williams et al. 2004), with measurable effects on the ecological niche of the coyote itself (Meachen and Samuels 2012, Meachen et al. 2014, Pardi and Smith 2016). We therefore focus on their Holocene distribution, considering their Pleistocene range a separate but closely related topic.

Our query in VertNet considered preserved specimens of coyotes (*Canis latrans*), coydogs (*C. latrans* × *familiaris*), and coywolves (*C. latrans* × *lycaon/lupus/rufus*) that were collected during 1850–2016. We restricted our query to records that included information about the year and location where the specimen was collected. For quality control reasons, we only considered specimens that included georeferenced point coordinates or enough locality information to reference the data to a specific county. Coyote records from Mexico collected between 1850–1899 were retained as an exception to this rule, because more precise data were not available. In these cases, we allowed records that were referenced to at least a state-level.

In addition to these specimen records, we also compiled first-occurrence records and fossil records of coyotes from peer-reviewed literature and reports by state wildlife management agencies (references listed in Suppl. material 1). For first-occurrence records, we favored observations that were associated with either physical specimens (e.g. from hunters and trappers) or archived photographs (e.g., from camera traps) wherever possible, although we also considered other reputable first-hand accounts in areas where data were sparse. These records proved particularly valuable in defining the expansion of coyotes in Central America and the southeastern United States. For fossil and zooarchaeological records, we searched peer-reviewed reports of excavated coyote remains from Mexico and Central America, dated to 10,000–300 years BP. These records supplement FAUNMAP, the spatial coverage of which is limited to the United States and Canada. Since fewer records of excavated remains are available for this region, it is more difficult to clearly define the southernmost historical limit of

coyotes. However, these records provide some indication of the Holocene distribution of coyotes in Central America. Other types of data (e.g., Native American folklore, narrative accounts of European settlers) might further elucidate the historical range of coyotes. However, we restricted our inferences in this study to physical specimens, scientific literature, and management agency records, which can be more readily referenced to a specific spatial location and time interval. All the raw coyote occurrence data are available through Data Dryad (<http://doi:10.5061/dryad.1qp358p>).

We used these datasets to create two maps. First, we sought to clarify the Holocene distribution of coyotes before large-scale settlement by Europeans using FAUNMAP and a subset of the VertNet data (collected 1850–1899). We also identify which FAUNMAP records had a known minimum age >300 BP to permit stronger inference. Second, we used data from VertNet, peer-reviewed literature, and state management agencies to develop a highly detailed map of 20<sup>th</sup> century coyote range expansion at 10-year intervals. In both cases, we approximated range boundaries for each historical period (Holocene, 1900, 1910, etc.) by manually constructing polygons around occurrence records from the corresponding time interval.

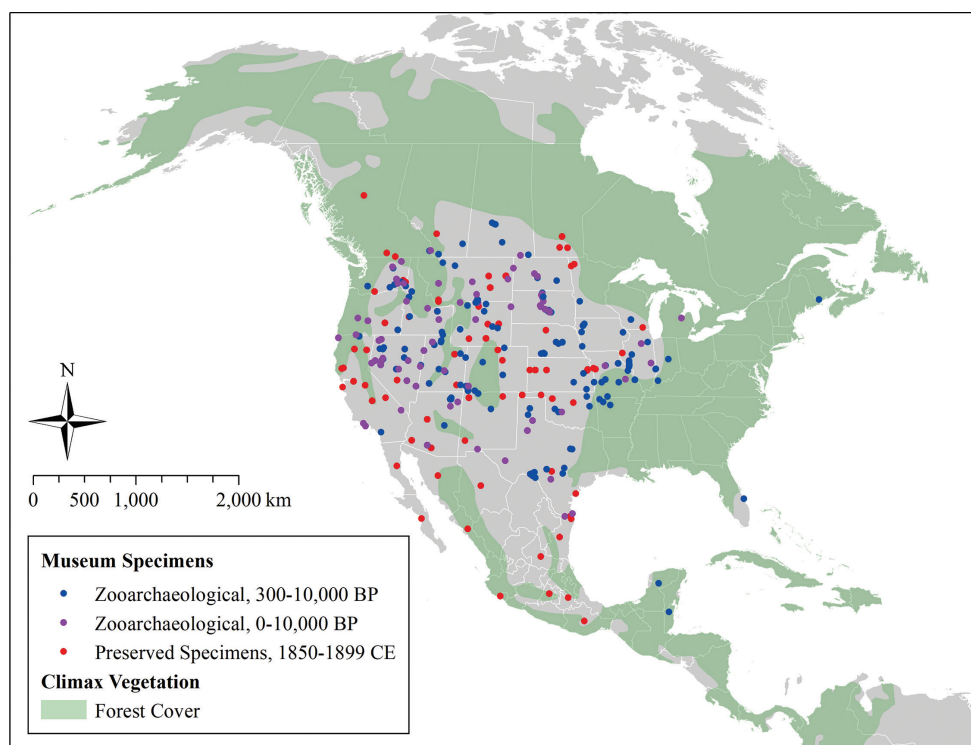
During the 20<sup>th</sup> century, coyotes were occasionally brought into areas by hunters and trappers prior to natural expansion into the area (Parker 1995). These introductions produced isolated coyote records ahead of the colonizing front, but coyote populations in these areas usually did not persist (Fener et al. 2005, Kays et al. 2010). To avoid including these populations in our analysis, we excluded extreme spatial outliers from our distribution map (e.g., an isolated record might be omitted if it occurred in an area with known historical introductions and no neighboring records occurred within 500 km for many years).

In the Holocene figure, we also displayed coarse approximations of potential forest cover based on Ramankutty and Foley (2010). We included this layer to visually illustrate the spatial distribution of historical coyote specimens in relation to dominant land cover types. We defined potential forest cover as areas where tropical, temperate, or boreal forests would have occurred in the area based on large-scale estimates by Ramankutty and Foley (2010). We caution that the historical extent of forest cover in North and Central America contracted and expanded considerably prior to European contact due to the agriculture activities, settlement building, and land burning practices of Pre-Columbian civilizations (Denevan 1992, Kimmerer and Lake 2001, Cook et al. 2012). Thus, potential forest cover should not be interpreted as a literal, static depiction of American land cover throughout the Holocene. Instead, it should be interpreted as a general index for areas where forest cover frequently or intermittently occurred over several thousand years.

## Results

Our query in FAUNMAP yielded 347 records from the United States and Canada with specific data on the minimum and maximum age of the coyote remains. These were distributed between the Pacific Ocean and the Mississippi River, with the exception of two spatial outliers occurring in New Brunswick, Canada and Florida, USA





**Figure 2.** Historical distribution of coyotes from 10,000 years before present (BP) to 1899. Zooarchaeological (FAUNMAP) records document the distribution of coyotes during the Holocene (0–10,000 BP).

(Figure 2). It is possible that these two records reflect a more widespread eastern distribution of coyotes in the Holocene. However, we find it more likely that they reflect misidentified remains of related *Canis* sp.

Our query in VertNet yielded 12,319 records of coyotes and coyote hybrids from North and Central America, providing specimen-vouchered coyote occurrences from 1850–2016. Among these records, 4,949 were already georeferenced, and an additional 3,523 records had sufficient locality information to reference the data to individual counties or corresponding political units. An additional 3,747 records could only be referenced to the state- or province-level. We retained such occurrence records for Mexico to address the dearth of available data prior to 1900, but omitted these records elsewhere due to the availability of higher-quality county-level data. Only 100 records had no useable locality information.

### Holocene distribution (10,000 BP–1899)

The spatial distribution of coyote specimens from the late 1800s was similar to the distribution of coyote remains older than 300 BP. Specifically, coyotes extended east to



Mississippi and Ohio Rivers and west through California and the arid west (Figure 2). These data indicate that that coyotes' range in the late-1800s reflected a longstanding geographic distribution that formed well before the 1700s, not a recent westward expansion. This contradicts widely-cited descriptions of the historical distribution of coyotes (Figure 1), which suggest that California and the Rocky Mountains as areas that were colonized by coyotes as recently as the 19<sup>th</sup> and 20<sup>th</sup> centuries (Moore and Parker 1992, Parker 1995, Levy 2012). Instead, the historical distribution of coyotes matches areas where non-forested habitats (e.g., grassland, prairie, desert) dominate the climax vegetation, more closely corresponding to earlier range descriptions by Nowak (1978, 1979, 2002) and Young and Jackson (1951). The Holocene distribution of coyotes in Mesoamerica remains unclear due to the relatively small number of published historical specimens available from this area.

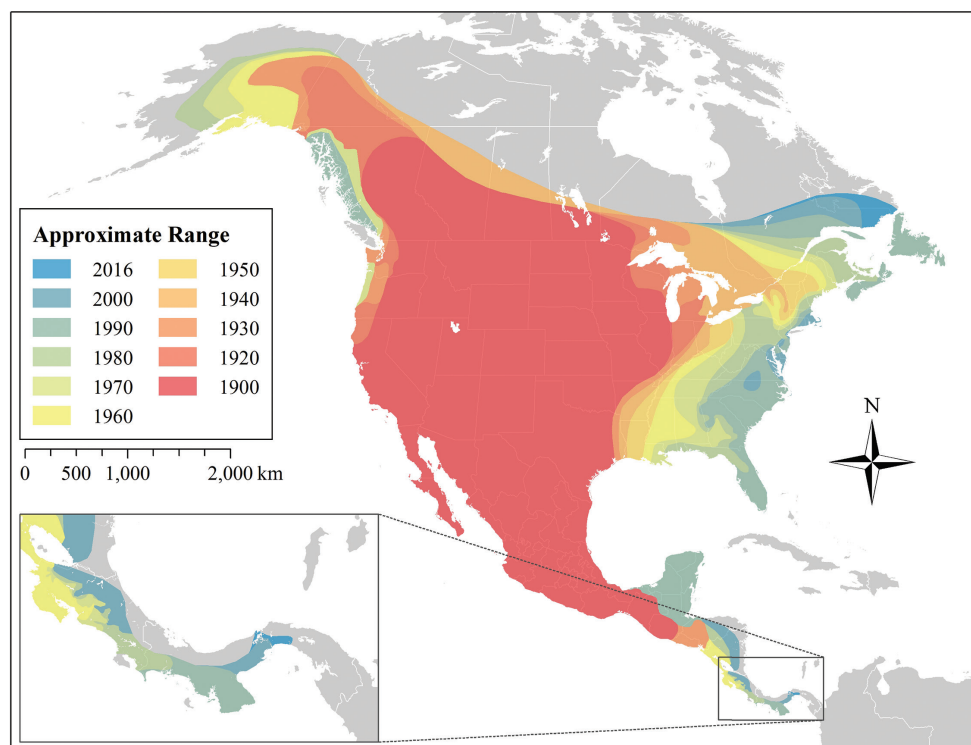
### **Contemporary expansion (1900–2016)**

Combining museum records and regional coyote literature, we created a detailed continent-wide description of coyote range expansion at 10 year intervals (Figure 3). This map consolidates previous efforts and corrects popular misconceptions about the magnitude of coyotes' expansion in the west. Additionally, it provides the first account of coyote range expansion at this level of spatial and temporal detail. We offer this as a starting point for future discussions and encourage further improvements to this map wherever local data might become available. Additional research is needed in some areas, particularly Central America and the Mid-Atlantic United States, where historical records are sparse.

### **Discussion**

We compiled coyote occurrences from past biological surveys, fossils, zooarchaeological records, and existing literature to document the historical distribution of coyotes throughout the Holocene and reconstruct decade-by-decade range expansion during 1900–2016. Our findings indicate that coyotes historically occupied a larger area of North America than generally suggested in recent literature, more closely matching the historical range presented by Young and Jackson (1951) and Nowak (1978, 1979) than Parker (1995) (Figure 1). Our results closely resemble the written range description by Nowak (1979), which assesses coyotes as having “a wide distribution, primarily in the western half of the continent” prior to European contact, with unknown range limits but extending “at least as far east as southern Wisconsin, northwestern Indiana, western Arkansas, and central Texas.”

The distribution of excavated coyote remains 10,000–300 BP matches the distribution of preserved coyote specimens collected between 1850 and 1899 almost identically, suggesting that the geographic range of coyotes in the late 1800s had already been



**Figure 3.** Coyote range expansion by decade, 1900–2016. Ranges are based on occurrence of museum specimens, peer-reviewed literature with associated specimens or photographs, and reports from state wildlife management agencies. The distribution of coyotes between the Yucatán Peninsula and Nicaragua is coarsely depicted due to the paucity of available data, representing the earliest confirmed occurrence. All referenced materials are listed in Suppl. material 1.

established prior to the 1700s. This same spatial pattern emerged when FAUNMAP data were subdivided in other ways, suggesting that this was not an artifact of how we defined our time intervals. Importantly, Holocene coyote remains  $\geq 4,000$  BP showed the same general pattern presented in Figure 2, confirming the presence of coyotes as far east as Arkansas and central Texas, as far south as the Yucatán Peninsula, and as far west as California. These records predate the rise of North and Central American civilizations with large permanent settlements (e.g., Olmec, Aztec, Mayan, Mississippian) (Kuiper 2010), suggesting that coyotes were widely distributed throughout the Holocene independent of large-scale land use change by Pre-Columbian civilizations.

Excavated coyote remains and 19<sup>th</sup> century museum records occurred throughout most non-forested habitats in North America. These specimen records show that coyotes occurred in the Rocky Mountains and Arid West throughout the Holocene, contradicting the proposed western expansion of coyotes during the late-1800s (Parker 1995), although there was a smaller expansion into forests of the Pacific Northwest in the early 1900s.

The distribution of excavated remains includes four notable outliers, warranting further discussion: one in southern Florida, one in New Brunswick, and two on the Yucatán Peninsula. Although we consider the New Brunswick sample questionable, the Florida and Yucatán specimens might reflect historical range dynamics of coyotes. The Florida record is dated to the early Holocene, but its estimated range age overlaps with the late Pleistocene as well. Coyote fossils from this geological epoch have been documented across the Florida peninsula (Graham and Lundelius 2010), which was previously dominated by grassland ecosystems (Feranec and MacFadden 2000, Feranec 2004). This record likely reflects coyote occurrence in the late Pleistocene, or misidentified red wolf remains from the early Holocene. Alternatively, it might indicate that coyotes briefly persisted in the savannah habitats of southern Florida after forest habitats arose elsewhere in eastern North America. The New Brunswick record is much younger, referring to mandibles found in a Native American shell midden from the year  $830 \pm 65$  BP. While this is possible that these remains represent an extreme eastern distribution of coyotes in the past (Stewart 1976), we suspect that they may be misidentified remains from domestic dogs, which were also found on site and appear in similar deposits from New England (Ingraham 2011).

The two Yucatán specimens, both noted by Hidalgo-Mihart et al. (2004), suggest a historical presence of coyotes in parts of Central America, and possible range expansion associated with Mayan land use and deforestation. The westerly record is dated to the early Holocene (Arroyo-Cabrales and Alvarez 2003), suggesting a longstanding presence of coyotes in the area (Hidalgo-Mihart et al. 2004). This record occurs near relatively open habitat along the western coast of the Yucatán Peninsula (Ramankutty and Foley 2010), possibly facilitating their historical presence there. The eastern record is much younger, associated with Postclassic Mayan ruins in Belize (Emery 1999), and may indicate that coyotes existed in areas deforested by the Maya civilization (Hidalgo-Mihart et al. 2004). Interestingly, written accounts noted by Monge-Nájera and Morena Brenes (1987) and Hidalgo-Mihart et al. (2004) spatially coincide with areas that most heavily cultivated and deforested prior to European contact (Cook et al. 2012).

We cannot definitively assess the Holocene southern limit of coyotes due to paucity of data in Central America. However, we generally agree with Hidalgo-Mihart et al. (2004) that coyotes may have existed in naturally occurring open habitats and Pre-Columbian agricultural areas of Central America prior to the 1500s based on available records, contrasting earlier descriptions (Young and Jackson 1951). We hypothesize that the southern distribution of coyotes might have fluctuated during the Holocene, with populations extending eastward across the Yucatán Peninsula and southward along the Pacific coast of Central America in periods when barriers of forested habitat were broken, either naturally or by agricultural activities of Mesoamerican civilizations. Additional research is needed to clarify their historical distribution of coyotes south of Mexico, but all available evidence suggests that this species was restricted to habitats north of the Nicoya Peninsula in northwestern Costa Rica until the mid-1900s (Vaughan 1983).

Our map of coyote records from 1900–2016 shows how and when coyotes expanded their range into forested biomes. Agriculture was widespread in these previously forested

regions by 1900, so this more open, fragmented landscape presumably aided their expansion, although Kays et al. (2008) note that eastern coyotes now occur in large forested wilderness, and thus are not reliant on open habitats. Our map also reflects the relatively rapid colonization of the northeast in comparison with the southeast, which Kays et al. (2010) suggested was due to higher levels of wolf introgression allowing a more rapid evolution of larger body size. More recently, VonHoldt et al. (2016) showed that wolf genes associated with body size have been positively selected for in eastern coyotes, and rapidly spread throughout the eastern population. Coyotes now occur through eastern North America, and are now expanding to isolated islands with recent sightings in the Florida Keys (Greene and Gore 2013) and Long Island, New York (Weckel et al. 2015).

Although coyote range expansion into eastern Canada has been well studied (Crête and Desrosiers 1995, Crête et al. 2001, Patterson and Messier 2003, Chubbs and Phillips 2005), historical reasons for the northward expansion of coyotes into western Canada and Alaska described in the literature remain sparse. This early northwestern expansion is generally attributed to land clearing and refuse left by settlers during the gold rushes of the late 1800s (Gier 1975, Moore and Parker 1992). This explanation appears chronologically appropriate, but it is doubtful that these disturbances alone would provide coyotes with enough momentum to establish resident populations in western Canada and further colonize southeastern Alaska in the 1900s. Interestingly, coyotes have now established at least one breeding population in the Taiga Shield ecozone, near Yellowknife, Northwest Territories (Cluff 2006). It is unclear whether this population extends into undeveloped areas, or if it is restricted to disturbed habitats (Cluff 2006).

Likewise, coyote expansion southward across Central America is also not well studied. Coyotes rapidly expanded into deforested habitats in eastern Panama (Méndez-Carvajal and Moreno 2014, Hody 2016), and the dense forests of the Darién now represent the last major barrier between coyote populations and South American savannah ecosystems (Hidalgo-Mihart et al. 2004, Méndez-Carvajal and Moreno 2014). However, this barrier may be more permeable than previously thought, especially along the coastlines, raising concerns that coyotes might reach South America in the near future (Hody 2016). If coyotes reach South America, it is likely that the grassland and agricultural habitats in Colombia and Venezuela could support viable populations, unless competition with native carnivores restricts them. Observations in eastern Panama suggests that road construction and agricultural development might facilitate coyote range expansion in previously forested tropical landscapes (Méndez-Carvajal and Moreno 2014, Hody 2016), but we find it improbable that coyotes would expand into intact parts of the Amazon rainforest. Conversely, we speculate that the open habitats of the Andes might offer suitable coyote habitat in such a scenario, and allow further expansion around the Amazon. Regardless of its extent, coyote colonization of South America would be an event of profound ecological significance; barring direct introductions by humans, expansion of a North American predator into South American ecosystems has not been observed since the Great American Biotic Interchange 3 million years ago (Wallace 1876, Simpson 1980, Marshall et al. 1982, Leigh et al. 2014), and its potential effects on native wildlife is entirely unknown.

## Conclusion

The expansion of coyotes across the American continent offers a natural experimental system for assessing ecological questions related to their roles as predators, and evolutionary questions related to their hybridization with dogs and wolves. By collecting and mapping all historical and fossil records of coyotes we were able to correct old misconceptions of their original range, and more precisely map and date their recent expansions. We hope these maps will provide useful context for future research into the ecology and evolution of this incredibly adaptive carnivore.

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## Supplementary material 1

### Detailed list of references and data sources

Authors: James W. Hody, Roland Kays

Data type: Reference data

Explanation note: List of references used to determine historical extent and regional first-occurrences of coyotes (*Canis latrans*) in North and Central America.

Copyright notice: This dataset is made available under the Open Database License (<http://opendatacommons.org/licenses/odbl/1.0/>). The Open Database License (ODbL) is a license agreement intended to allow users to freely share, modify, and use this Dataset while maintaining this same freedom for others, provided that the original source and author(s) are credited.

Link: <https://doi.org/10.3897/zookeys.759.15149.suppl1>

## Supplementary material 2

### Coyote range expansion, 1900–2016

Authors: James W. Hody, Roland Kays

Data type: Geospatial data (shapefile)

Copyright notice: This dataset is made available under the Open Database License (<http://opendatacommons.org/licenses/odbl/1.0/>). The Open Database License (ODbL) is a license agreement intended to allow users to freely share, modify, and use this Dataset while maintaining this same freedom for others, provided that the original source and author(s) are credited.

Link: <https://doi.org/10.3897/zookeys.759.15149.suppl2>

# Exhibit I



## DNR

### Hunting season calendar

**There is an open hunting season at all times on public and private land from Aug. 1 through March 31 every year. Hunters could be encountered in the woods on public lands during these months.**

Fur harvester information (includes muskrat, mink, raccoon, fox, bobcat, badger, fisher/marten, beaver, otter and coyote): See the [Michigan Fur Harvester Regulations Summary](#).

**Bear:** See season dates in the [Michigan Bear Hunting Regulations Summary](#).

**Cottontail rabbit and snowshoe hare:** Sept. 15 – March 31, statewide.

**Crow:** Aug. 1 – Sept. 30 and Feb. 1 – March 31.

**Deer** ([Hunting Regulations Summary](#)):

- **Liberty hunt:** Sept. 14 – 15, 2024
- **Early antlerless firearm:** Sept. 21 – 22, 2024
- **Independence hunt:** Oct. 17 – 20, 2024
- **Archery:** Oct. 1 – Nov. 14 and Dec. 1, 2024 – Jan. 1, 2025
  - **Extended archery** season is extended through Jan. 31, 2025, for select counties: Huron, Kent, Lapeer, Macomb, Oakland, Sanilac, St. Clair (except DMU 174), Tuscola, Washtenaw and Wayne.
- **Regular firearm:** Nov. 15 – 30, 2024
- **Muzzleloading (Zones 1, 2 and 3):** Dec. 6 – 15, 2024
- **Late antlerless firearm:** Dec. 16, 2024 – Jan. 1, 2025, in Zone 3 on private and public lands, and Zone 2 on private and public except Charlevoix 015 & Leelanau 0045: where it is open to private land only.
- **A new extended late antlerless firearm season:** Jan. 2-12, 2025, in Allegan, Barry, Bay, Calhoun, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kent, Lapeer, Lenawee, Livingston, Macomb, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Ottawa, Saginaw, St. Clair (excluding DMU 174),

Shiawassee, Wayne and Washtenaw counties; DMU 311 (Berrien, Cass and Van Buren counties); DMU 312 (Branch, Kalamazoo and St. Joseph counties); and DMU 332 (Huron, Sanilac and Tuscola counties).

- A discounted antlerless license for this extended season will be available for \$5 per license (in December).
- Unused tags (DMAP, Combos, Deer, Universal Antlerless) are eligible to be used.
- Season bag limit is 10 deer.

**Elk:** See season dates in the [Michigan Elk Hunting Regulations Summary](#).

**Pheasant** (male only):

- Zone 1 (See [Hunting Regulations Summary](#) for open areas)
  - Oct. 10 – Oct. 31
- Zones 2 and 3
  - Oct. 20 – Nov. 14
- Zone 3 (see [Hunting Regulations Summary](#) for open areas)
  - Dec. 1 – Jan. 1

**Quail:** Oct. 20 – Nov. 14

**Ruffed grouse:** Sept. 15 – Nov. 14 and Dec. 1 – Jan. 1

**Sharp-tailed grouse:** Zone 1: Oct. 10 – 31 (see [Hunting Regulations Summary](#) for open areas)

**Squirrel - fox and gray** (black phase included): Sept. 15 – Mar. 31

**Waterfowl:** See season dates section in the [Waterfowl Hunting Regulation Summary](#).

**Wild turkey:** See hunt units and applicable season dates in the [Spring Turkey](#) or [Fall Turkey](#) Hunting Regulations Summaries

- **Spring seasons:** Apr. 20 – Jun. 7
- **Fall seasons:** Sept. 15 – Nov. 14

**Woodcock:** Sept. 15 – Oct. 29

**Opossum, porcupine, weasel, red squirrel, skunk, ground squirrel, woodchuck, Russian boar, feral pigeon, starling and house sparrow** may be taken year-round with a valid Michigan hunting license.



## Hunting season calendar

Copyright State of Michigan

# Exhibit J

# Furtaker User Group Meeting

September 1, 2023 at 1-4pm – Little Bear East Arena, St. Ignace

## Furtaker User Group Members:

Jim Wale – Michigan Hunting Dog Federation, Michigan United Coon Hunters Association

Dick Pershinske – Michigan Farm Bureau

Paul Thompson – US Forest Service

Jim Engel – UP Trappers Association, District 1

Bob Steinmetz – NTA Director, UP Trappers Association

John Gunville – President, UP Trappers Association

Roy Dahlgren – UP Trappers Association, District 3

Mark Spencer – Michigan Trappers and Predator Callers Association

Ed Kramer – Northern Great Lakes Fur Harvesters

Justin Tomei – Michigan United Conservation Clubs

DNR Staff: Brian Roell, Tyler Petroelje, Ryan Wheeler, Cody Norton, Rachel Leightner, Sgt. Jon Wood, Lt. Nick Torsky.

Public: 10 members of the public were in attendance.

## Research Update Discussion

Presented information regarding a new research project to estimate the abundance of limited-take and mandatory registration furbearers (marten, fisher, bobcat, and otter) using Statistical Population Reconstruction.

**Question:** Has DNR considered using the data from the deer hunter camp survey, since most deer hunters spend significant time outdoors observing?

**Question:** Will this study be an ongoing study?

**Question:** Will you be able to use this data to project population?

**Question:** How much data are you collecting from the skulls? Age, sex? How are you using that data?

**Question:** Is there a way we can more easily access the data from the project?

**Question:** Can you print out and share different bag limits for each species and how many bobcats caught versus shot? Can you use this to get what was registered (marten, otter, fisher, bobcat) and how many were taken in the previous year? Can't find this on the webpage but want it for future years.

## Regulation Cycle Overview

Presented an overview of the 2024-2025 regulation cycle. The bag limits and regulations are already set for the 2023 season. During the 2022-23 regulation cycle, the Department made recommendations regarding, and the Natural Resources Commission approved:

- Bobcat season structure in the northern Lower Peninsula



- Expand bobcat hunting and trapping to the southern Lower Peninsula
- Allow use of cage traps for bobcat in the Lower Peninsula
- Shift bobcat trapping season in the Upper Peninsula
- Align raccoon hunting and trapping seasons

Additionally, a Memorandum of Agreement was established with the Michigan Trappers and Predator Callers Association to use incidental furs. Changes to furbearer and small game nuisance regulations also occurred following the 2022-23 regulation cycle.

**Questions:** Regarding the MOA - how are the funds from the incidental furs are used?

**Questions:** Why was the UP Trappers and Predator Callers not involved in this MOA?

### Trap Signage Proposal

Presented information on a proposal submitted by a member of the public that would require a trapper to place trap warning signs in either direction of any trap set within 25 feet of a public road, drive, or trail. The Department provided the written proposal to all attendees.

Support for proposal: 1 member (Thompson).

- Other states (Idaho) put signs at trailheads of public hunting lands and take them down after season. This could be an easy way to inform recreational users of current land usage.
- Trappers should have to complete a trapper education course and become a certified trapper. Proper trap location would be discussed in the education course.
- Traps on public land can be a safety issue for recreational users. Trapper identification should be required on signage, similar to identification on the traps.
- Would consider if trap signage was at trailheads and entry points with additional language stating this land is paid for by hunting and trapping dollars and is open for public hunting and trapping.

Oppose proposal: 9 members (Wale, Pershinske, Engel, Steinmetz, Gunville, Dahlgren, Spencer, Kramer, and Tomei).

- Signing traps can lead to trap theft.
- Visible trap locations from the road could lead to increased trapping in locations.
- Concern over public perception of signs along major roadways.
- Likely will not prevent dog walkers from using the area.
- Signage would have to be set along major highways, which could impact public perception.
- Concern for trapper harassment and lawsuits.

Public comment:

- Would be willing to consider if the state is willing to reimburse trappers for traps stolen.
- This proposal is written too broadly and there is no specific trap mentioned. It could impact everything from recreational trapping to nuisance trapping.
- Can the DNR or partner organization provide public education on how to release a dog/animal from a trap?

### Timing of UP Bobcat Trapping Season

Presented information on bobcat harvest, average pelt price, current and previous bobcat season dates, and furbearer harvest survey data on the use of harvested bobcats.

**Question:** What year was it that bag limit was reduced from 5 to 2?

**Question:** When do you know total registration numbers annually? Is it possible to register harvest electronically?

Comments from members:

- The only thing that is going to increase harvest of cats is if the price of the pelt goes up.
- Some trappers would like to see the dates shift back, for recreational opportunity, while other trappers prefer to see it stay the same.
- UP Trappers - District 1 does not like the new season. Providing a solution of compromise: start the season Nov. 1 and end it Nov. 15 and resume on Dec. 1 or 15 for the remaining month and a half. This allows for trapping before and during snowfall.

Furtakers were asked to select a preferred action:

#1 – Keep season at October 25 to December 26

#2 – Move season to December 1 to February 1

Go-Around Input:

Wale – #2 is ok.

Pershinske – No preference and no opposition to either option.

Thompson – No preference.

Engel – #2, but support the proposed compromise dates. Doesn't like the new season. Recommend a compromise, start the season on November 1<sup>st</sup>, skip firearm deer season, then resume December and end after 60 days.

Steinmetz – Membership is divided. UP Trappers District 2 and 5 do not have representatives at the meeting, but prefer to stay with Oct 25 start day, as they prefer 120-day season. UP Trappers District 4 are divided between remain the same (#10 and move the season to Dec 1 to Feb 1 (#2).

Gunville – Neither option. Prefers Oct. 25-Feb. 28, that's what it used to be.

Dahlgren – District 3 would prefer 120 or 160 day season. Would go with the proposed compromise Jim suggested (Engel). Would want to look at the longer season since statistics show no population impacts.

Spencer – Support the compromise (Engel). Would like to look at longer season.

Kramer – Support the compromise (Engel). Look at longer season.

Tomei – No preference, as long as there is no biological harm and increased opportunity. If you want to extend the season – can expect there will be push back on expanded seasons and opportunity from the public.

### UP Bobcat Private Land-Only Kill Tag

Presented previous changes to regulations, impacts of previous changes on different stakeholder groups, UP bobcat abundance trend indicators, and UP bobcat harvest data.

Furtakers were asked to select a preferred action:

#1 – Change 2<sup>nd</sup> kill tag in UP to any land ownership

#2 – Retain 2<sup>nd</sup> kill tag as private land-only in UP

Go-Around Input:

Wale – #1, concerned about over harvest.

Pershinske – #1, how do you enforce where cat is harvested from?

Thompson – #1, to increase opportunity.

Engel – #1, would simplify regulations.

Steinmetz – #1

Gunville – #2, Central UP – rationale for the change was overharvest concerns. Let them recover fully if they were overharvested.

Dahlgren – #2, hearing complaints from the central up because there is concern over overharvest.

Spencer – #1

Kramer – #1

Tomei – #1

### Fisher and Marten Combined Bag Limit

Presented previous regulation changes, fisher abundance trend indicator, fisher harvest, average pelt price, marten harvest with associated regulation changes, and trap type data from furbearer harvest survey report.

Furtakers were asked to select a preferred action:

#1 – Change 2<sup>nd</sup> kill tag from marten-only to marten or fisher

#2 – Retain marten-only kill tag

Go-Around Input:

Wale – Pass

Pershinske – #1

Thompson – #1

Engel – #1, but would like to see 3 animal limit for both species where only 2 can be of 1 species.



Steinmetz – Pass

Gunville – #1

Dahlgren – #1, but should have at least 3 tags.

Spencer – #1, but should have at least 3 tags.

Kramer – #1, with 3 tags.

Tomei – #1

Public Comment

- Support for #1 with three tags.

### Centerfire Firearms at Night in Limited Firearm Zone

Presented previous regulation changes, current regulations throughout state, and benefits and concerns for potential change.

Furtakers were asked to select a preferred action:

#1 - Change to allow centerfire firearms in the Limited Firearm Deer Zone to hunt furbearers at night on public lands

#2 – Continue to prohibit centerfire firearms at night in the Limited Firearm Deer Zone on public lands

Go-Around Input:

Wale – #1, not an issue on private land where we can currently use. Doubts opening up on state land would be a threat to safety as most public land hunting is large tracks of wooded areas. Public land is less of a threat than private. Don't see a need for .270 and larger.

Pershinske – #1

Thompson – #1

Engel – #1

Steinmetz – #1

Gunville – #1

Dahlgren – Pass, doesn't pertain to the group.

Spencer – #1

Kramer – #1

Tomei – #1

Public Comment

- One individual supports #1.

## Coyote Hunting Season Length

Presented furbearer harvest survey data on estimated coyote harvest, rationale from stakeholders requesting change, and coyote reproductive cycle information.

Question: If the season dates change, will this effect nuisance coyote regulation?

Furtakers were asked to select a preferred action:

#1 - Change coyote hunting season dates to July 15 to April 15

#2 - Retain year-round coyote hunting season

Go-Around Input:

Wale – #1, as long as private landowner has option to shoot nuisance animals. Private landowners should be able to handle conflicts as they arise. Wouldn't be a problem without the public perception issues. Don't need that. Problem is posting it on social media. The public perception of hunters harvesting lactating coyotes during the summer months is bad for all hunters.

Pershinske – #2, opposed to #1 because of nuisance farm damage. Coyote is known for its ability to do well in a diversity of habitats. Still a threat to agriculture.

Thompson – #1

Engel – #1

Steinmetz – #1

Gunville – #1

Dahlgren – #1, Agree with what Jim said.

Spencer – Trappers would vote #1 and predator callers would vote #2, but predator callers would vote #1 if nuisance order stays in effect. They don't want to get permits to shoot during that time. Public perception is a concern for the trappers, but want to make sure private landowners have ability to handle conflict through nuisance regulations.

Kramer – #1

Tomei – #2

Public comments

- Public perception of hunting lactating females and pups is an issue.

## Review of Furtaker Topics

Reviewed the list of running topics for discussion with the members to better understand what topics are a priority and what needs we should discuss at the next furtaker user group meeting. The department will send the list of topics out to furtaker user group members for further prioritization and context.

# Exhibit K

# THE WILDLIFE CONSERVATION ORDER

## Chapter I

### Title and Definitions

#### 1.1 Short title.

Sec. 1.1 This order shall be known and may be cited as "the wildlife conservation order."

History: Eff. Mar 31, 1989; Am. 1, 1994, Eff. Sep 1, 1994; Am. 9, 1995, Eff. Jan 1, 1996.

#### 1.2 Definitions.

Sec. 1.2 (1) Definitions in part 3 of 1994 PA 451, as amended, MCL 324.301; part 401, wildlife conservation, 1994 PA 451, as amended, MCL 324.40101 to 324.40119; and part 435, hunting and fishing licenses, 1994 PA 451, as amended, MCL 324.43501 to 324.43561, and in this order shall have the same meanings in this order. Additional definitions for terms used in this order are as defined in this section.

(2) "Advanced illness" means a medical or surgical condition with significant functional impairment that is not reversible by curative therapies and that is anticipated to progress toward death despite attempts at curative therapies or modulation, the time course of which may or may not be determinable through medical prognostication.

(3) "Antlered deer" means a deer having at least 1 antler that extends 3 inches or more above the skull. For the purposes of determining if an antler extends 3 or more inches above the skull, the measurement shall be taken on the longest antler beginning at the line where the antler and pedicel join, along the back of the antler, following the curve, if any, to the tip of the longest antler point. For the purposes of this section, "pedicel" means the bone of the skull to which the antler is attached.

(4) "Antlerless deer" means a deer without antlers or a deer with antlers where the longest antler extends less than 3 inches above the skull.

(5) "CWD management zone" means an area defined in chapter XII of this order subject to Michigan's surveillance and response plan for chronic wasting disease.

(6) "Core CWD area" means an area defined in chapter XII for the control and surveillance of chronic wasting disease.

(7) "Deer and elk feeding" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(8) "Feed" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(9) "Game" means any animal designated as game under the authority of section 40110 of 1994 PA 451, as amended, MCL 324.40110, and any of the following animals: badger, bear, beaver, bobcat, brant, coot, coyote, crow, deer, duck, elk, fisher, Florida gallinule, fox, geese, hare, Hungarian partridge, marten, mink, moose, muskrat, opossum, otter, pheasant, quail, rabbit, raccoon, ruffed grouse, sharptailed grouse, skunk, snipe, sora rail, squirrel, Virginia rail, weasel, wild turkey, wolf, woodchuck, and woodcock. "Game" does not include privately owned cervidae species located on a cervidae livestock facility registered under 2000 PA 190, MCL 287.951 to 287.969.

(10) "Migratory game bird" means a bird as defined by 50 C.F.R. §20.11 (1988).

(11) "Modified bow" means a bow, other than a crossbow, that has been physically altered so that the bow may be held, aimed, and shot with one arm.

(12) "New world camelids" means animals belonging to the genus llama and vicuna of the family camelidae of the order artiodactyla including, but not limited to, the llama, alpaca, vicuna, and guanaco.

(13) "Physical therapist" means the same as defined in article 15 of the public health code, 1978 PA

### **prohibited acts.**

Sec. 3.609 (1) The open seasons for taking fox by trapping or hunting and coyote by trapping shall be October 15 to March 1.

(2) Notwithstanding other provisions of this order, a person may use a snare from January 1 to March 1 to take fox and coyote if, in addition to the other requirements of section 3.600, all of the following conditions are met:

(a) Snares shall not be placed on publicly owned land or commercial forest lands as defined by section 51101, Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being Section 324.51101 of the Michigan Compiled Laws.

(b) Snares shall be made of 1/16 inch or larger cable, with a maximum length of 60 inches, not including a cable anchor extension. Up to a 36-inch cable anchor extension may be used.

(c) The snare loop shall not exceed 15 inches in diameter.

(d) The top of the snare loop shall not be set more than 24 inches above the ground, or when the ground is snow covered, shall not be set more than 24 inches above the compacted snow in the person's footprint which has been placed beneath the snare with the full body weight of the person.

(e) All snares shall have a relaxing lock, defined as a snare lock that will allow the snare loop to loosen slightly to reduce the possibility of strangulation.

(f) All snares shall have a stop to prevent the loop of a snare from closing to a diameter less than 4 1/4 inches.

(g) All snares shall be equipped with a break-away lock system with a breaking point not greater than 285 pounds. Breakaway devices must be attached to the relaxing lock.

(h) Snares shall not have any type of drag attached and shall be affixed to a stake or other object of sufficient strength to hold a fox or coyote at the point of capture. A snare shall not be attached to a fence or set in a manner that would allow an animal captured in the snare to become entangled with a fence. Snares may be anchored to woody vegetation provided that it is clear of branches or stubs up to a height of 5 feet above the ground or compacted snow. Stubs and branches must be cut flush with the outer bark of the main stem. Snares may not be set in a manner that would allow a snared animal to be suspended with two or more feet off the ground.

(i) Snares shall be equipped with two swivels, one of which will be at the anchor point.

(j) Snares shall not utilize any type of spring pole, counterbalanced weight, spring, or other device to assist in closing the snare.

(k) Except as provided in section 3.607 for the taking of beaver, section 3.610 for the taking of nuisance coyote and sections 5.51 and 5.52 for the taking of other nuisance animals, snares shall not be placed, used or carried afield, whether operable or inoperable, after the close of the fox and coyote trapping season.

History: Eff. Mar 31, 1989; Am. 10, 1990, Eff. Sep 1, 1990; Am. 10, 1993, Eff. Sep 1, 1993; Am. 5, 1994, Eff. Sep 1, 1994; Am. 3, 2001, Eff. Mar 1, 2001; Am. 11, 2004, Eff. Jun 5, 2004; Am. 9, 2005, Eff. Jul 8, 2005.

### **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 from July 15 to April 15 except:

(a) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.

(2) A resident possessing a base license may hunt coyote without securing a fur harvester's license.

History: Am. 9, 1989, Eff. Sep 1, 1989; Am. 10, 1990, Eff. Sep 1, 1990; Am. 9, 1991, Eff. Sep 1, 1991; Am. 5, 1994, Eff. Sep 1, 1994; Am. 5, 1995, Eff. Sep 1, 1995; Am. 3, 2001, Eff. Mar 1, 2001; Am. 9, 2003, Eff. Jun 7, 2003; Am. 9, 2005, Eff. Jul 8, 2005; Am. 10, 2009, Eff. Jun 4, 2009; Am. 9, 2010, Eff. May 6, 2010; Am. 2, 2014, Eff. Mar 1, 2014; Am. 4, 2016, Eff. April 15, 2016; . 6, 2023, Eff. May 11, 2023; Am. 1, 2024, Eff. Mar. 14, 2024.



# Exhibit L

2016 WL 6905923

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK  
COURT RULES BEFORE CITING.

UNPUBLISHED  
Court of Appeals of Michigan.

KEEP MICHIGAN WOLVES  
PROTECTED, Plaintiff–Appellant,  
v.  
STATE of Michigan, DEPARTMENT OF  
NATURAL RESOURCES, and [Natural  
Resources Commission](#), Defendants–Appellees.

Docket No. 328604.

|

Nov. 22, 2016.

### Synopsis

**Background:** Wolf advocacy group challenged constitutionality of Scientific Fish and Wildlife Management Act. The Court of Claims, [Mark T. Boonstra](#), J., concluded that the Act was constitutional. Group appealed.

**Holdings:** The Court of Appeals, per curiam, held that:

provision of Act allowing for free hunting, trapping, and fishing licenses to qualified active members of the military violated Title-Object Clause of state constitution;

unconstitutional provision was not severable from the remainder of the act; and

initiative petition for the Act, which would re-enact public acts permitting wolf hunts that were subject to pending referenda, was not required to republish the public acts.

Reversed and remanded.

**Procedural Posture(s):** On Appeal.

### West Codenotes

**Held Unconstitutional**  
[M.C.L.A. § 324.43536a](#)

**Held Unconstitutional as Not Severable**  
[M.C.L.A. §§ 324.40103, 324.40110, 324.40113a, 324.48703a](#)

Court of Claims; LC No. 15–000087–MZ.

Before: [OWENS](#), P.J., and [HOEKSTRA](#) and [BECKERING](#), JJ.

### Opinion

PER CURIAM.

**\*1** This appeal arises from constitutional and statutory challenges to 2014 PA 281 (hereinafter PA 281), which amended various sections of the Natural Resources Environmental Protection Act (NREPA), [MCL 324.101 et seq.](#) Plaintiff, Keep Michigan Wolves Protected (KMWP), appeals as of right the opinion and order of the Court of Claims concluding that PA 281 does not violate Michigan's Constitution or statutes, and granting summary disposition in favor of defendants, the State of Michigan, the Department of Natural Resources, and the Natural Resources Commission, pursuant to [MCR 2.116\(C\)\(8\)](#) (failure to state a claim on which relief can be granted). For the reasons set forth below, we conclude that PA 281 violates the Title–Object Clause of the Michigan Constitution, Const 1963, art 2 § 24.

### I. FACTS

The United States Congress enacted the Endangered Species Act of 1973, 16 USC 1531–1544, in part to authorize the determination and listing of species as endangered; the wolf was listed as an endangered species in 1978. [43 Fed Reg 9607 \(March 9, 1978\)](#). On December 28, 2011, the United States Fish and Wildlife Service renamed what was previously listed as the Minnesota population of the gray wolf as the Western Great Lakes Distinct Population Segment, expanding the population to include, in relevant part, all of Michigan. The federal government removed gray wolves from the federal endangered species list for the newly organized area, returning wolf management to Michigan. [76 Fed Reg 81666 \(December 28, 2011\)](#).

On December 28, 2012, the Governor signed into law 2012 PA 520 (hereinafter PA 520). PA 520 amended the NREPA in part by adding the wolf to the definition of “game,” [MCL 324.40103\(1\)\(jj\)](#), and proclaiming the necessity of sound management of the wolf population, including the use of hunting as a tool to minimize negative encounters between

wolves and humans, livestock, and pets, [MCL 324.40110b\(1\)](#). To effectuate the required sound management, PA 520 authorized the establishment of a wolf hunting season, [MCL 324.40110b\(2\)](#), and a wolf management advisory council, [MCL 324.43540e](#).

In response, plaintiff initiated a statewide referendum petition drive to reject PA 520 by statewide vote at the November 4, 2014 general election.<sup>1</sup> Plaintiff collected the requisite signatures on referendum petition sheets and submitted them to the Board of State Canvassers for certification of the signatures in March 2013. On May 22, 2013, the Board of State Canvassers certified the signatures and ordered the question of whether to reject PA 520 onto the November 4, 2014 general election ballot. As a result of these measures, PA 520 was rendered ineffective unless approved by a majority of the voters in the November general election.<sup>2</sup> [Const 1963, art 2, § 9](#) (“No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election”); [MCL 168.477\(2\)](#).

**\*2** On May 8, 2013, while the Board of State Canvassers was engaged in certifying the signatures on the referendum petition challenging PA 520, Michigan's Governor signed into law 2013 PA 21 (hereinafter PA 21) and 2013 PA 22 (hereinafter PA 22). PA 21 reenacted and published [MCL 324.40103](#) as amended by PA 520, i.e., the list of game species with “wolf” added, [MCL 324.40103\(1\)\(kk\)](#), and granted the Natural Resources Commission (NRC) concurrent authority with the Legislature to designate a species as game and to establish the first open season for that animal, [MCL 324.40110\(1\)](#). The act required the NRC to follow principles of sound scientific management in the exercise of its authorized regulation of the taking of fish in the State. [MCL 324.48703a](#). PA 21 also provided, subject to certain conditions, that qualified members of the military could obtain game and fish licenses free of charge. [MCL 324.43536a\(1\)](#). The Legislature later amended this section to specify that the free-license offer applied to members of the military stationed outside of Michigan. [MCL 324.43536a\(1\)](#) as amended by 2013 PA 108 (hereinafter PA 108). PA 22 also amended NREPA, declaring that citizens of Michigan have a right to hunt, fish, and take game subject to regulations and laws. [MCL 324.40113a\(3\)](#).

In response, plaintiff initiated a referendum petition drive to reject PA 21.<sup>3</sup> Plaintiff submitted the referendum petition to the Board of State Canvassers for certification of its

signatures in March 2014. The Board certified the signatures on May 6, 2014, and ordered the question of whether to reject PA 21 onto the November 4, 2014 general election ballot. Consequently, operation of PA 21 was rendered ineffective unless approved by a majority of the voters in the November general election.<sup>4</sup> [Const 1963, art 2, § 9](#); [MCL 168.477\(2\)](#).

In December 2013, before plaintiff submitted the referendum petition for PA 21 to the Board of State Canvassers, ballot question committee Citizens for Professional Wildlife Management (CPWM) circulated a petition to initiate the Scientific Fish and Wildlife Management Act, which would become PA 281, the law at the center of this appeal. The initiative petition reenacted portions of PA 520, which was scheduled for a referendum vote, and PA 21, for which a referendum petition was circulating. Specifically, the initiative reenacted those portions of PA 520 and PA 21, as amended by PA 108, that, among other things, listed wolf as a game species, gave the NRC joint authority with the Legislature to name new game species and authorize the first open season for new game animals, and offered free game and fish licenses to qualified members of the military. In addition, the initiative appropriated \$1 million to manage invasive species, prominently mentioning Asian carp as included in the category of invasive species. Further, Enacting § 1 indicated that, if voters rejected by referenda vote any portions of PA 520 or PA 21<sup>5</sup> not amended by PA 281, the voter-rejected portions “shall be deemed to be reenacted pursuant to this act.” In other words, even if voters rejected PA 520 and PA 21 at the general election, those portions of the rejected laws that were incorporated into PA 281 would nevertheless survive.

**\*3** On May 27, 2014, after certification of the referendum petition challenging PA 21, CPWM submitted the initiative petition signatures to the Board of State Canvassers. The Board certified the signatures and forwarded the initiated law to the Legislature to enact or reject the law as written within the next 40 session days. [Const 1963, art 2, § 9](#). Michigan's Senate adopted the initiated law on August 13, 2014 and the House of Representatives adopted the initiated law on August 27, 2014. The law was designated as PA 281 on September 9, 2014. Because of the \$1 million appropriation in PA 281, the new law could not be the subject of a referendum. [Const 1963, art 2, § 9](#) (excluding from the power of referenda “appropriations for state institutions or to meet deficiencies in state funds”).

At the November 4, 2014 general election, a majority of voters rejected both PA 520 and PA 21.

PA 281, which reenacted portions of voter-rejected PA 520 and PA 21, including the addition of wolf to the list of game species, took effect on March 31, 2015.<sup>6</sup>

The following month, plaintiff filed the underlying complaint challenging the constitutionality of PA 281. Plaintiff alleged improprieties in the collection of signatures for the initiative law. Specifically, plaintiff claimed that petition circulators “routinely told electors targeted for signature that [PA 281], if adopted, would provide for free hunting licenses for veterans or prevent invasive species in Michigan’s lakes, without mentioning that [PA 281] would permit the hunting of wolves, transfer traditional legislative powers to the Natural Resources Commission, or overturn two pending referenda votes in November 2014.” Plaintiff further alleged that, because the title of the initiative law did not inform the public or the Legislature of these effects of the proposed law, PA 281 violates the Title–Object Clause of Michigan’s Constitution, [Const 1963, art 4, § 24](#). Plaintiff also alleged that the act violates [article 4, § 25](#) of Michigan’s Constitution because, although the petition represented to voters that additions were highlighted, the petition neither highlighted “wolf” to signal it as an addition to the game species list, nor republished in full PA 520 and PA 21. Defendants responded by filing a motion for summary disposition under [MCR 2.116\(C\)\(8\)](#), to which plaintiff responded by requesting summary disposition in its favor under [MCR 2.116\(I\)\(2\)](#) (opposing party entitled to judgment).

The Court of Claims granted defendants’ summary disposition motion. The court found that the general purpose of PA 281 is to “manage fish, wildlife, and their habitats” and that all of the law’s provisions relate to this purpose, and concluded that the law did not violate the single-object requirement of the Title–Object Clause. The court further concluded that the absence of any reference in the title to putting “wolf” back on the list of game species did not violate the Title–Object Clause because putting wolf on the game list by reenacting all or portions of PA 520 and PA 21 was “germane, auxiliary, or incidental” to managing wildlife. For the same reason, the court concluded that the act was not rendered constitutionally defective by the failure to mention the decision-making role of the NCR in the management of fish, wildlife, and their habitats. The court noted that Enacting § 1 properly indicated the public acts that PA 281 was reenacting, and that the constitution does not require the title to specifically mention how PA 281 affects the outcome of “prior referenda votes.”<sup>7</sup> Rejecting plaintiff’s argument that PA 281 was constitutionally invalid

and violated [MCL 168.482\(3\)](#) because the initiative petition did not highlight “wolf” to indicate that it was new text in the list of game animals, the court reasoned that plaintiff failed to cite any authority that the sections cited mandated such identification of new text. Also rejecting plaintiff’s argument that the act violated [Const 1963, art 4, § 25](#) because it failed to republish the full text of the public acts that it purported to reenact, the court pointed out that § 25 does not require republication of the full, original text of an amended section, but only the text as amended.

## II. ANALYSIS

### A. STANDARDS OF REVIEW

\*4 We review de novo the grant or denial of a motion for summary disposition to determine whether the moving party is entitled to judgment as a matter of law. [Maiden v. Rozwood](#), 461 Mich. 109, 118, 597 N.W.2d 817 (1999). A motion brought under [MCR 2.116\(C\)\(8\)](#) tests the legal sufficiency of the complaint and “may be granted only where the claims alleged are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery.” *Id.* at 119, 597 N.W.2d 817 (quotation marks and citations omitted). We also review de novo whether a statute violates the Title–Object Clause of the Michigan Constitution, [Const 1963, art 4, § 24](#). [Boulton v. Fenton Twp.](#), 272 Mich.App. 456, 464, 726 N.W.2d 733 (2006). A statute that is challenged as violative of the Title–Object Clause is construed with all possible presumptions in favor of constitutionality. [Pohutski v. Allen Park](#), 465 Mich. 675, 690, 641 N.W.2d 219 (2002). “ ‘A statute is presumed to be constitutional and it will not be declared unconstitutional unless clearly so, or so beyond a reasonable doubt.’ ” [Hildebrand v. Revco Discount Drug Ctrs.](#), 137 Mich.App. 1, 6, 357 N.W.2d 778 (1984), quoting [Rohan v. Detroit Racing Ass’n.](#), 314 Mich. 326, 342, 22 N.W.2d 433 (1946).

### B. TITLE–OBJECT VIOLATION

The Title–Object Clause of the Michigan Constitution, [Const 1963, art 4, § 24](#), provides in relevant part:

No law shall embrace more than one object, which shall be expressed in its title.

This constitutional provision requires that (1) a law must not embrace more than one object, and (2) the object of the law must be expressed in its title.” *Pohutski*, 465 Mich. at 691, 641 N.W.2d 219. The purpose of the provision is to ensure that legislators and the public receive proper notice of legislative content and to prevent deceit and subterfuge. *Id.* The Title–Object Clause lends itself to three types of challenges: “(1) a multiple-object challenge, (2) a title-body challenge, and (3) a change of purpose challenge.” *HJ Tucker & Assoc., Inc. v. Allied Chucker & Engineering Co.*, 234 Mich.App. 550, 556, 595 N.W.2d 176 (1999). The instant plaintiff raises multiple-object and title-body challenges.

The object of a law is its general purpose or aim. *Pohutski*, 465 Mich. at 691, 641 N.W.2d 219. A multiple-object challenge asserts that the body of the subject legislation embraces more than one object. *Gillette Commercial Operations North America & Subsidiaries v. Dep’t. of Treasury*, 312 Mich.App. 394, 439, 878 N.W.2d 891 (2015) (quotation marks and citation omitted). The “one object” provision must be construed reasonably, not in so narrow or technical a manner that the legislative intent is frustrated.” *Pohutski*, 465 Mich. at 691, 641 N.W.2d 219. An act “may authorize the doing of all things which are in furtherance of the general purpose of the Act without violating the ‘one object’ limitation of [the Title–Object Clause].” *Id.* (quotation marks and citation omitted). Thus, legislation is not invalid simply because it contains more than one means of attaining its primary object. See *Id.* “However, if the act contains ‘subjects diverse in their nature, and having no necessary connection,’ “ it violates the Title Object Clause.” *Id.*, quoting *City of Livonia v. Dep’t. of Social Servs.*, 423 Mich. 466, 499, 378 N.W.2d 402 (1985).

**\*5** To determine the object of the law, we examine the law’s body and title. *HJ Tucker*, 234 Mich.App. at 557, 595 N.W.2d 176. The title of PA 281 states:

An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled “Natural resources and environmental protection act,” sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a

and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

Three of the five provisions amended by the Act reiterate that the management of fish and wildlife and their habitats will be conducted according to sound scientific principles, with two suggesting various means to achieve that end. MCL 324.40110(1) twice indicates that the NRC has a duty to render decisions that are based on “principles of sound scientific wildlife management.” MCL 324.40113a(1) (b) stresses that “conservation of fish and wildlife populations of the state depended upon the wise use and sound scientific management of the state’s natural resources.” MCL 324.40113a(2) and MCL 324.48703a(2) state that, when exercising its exclusive authority to regulate the taking of game and of fish respectively, the NRC “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.”

From our examination of the title and the body of PA 281, we conclude that the act’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. This purpose is clearly reflected in the law’s title and body, and it also comports with defendants’ position at oral argument that the purpose of PA 281 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. That the title and body also mention providing free licenses to active members of the military and an appropriation for management activities related to invasive species does not violate the single-object requirement of the Title–Object Clause as long as these provisions further the act’s general purpose. *Pohutski*, 465 Mich. at 691, 641 N.W.2d 219.

**\*6** Plaintiff contends, however, that the provisions allowing for free hunting, trapping, and fishing licenses to qualified active members of the military, MCL 324.43536a, and appropriating \$1 million to address the threat of invasive fish species, MCL 324.4873a(2)(d), violate the single-object requirement because they have no necessary connection to each other or to the act’s general purpose. See *Livonia*,



423 Mich. at 499, 378 N.W.2d 402. With respect to the latter provision, to the extent that invasive fish species threaten the habitat of native fish species, an appropriation of funds to “implement management practices” necessary to respond to the threat of invasive species arguably is at least germane to the scientific management of fish, wildlife, and their habitat. See *Pohutski*, 465 Mich. at 691, 641 N.W.2d 219. Considering that an act may authorize all things in furtherance of its general purpose without violating the single-object requirement, and given the presumption of the act's constitutionality, *id.*, we conclude that the provision appropriating \$1 million to respond to the threat of invasive fish species does not introduce a second object. Thus, the appropriation provision does not violate the Title–Object Clause.

We agree with plaintiff, however, that the act's amendment to MCL 324.43536a, which provides free hunting, trapping, and fishing licenses to qualified active members of the military, has no necessary connection to the scientific management of fish, wildlife, and their habitats. Defendants argue that the section is germane to the object of PA 281 because it dictates “who can do the actual taking (licensing).” We disagree. The Act's amendment of MCL 324.43536a does not establish criteria for obtaining or losing a license. Rather, it amends slightly a provision from PA 21, as amended by PA 108, that eliminated the \$1 license fee previously paid by qualified active members of the military stationed outside of Michigan. See MCL 324.43536a(1), as amended by 2003 PA 4 and 2004 PA 545 (identifying the fee for licenses as \$1). Defendant fails to explain how a \$1 reduction in fees for game and fish licenses for active-duty members of the military, who maintain Michigan residency for purposes of obtaining a driver's license or voter registration but may be stationed outside of Michigan, furthers the Act's purpose of providing for the scientific management of fish, wildlife, and their habitats. Thus, we agree with plaintiff that the provision of free licenses to active members of the military is not germane to the scientific management of fish, wildlife, and their habitats, nor does it directly relate to, carry out, or implement this principal object of PA 281.<sup>8</sup> *Gillette*, 312 Mich.App. at 440, 878 N.W.2d 891. Consequently, we conclude that the inclusion of this provision in PA 281 violates the single-object rule of the Title–Object Clause.

Enacting § 2 of PA 281 indicates that if any part of the act is found unconstitutional, that part may be severed from the remaining portions of the act and the act implemented to the maximum extent possible. Severability is possible in

the context of a single-object violation, as we discussed in *Seals v. Henry Ford Hosp.*, 123 Mich.App. 329, 333 N.W.2d 272 (1983). At issue in *Seals* was whether the 1976 Elliot–Larson Civil Rights Act (ELCRA) required invalidation after the Legislature adopted two provisions related to polygraphs in separate amendments to the ELCRA in 1978 and 1979. The trial court held that the amendments were not germane to the ELCRA, and thus, their inclusion violated the single-object requirement in the Title–Object Clause. Relying on a prior observation by our Supreme Court that severability was not available where a law violated the constitution's single-object requirement, the trial court declined to sever the offending provisions and ruled that the ELCRA was unconstitutional. *Seals*, 123 Mich.App. at 332–333, 333 N.W.2d 272; see *In re Advisory Opinion (Being 1975 PA 227) [PA 227 I]*, 396 Mich. 123, 130132, 240 N.W.2d 193 (1975), supplemented sub nom *Advisory Opinion on Constitutionality of 1975 PA 227 (Questions 2–10)*, 396 Mich. 465, 242 N.W.2d 3 (1976) (indicating that severability was not an option to remedy a law with multiple objects because it could not be determined which object was intended by the Legislature).

\*7 Adopting the reasoning the Supreme Court employed in *PA 227 I*, but not its dicta, we held in *Seals* that the test for severability is “whether it can be presumed that the Legislature ‘would have passed the one [provision] without the other.’” “ *Seals*, 123 Mich.App. at 335, 333 N.W.2d 272, quoting *People v. McMurchy*, 249 Mich. 147, 159, 228 N.W. 723 (1930), quoting 1 Cooley on Constitutional Limitations (8th ed), pp 362–363. That the Legislature had passed the ELCRA prior to amending it by adding the polygraph provisions clearly supported the presumption that the polygraph provisions were unrelated to the Legislature's intent to pass the ELCRA. Accordingly, we determined the polygraph provisions to be severable from the ELCRA. *Seals*, 123 Mich.App. at 335–336, 333 N.W.2d 272.

In the instant case, we are not dealing with passage of a law with a single-object, to which the Legislature later added amendments that resulted in a law with multiple-objects. PA 281 is more like the multiple-object law our Supreme Court analyzed in *PA 227 I*,<sup>9</sup> than the ELCRA we analyzed in *Seals*. Thus, following our reasoning in *Seals* requires us to conclude that we cannot presume that the Legislature would have passed PA 281 without the provision allowing free hunting, trapping, and fishing licenses for active members of the military.

As our Supreme Court noted in *PA 227 I*, “[a] prohibition against the passage of an act relating to different objects expressed in the title makes the whole act void” because “ [i]t is impossible to tell which object was intended by the legislature, and in such case both fall under the same condemnation.” “ *PA 227 I*, 396 Mich. at 130–31, 240 N.W.2d 193, quoting *Skinner v. Wilhelm*, 63 Mich. 568, 3 NW 311 (1886). In the case of PA 281, it is impossible to tell what weight the provision of free game and fish licenses to qualified active members of the military exerted in the Legislature’s passage of PA 281. In other words, we cannot presume that the Legislature would have passed PA 281 without the provision offering free game and fishing licenses to qualified active members of the military. *Seals*, 123 Mich.App. at 335, 333 N.W.2d 272. The draw of a provision providing free fish and game licenses to some of our State’s active members of the military requires no explanation. Whereas the appeal of ensuring that sound scientific principles govern the management and taking of fish and wildlife, and providing funds to respond to the threat of invasive fish species doubtless would find a measure of support, the broad appeal of a provision conveying a benefit to active members of the military cannot be doubted.

The basis of PA 281 was a reenactment of portions of PA 520 and PA 21, suspended laws which, by the time the Legislature received the initiative petition, were scheduled for referenda votes at the impending general election. Certainly, a Legislature may reenact a law while a referendum process regarding the law is pending. *Reynolds v. Bureau of State Lottery*, 240 Mich.App. 84, 86, 610 N.W.2d 597 (2000). However, given the potential for voter rejection of the laws underlying PA 281, and of voter discontent with a decision to enact a third law reenacting provisions of these suspended laws, we cannot presume that the Legislature would have passed PA 281 without the added enticement of conferring a benefit to some of the State’s active-duty military personnel.<sup>10</sup>

\*8 Moreover, we cannot presume that the initiative petition would have garnered the signatures necessary for it to be presented to the Legislature for consideration without this provision.<sup>11</sup> In short, because we cannot presume that the Legislature would have passed the initiated law without the provision allowing free game and fish licenses to qualified active members of the military, we conclude that this provision cannot be severed from PA 281, and, consequently, that PA 281 is unconstitutional.

### C. ARTICLE 4, § 25 VIOLATION

Given our disposition of the Title–Object issue, our discussion of plaintiff’s remaining claims will be brief. Plaintiff contends that PA 281 violates *Const 1963, art 4, § 25*, and *MCL 168.482(3)* because the act and petition were deceptive and confusing. Specifically, plaintiff claims that *article 4, § 25* was violated because the petition failed to properly identify the changes it made to NREPA, and to republish in their entirety the prior acts that PA 281 reenacted.<sup>12</sup> We disagree.

Plaintiff’s complaint centers on PA’s amendment of *MCL 324.40103(1)*, which lists the animals designated as game. Plaintiff contends that because PA 520 and PA 21 listed the animals in a different order, and because the petition purportedly reenacted both public acts, the petition also should have republished both acts, not just the list as it appeared in PA 21. Failure to do this made it unclear which portions of the prior acts PA 281 was reenacting, and hid the fact that PA 281 added “wolf” to the list of game species. We find this argument to be without merit.

*Const 1963, art 4, § 25* provides:

No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Michigan’s Supreme Court has explained that the constitutional provision “is worded to prevent the revising, altering or amending of an act by merely referring to the title of the act and printing the amendatory language then under consideration.” *In re Requests of Governor & Senate on Constitutionality of Act No. 294 of Public Acts of 1972*, 389 Mich. 441, 470, 208 N.W.2d 469 (1973). The purpose of the requirement is to ensure that the people and the Legislature were not deceived or misled as to the effect of the law. *Mok v. Detroit Bldg. and Savings Ass’n. No. 4*, 30 Mich. 511, 516 (1875).

In this case, the initiative petition stated that PA 281 accomplished its objectives by amending certain sections

of the NREPA, including § 40103, as amended by PA 520 and PA 21. Section 40103, as amended by PA 520 and PA 21, which, because of these amendments, included “wolf” on the game list, was reenacted in Enacting § 1, and republished in its entirety on the back of the petition, with the amendments made by PA 281 printed in bold typeface. This same procedure was followed for the other four sections of the NREPA amended by PA 281. PA 281 did not purport to amend any laws outside its four corners, and it made its amendatory effects clear by reenacting and republishing in their entirety the sections of the NREPA being amended. Thus, the petition complied with the reenactment and republication requirement of [Const 1963, art 4, § 25](#).

\*9 Next, plaintiff contends that, although no constitutional provision requires amended language to be printed in bold typeface or otherwise indicated, the drafters of the initiative petition assumed this requirement by stating on the petition in capital letters that language added to the NREPA was shown in capital letters, while deleted language was struck out with a line. Thus, according to plaintiff, those portions of PA 281 derived from PA 520 and PA 21 should have appeared in capital letters because PA 520 and PA 21 were ineffective, pending the result of the referenda votes. We note, however, that the Board of State Canvassers did not certify the referendum petition for PA 21 until after the proponent of the initiative petition submitted its signatures to the Board for certification. Consequently, PA 21 was effective while the initiative petition was circulating. Thus, the initiative's proponents did not violate their assertion that changes to the NREPA would be highlighted.

### C. CONCLUSION

Plaintiff's description regarding how PA 281 came into being conjures up images of a Trojan Horse, within which the ability to hunt wolves was cleverly hidden. Plaintiff claims that the initiating petition was strategically drafted in such a way as to appeal to potential signers by touting that it would ensure that only sound scientific principles would govern the taking of fish and game, rather than allowing the selection of game to become the subject of legislative footballs, that it would support our active-military members by letting them hunt and fish for free, and that it would provide money to combat the spread of Asian carp—all of which have excellent “curb appeal”—while surreptitiously slipping inside the body of the act a reenacting provision to ensure that regardless of the referenda votes on PA 520 and PA 21, wolves would be on the game species list, as would associated wolf hunting provisions, and that the appropriations provisions made the whole package referenda-proof. However accurate the plaintiff may be in its assessment of why PA 281 came into being, our analysis is not about policy. Rather, our decision must be based on an analysis of the dictates of Michigan's constitution. See [PA 227 I, 396 Mich. at 133, 240 N.W.2d 193](#). Because PA 281, as drafted, violates the Title–Object Clause of the Michigan Constitution, the act is constitutionally infirm. Consequently, we reverse the order granting summary judgment for defendants and remand the matter for entry of an order granting summary judgment for plaintiff, in accord with this opinion.

Reversed and remanded. We do not retain jurisdiction.

### All Citations

Not Reported in N.W.2d, 2016 WL 6905923

### Footnotes

1 Pursuant to [Const 1963, art 2, § 9](#),

The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for the initiative and five percent for referendum



of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

- 2 At the general election, the voters rejected PA 520 by way of Proposal 14–1.
- 3 Referenda petitions were not launched to challenge PA 22 or PA 108.
- 4 At the general election, the voters rejected PA 21 by way of Proposal 14–2.
- 5 The petition also included PA 22 and PA 108, which have not been challenged.
- 6 Meanwhile, the United States Humane Society and others sued the United States Department of the Interior, challenging the National Fish and Wildlife Services delisting of grey wolves in the Great Lakes region, including Michigan, from the endangered species list. The rule was ultimately vacated and Great Lakes wolves were ordered back on the endangered species list. [Humane Society of the United States v. Jewell](#), 76 F Supp 3d 69 (D DC, 2014). As a result, the National Fish and Wildlife Service issued a final rule on February 20, 2015, reinstating wolves as an endangered species in the western Great Lakes, including Michigan. Even though the *Jewell* decision currently prevents wolves from being hunted in Michigan, a genuine case and controversy exists nevertheless because PA 281 still identifies wolves as game species and the *Jewell* decision could be overturned on appeal, by Congress, or regulatory action.
- 7 Although the referenda votes on PA 520 and PA 21 took place in November 2014, prior to the March 2015 effective date of PA 281, the votes took place after circulation of the initiative petition and adoption of the initiated law by the Legislature. The stated intent of the initiative petition's Enacting § 1 was to neutralize in advance any rejection by the voters of PA 520 and PA 21 by reenacting all or portions of those laws in PA 281.
- 8 In contrast to the principal object of PA 281, which requires the implementation of sound scientific principles when making decisions affecting the taking of fish and wildlife, PA 520 and PA 21 each had a much broader purpose of amending 1994 PA 451, and thus, the umbrella of potentially germane issues was much wider.
- 9 At issue in *PA 227 I* was whether a law for the purpose of regulating political activity that also “required designated individuals to file financial disclosures for themselves and members of their immediate families” and “the registration and reporting of lobbying activities” violated the single-object requirement of the Title–Object Clause. *PA 227 I*, 396 Mich. at 127, 240 N.W.2d 193.
- 10 In *Reynolds v. Bureau of State Lottery*, 240 Mich.App. 84, 101, 610 N.W.2d 597 (2000), we agreed with the following observation from *McBride v. Kerby*, 32 Ariz. 515, 530, 260 P. 435 (1927), overruled on other grounds by *Adams v. Bolin*, 74 Ariz. 269, 247 P.2d 617 (1952).]

Legislators as a rule are anxious to obey what they honestly believe to be the real wishes of their constituents, and we think it very unlikely that a Legislature which had been told twice by its constituents they did not desire a certain law would dare to again pass it, especially when they knew that each passage could and would be suspended by another referendum.

In the instant case, although the Legislature did not know that voters would reject 2012 PA 520 and 2013 PA 21, two laws upon which 2014 PA 281 was based, when it adopted the initiated legislation, it did know that wolf hunts had the potential to become a “legislative football,” with people repealing act after act that authorized wolf hunting. See *Reynolds*, 240 Mich.App. at 110, 610 N.W.2d 250, quoting *McBride*, 32 Ariz. at 530, 260 P. 435. Even though the addition of an appropriations provision to 2014 PA 281 rendered it referendum-proof, *Const 1963, art 2, § 9*, we cannot presume that the Legislature would have adopted the act without the inclusion of a benefit to veterans to explain its taking a potentially unpopular position on wolf hunting.

- 11 To invoke the initiative requires petitions signed by at least eight percent of the “the total vote case for all candidates for governor at the last preceding general election at which a governor was elected.” [Const 1963, art 2, § 9](#).
- 12 We consider abandoned plaintiff’s argument that the act violates [MCL 168.482\(3\)](#) because plaintiff only supports this assertion by claiming that the violation occurs for the same reason the act violates [article 4, § 25](#). A party may not merely announce its position and leave it to this Court to discover and rationalize the basis for the claim. [Petersen Novelties, Inc. v. City of Berkley, 259 Mich.App. 1, 14, 672 N.W.2d 351 \(2003\)](#).

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STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT  
INGHAM COUNTY

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MICHIGAN UNITED CONSERVATION  
CLUBS; and MICHIGAN TRAPPERS AND  
PREDATOR CALLERS ASSOCIATION,  
INC.,

Appellants,

v

MICHIGAN NATURAL RESOURCES  
COMMISSION

Appellee.

Circuit Court Case Nos. 24-000225-AA,  
24-000427-AA

Appeal of Wildlife Conservation Order  
Amendment No. 1 of 2024

**PROOF OF SERVICE**

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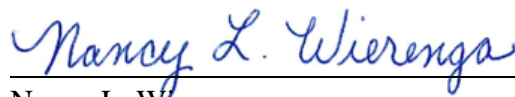
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Nancy L. Wierenga, the undersigned, being first duly sworn, deposes and says that she is a Legal Assistant with the law firm of Varnum LLP, and on Thursday, September 05, 2024, she served the ***Brief of Appellant Michigan United Conservation Clubs***, and a copy of this ***Proof of Service*** upon:

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