



CRC MEMORANDUM



No. 1129

A publication of the Citizens Research Council of Michigan

September 2014

STATEWIDE BALLOT ISSUES: PROPOSALS 14-1 & 14-2 Wolf Hunting

At the November 4, 2014 general election, Michigan voters will be presented with two questions related to the same subject: wolf hunting in the Upper Peninsula. Proposals 14-1 and 14-2 are voter-initiated referenda on Michigan laws enacted in 2012 and 2013, respectively, to permit and regulate wolf hunting. The goal of each referendum when petitions were circulated and filed with the state was to forbid wolf hunting in the state now and in the future. Approval of either or both laws by the voters in November, would open the door to a potential hunt during the 2014 wolf hunting season (November through December); however, the Natural Resources

Commission, which would gain the authority to establish a hunting season under both laws, has indicated that, because of timing issues with setting up a hunt, there will not be a hunt for the upcoming season. The Natural Resources Commission's decision to refrain from authorizing a 2014 wolf hunt effectively renders moot the statewide votes on Proposals 14-1 and 14-2 as they relate to wolf hunting for the upcoming season.

Regardless of the outcomes of the two votes on Proposals 14-1 and 14-2, wolf hunting will be allowed beginning with the 2015 hunting season.

Figure 1
Contents of PA 520 of 2012, PA 21 of 2013, and Initiated Law 1 of 2014

<u>Proposal</u>	<u>Question</u>	<u>Summary</u>
14-1	Referendum on Public Act 520 of 2012	<ul style="list-style-type: none"> • Include wolf in the definition of "game" • Allow the Natural Resources Commission (NRC) to establish annual wolf hunting seasons • A yes vote would allow wolf hunting • A no vote would prohibit wolf hunting for the 2014 season
14-2	Referendum on Public Act 21 of 2013	<ul style="list-style-type: none"> • Authorize the NRC and the legislature to designate a species as game • Grant the NRC the authority to regulate the taking of fish • Waive fishing and hunting license fees for military personnel • A "yes" vote would allow wolf hunting • A "no" vote would prohibit wolf hunting for the 2014 season
<u>Related Legislation</u> Scientific Fish and Wildlife Conservation Act (SFWCA)	Initiated Law 1 of 2014 (Public Act 281 of 2014)	<ul style="list-style-type: none"> • Authorize the NRC and the legislature to designate a species as game • Grant the NRC the authority to regulate the taking of fish • Waive fishing and hunting license fees for military personnel • Appropriate \$1.0 million to address aquatic invasive species problems • Allow wolf hunting, regardless of the outcome of votes on either referenda, beginning with the 2015 season



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Voter Referendum and Statutory Initiative in Michigan

Michigan’s *voter referendum*, as defined by Article II, Section 9 of the 1963 Michigan Constitution, is the power “to approve and reject laws enacted by the legislature.” Referendum must be invoked within 90 days of final adjournment of the legislative session during which the law in question was enacted, by filing petitions containing signatures of registered electors equal in number to at least five percent of the total votes cast for governor in the last general election. The effect of invoking a referendum is to suspend the law in question until electors approve or reject it at the next general election. *Proposals 14-1 and 14-2 are referenda.*

The *statutory initiative* is defined by Article II, Section 9 of the Michigan Constitution as the power which the people reserve to themselves “to propose laws and to enact and reject laws.” The power of initiative allows electors to enact any law that the legislature may legally enact and is invoked by filing petitions containing signatures of registered electors equal in number to at least eight percent of the total votes cast in the last election for governor. The legislature is required to either enact without modification or to reject any proposed initiative within 40 session days of the date on which the initiative is submitted to the legislature by the Secretary of State. An initiative not enacted by the legislature is placed on the statewide ballot at the next general election. The legislature may reject a proposed initiative and propose an alternative measure on the same subject. In this case, both proposals appear on the ballot and the one receiving the most affirmative votes prevails. A law that is initiated or adopted by the people is not subject to gubernatorial veto and one adopted by electors cannot subsequently be amended or repealed except by the electors or by a three-fourths vote of the legislature. Such laws are subject to referendum. The Scientific Fish and Wildlife Conservation Act, a *statutory initiative*, was passed by both houses of the Michigan Legislature in August 2014 and became Public Act 281 of 2014.

Authorization to establish a future wolf hunt was granted to the NRC under Initiated Law 1 of 2014 (Public Act 281 of 2014), the Scientific Fish and Wildlife Conservation Act (SFWCA), in August 2014. The adoption of the SFWCA has limited the effect of the two referenda votes to the 2014 wolf hunting

season. The SFWCA takes effect 90 days after the end of the 2014 legislative session (i.e., late March 2015), well after a 2014 wolf hunting season concludes. **Figure 1** summarizes each proposal and the related initiated law (Public Act 281 of 2014) passed by the Michigan Legislature.

Background

Both ballot proposals and the initiated law directly touch upon the same issue: wolf hunting. Although each addresses other natural resource and conservation matters (e.g., aquatic invasive species, no-fee hunting and fishing licenses for military personnel, etc.), wolf hunting is the common overriding issue. Also, it should be noted that the two referenda appear on the ballot as a result of a political chess match between pro-hunting and anti-hunting factions; each proposal is largely a response

to a previous action taken by either the legislature or a citizen group engaged in the wolf hunting debate. For example, Public Act 21 of 2013 was a direct response to the referendum on Public Act 520 of 2012. Similarly, the initiated law is intended to render moot the effect of no votes on both of the two referenda for wolf hunts beginning in 2015. **Figure 2** (page 5) provides a chronological summary of the significant events giving rise to each proposal.

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Wolf Hunting

Wolves require large areas of contiguous forest in which to roam and can be found today in Michigan only in the Upper Peninsula (U.P.) and on Isle Royale in Lake Superior (See **Map 1**). Wolves are considered pack animals, meaning that they live in groups and many within a pack share blood ties. A wolf pack (commonly consisting of six to seven wolves) usually roams an area of about 100 square miles.

Michigan's wolves were considered a menace during the 1800s and bounties were paid for every wolf killed. Consequently, by 1960, wolves had been all but eliminated from Michigan and parts of Minnesota and Wisconsin. In 1973 Congress passed the federal Endangered Species Act, giving the U.S. Fish and Wildlife Service (USFWS) the power to add species to the federal Endangered Species List. In 1976, Michigan wolves were placed on the list and remained there for the next several decades. This listing protected the animal by restricting the taking, transporting, or selling of wolves as well as ensuring their natural habitat remained undisturbed by human activity. As a result of the listing, the wolf population grew and since 2001, the number of wolves has exceeded recovery goals in Michigan, Minnesota, and Wisconsin. In 2011, Great Lakes wolves officially were delisted and in 2012 the USFWS turned over management authority of the grey wolf population to the states.

Michigan's Department of Natural Resources (DNR) estimates that in 1956 about 100 wolves were in the U.P. and the population steadily decreased until 1973 when an estimated six wolves were left in the U.P.¹ According to estimates by the USFWS, the endangered species protection has allowed the wolf population to recover to 687 wolves statewide, well above the recovery goal of 100 wolves for five

¹ Michigan Department of Natural Resources, "Michigan Wolves," www.michigan.gov/documents/dnr/WolfManagementHistoryBRoell_347584_7.pdf.

Map 1
Territory Wolf Population



Source: Federal Register [s3.amazonaws.com/images/federalregister.gov/ER28DE11.000/original.gif](https://www.federalregister.gov/ER28DE11.000/original.gif)

consecutive years.² Similarly, in Minnesota and Wisconsin, wolves have recovered beyond their recovery goals, leading biologists to declare the wolf population healthy and recovered in the Great Lakes region.

State wildlife officials have verified 136 wolf attacks on 218 livestock animals and dogs from January 2010 to April 2013.³ These attacks have primarily occurred in the western half of the U.P., with the majority taking place in Ontonagon County. A single farm accounts for the vast majority of attacks in the county, but this farm is alleged to have poor animal husbandry and lack of timely carcass removal. Critics and state officials claim that these practices provoked

² U.S. Fish & Wildlife Service, "Final Decision to Delist Wolves in the Western Great Lakes," www.fws.gov/midwest/wolf/delisting/qasfinalruledec2011.html.

³ Fritz Klug, "All Verified Wolf Attacks in Michigan from 1996-2013," M Live, www.mlive.com/news/index.ssf/2013/11/database_search_all_verified_w.html?appSession=81664229348767&cbSearchAgain=true&AppKey=b-652300048fe66999540498caae9.

wolf attacks, eventually leading to criminal charges being filed against the farmer in November 2013.⁴

Natural Resources Commission

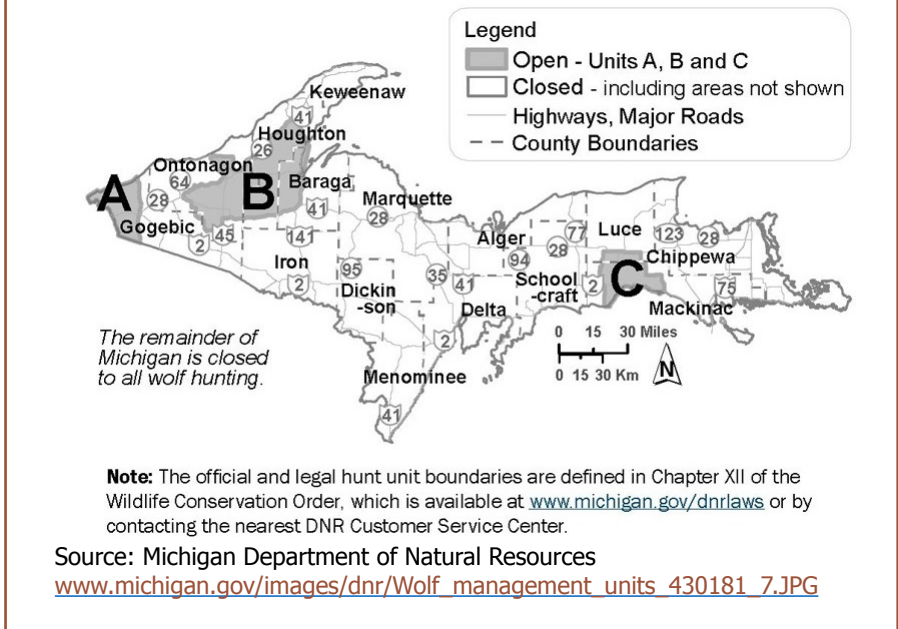
Michigan’s Natural Resources Commission was established by Public Act 451 of 1994. It consists of seven members appointed by the governor to four-year terms and is responsible for setting overall natural resource and conservation policy in the state. No more than four members may belong to the same political party and each member is to be appointed based upon that person’s training and experience with natural resource issues. The commission conducts monthly meetings at locations throughout Michigan where the public is encouraged to participate and provide feedback. At these meetings, citizens or groups affiliated with the topic at hand may share their opinions before the commission makes a final decision on the issue at hand.

2013 Wolf Hunting Season

In July 2013, the NRC, pursuant to new authority granted to it under Public Act 21 of 2013, voted to establish Michigan’s first wolf hunt in nearly half a century. Michigan’s hunting season ran from November 15 to December 31, 2013; similarly-timed hunting seasons were also held in Minnesota (November 24 to January 31) and Wisconsin (October 15 to February 28). All three states have established hunting regions with each region having a specific limit on the number of wolf kills. In Minnesota’s and Wisconsin’s 2012 and 2013 hunts, the hunting seasons ended early because hunters reached the wolf cap sooner than expected.

⁴ John Barnes, “\$200,000 and Counting: See What It Cost to Protect One Michigan Farm From Wolves,” M Live, www.mlive.com/news/index.ssf/2014/01/post_23.html.

**Map 2
Wolf Management Units**



In Michigan, hunters were only allowed to hunt in the three Wolf Management Units (WMU) in the U.P. established by the Department of Natural Resources (See **Map 2**). These regions are where wolves have been deemed problematic for the residents because they have killed livestock and domesticated animals. The far western portion of Gogebic County in the U.P. (WMU A) had a target harvest of 16 wolves. The area of the U.P. consisting of portions of four western counties (WMU B) had a target harvest of 19 wolves. Portions of Luce and Mackinac counties made up WMU C and had a target harvest of eight wolves.

Michigan’s 2013 wolf hunt was limited to 43 total wolf kills and one kill per person. Twent-two wolves were killed. Some attribute this to the restricted hunting zones and wolves’ skittishness around the hunters. Wildlife scientists say the long term impacts of the hunt will not be seen immediately, but they plan to perform a study before the next hunting season, if one takes place, to assess the impact and set parameters for any future hunts.

Proposal 14-1: Referendum on PA 520 of 2012

Proposal 14-1 is a referendum on Public Act 520 of 2012, which, if approved would name wolves as a game species and authorize the establishment of wolf hunting season in Michigan.

a wolf management advisory council within the Department of Natural Resources to monitor and make recommendations about the proper management of wolves.

Public Act 451 of 1994, the Natural Resources and Environmental Protection Act (NREPA) defines game species. Public Act 520 amended the NREPA to include wolf in the definition of “game.” It also established the first wolf hunting season, allows the Natural Resources Commission to establish annual wolf hunting seasons in the future, and sets wolf hunting license fees (\$100 for a resident and \$500 for a nonresident). Finally, PA 520 established

A “yes” vote on this proposal would approve enactment of PA 520, classifying wolves as a game species and allowing wolf hunting. A “no” vote would nullify PA 520, returning the wolf to non-game status and effectively ban wolf hunting within the limited period of time before the citizen-initiated statute, the Scientific Fish and Wildlife Conservation Act, becomes effective 90 days after the adjournment of the 2014 legislative session.

**Figure 2
Timeline of Events Associated with Wolf Hunting Ballot Proposals**

2012

January Wolves removed from the federal Endangered Species List
 December PA 520 enacted designates wolf as a game species and allows wolf hunting

2013

May 1) Referendum on PA 520 approved for November 2014 ballot - suspends law and 2013 wolf hunt
 2) PA 21 enacted grants authority to NRC to designate game species and establish hunting seasons to allow wolf hunting
 July NRC approves wolf as a game species and establishes first wolf hunting season for fall 2013
 Nov. to Dec. 2013 wolf hunt allowed in designated areas of the Upper Peninsula – 22 wolves killed

2014

May Referendum on PA 21 approved for November 2014 ballot - suspends law and 2014 wolf hunt
 July Citizen-initiated statute, Scientific Fish and Wildlife Conservation Act, sent to Michigan Legislature for consideration
 August Scientific Fish and Wildlife Conservation Act is approved by Michigan House of Representatives and Senate as Initiated Law 1 of 2014 and assigned Public Act 281 of 2014
 September 1) Referendum on PA 520 assigned 14-1; Referendum on PA 21 assigned 14-2
 2) NRC states that, regardless of vote outcomes on Proposals 14-1 and 14-2, there will not be a hunt during the 2014 season
 November Statewide vote on Proposals 14-1 and 14-2

2015

Early Spring Scientific Fish and Wildlife Conservation Act, Public Act 281 of 2014, takes effect 90 days after the end of the 2014 legislative session to allow wolf hunting in 2015 and thereafter

Proposal 14-1

A Referendum of Public Act 520 of 2012, Establishing a Hunting Season for Wolves and Authorizing Annual Wolf Hunting Seasons

Public Act 520 of 2012 would:

- Designate wolf as game for hunting purposes and authorize the first wolf hunting season.
- Allow the Natural Resources Commission to schedule annual wolf hunting seasons.
- Provide criminal penalties for the unlawful possession or taking of wolves, but shield a person who lawfully captures or destroys a wolf from prosecution.
- Require a person who wishes to hunt wolves to obtain a wolf hunting license.
- Create a Wolf Management Advisory Council for the purpose of making nonbinding recommendations to the legislature regarding the proper management of wolves.

Should this law be approved?

Proposal 14-2: Referendum on PA 21 of 2013

Proposal 14-2 is a referendum on PA 21 of 2013, which, if approved would grant the Natural Resource Commission (NRC), in addition to the legislature, the power to declare game animals and establish hunting seasons without legislative action for the 2014 hunting season.

Public Act 21 also amended the NREPA. This law was passed by the legislature soon after the referendum on PA 520 of 2012 was approved for the November 2014 ballot, which temporarily suspended the 2013 wolf hunt established by PA 520. Soon after passage of PA 21, the NRC, with its new authority, met and declared the wolf as a game species. Subsequent to this declaration, the NRC established the 2013 wolf hunting season.

Public Act 21 effectively supersedes PA 520 to give the NRC, along with the legislature, the authority to name game animals (e.g., wolves). Under this law, only the legislature can remove a species from the list of game animals. Prior to PA 21, only the legislature possessed this authority. Public Act 21 also grants the NRC exclusive authority to regulate fishing and provides no-fee hunting and fishing licenses to military personnel.

A "yes" vote on this proposal would approve enactment of PA 21, allowing the Natural Resources Commission to designate species, such as wolves, as game. A "no" vote would nullify existing law, turning power to declare game animals and hunts back over to the state legislature.

Proposal 14-2

A Referendum of Public Act 21 of 2013, Granting the Natural Resources Commission the Power to Designate Wolves and Certain Other Animals as Game Without Legislative Action

Public Act 21 of 2013 would:

- Allow the Natural Resources Commission (NRC) to designate certain animals as game for hunting purposes and establish the first hunting season for game animals without legislative action.
- Continue the NRC's designation of wolves as game and allow the NRC to set a wolf hunting season
- Grant the Legislature sole authority to remove a species from the list of designated game animals
- Eliminate the \$1.00 hunting and fishing licensing fee for members of the military, whether stationed inside or outside of Michigan, subject to any lottery.
- Give the NRC sole authority to regulate fishing.

Should this law be approved?

Scientific Fish and Wildlife Conservation Act: Initiated Law

In August 2014, the Michigan Legislature enacted Initiated Law 1 of 2014, the Scientific Fish and Wildlife Conservation Act (SFWCA), which was assigned Public Act 281 of 2014. This citizen-initiated law, among other things, reaffirms the changes made by PA 21 of 2013, most notably the authority given to the NRC to designate game species. Basically, it amends NREPA by making a number of non-substantive changes to sections of the act that were modified by PA 21. Additionally, the initiated law appropriates \$1 million to the Department of Natural Resources to control aquatic invasive species, such as Asian carp.

Because the law contains an appropriation of state funds, it is effectively “referendum proof.” Article II, Section 9 of the Michigan Constitution states, in part, “The power of referendum does not extend to acts making appropriations for state institutions” The provision was included in the state Constitution to protect appropriation bills and

prevent a referendum-caused government shutdown. However, the provision has often been used instead to shield specific legislation from referendum. Over the years, with each party in control of the legislature at different times, the majority party has used this provision to its advantage by attaching token funding amounts to make the law an “appropriation bill” and thus protect it from being changed or undone by voter referendum. The Michigan Supreme Court has opined that this provision applies to initiated laws as well as those originating in the legislature.

Further, the SFWCA is protected from gubernatorial veto. Article II, Section 9 also states, in part, “No law initiated or adopted by the people shall be subject to the veto power of the governor” Thus, the law is both “veto proof” and “referendum proof,” but could be changed either by a future vote of electors or an affirmative vote of three-fourths of the members serving in each chamber of the state legislature (Article II, Section 9).

Game Animals in Michigan

The following are defined as “game” species by Section 40103 of Public Act 451 of 1994, the Natural Resources and Environmental Protection Act (NREPA):

Badger	Deer	Hungarian partridge	Quail	Squirrel
Bear	Duck	Marten	Rabbit	Weasel
Beaver	Elk	Mink	Raccoon	Wild turkey
Bobcat	Fisher	Moose	Ruffed grouse	Woodchuck
Brant	Florida gallinule	Muskrat	Sharptailed grouse	Woodcock
Coot	Fox	Opossum	Skunk	Virginia rail
Coyote	Geese	Otter	Snipe	
Crow	Hare	Pheasant	Sora rail	

Discussion

Opposing the Wolf Hunt

Opposition groups agree that wolves are on the way to recovery in Michigan, but are wary of a hunt for fear that wolf numbers will be reduced below safe levels again. Many are skeptical of the reports of wolf attacks on livestock in the Upper Peninsula, saying that in many cases, these stories are simply not true or are exaggerated. Several prominent cases of wolf incidents have been redacted by the storytellers in

recent years. Animal rights supporters believe these false claims throw other stories of wolves stalking humans, and even children, or frequent livestock and dog attacks under suspicion. While they acknowledge that livestock attacks do happen, these groups point out that incidents, such as baiting wolves at the Ontonagon Country farm mentioned above, cast doubt on whether the reported attacks are actually as severe as the public is led to believe. Opposition groups claim that the media has sensationalized the

issue which has raised public fears about wolf attacks and that are not founded in scientific fact.

Opposition groups argue that the timing of PA 21 and Initiated Law 1 of 2014 is not coincidental. They see each of these as blatant attempts to silence Michigan residents and take wildlife decisions out of their hands. While they disagree with the legislature in the case of wolf hunting, they believe that the legislature should be the sole authority in wildlife matters so that they can be held accountable by their constituents. This is not the case for NRC members, who are appointed by the governor. These groups encourage citizens to put wildlife decision-making power back into the hands of the legislature.

They also point out that Michigan farmers, ranchers, and livestock owners are already permitted to kill wolves to protect their livestock or dogs and are entitled to compensation from the state for any livestock losses. Public Act 487 of 2012 created the Wildlife Depredations Indemnification Act to deal with these issues. This act requires the Michigan Department of Agriculture and Rural Development to pay 100 percent of the fair market value for the killed animal, subject to an investigation by the NRC into the death of the animal. Those in opposition also are against killing wolves for trophy hunting or simply sport.

For those opposed to wolf hunting, voting no on both referenda in November would stop any hunt during the 2014 season. Initiated Law 1 of 2014 prevents citizens from having an impact on the wolf hunt in future years.

Supporting the Wolf Hunt

Proponents of wolf hunting point to the wolf's recovery in Michigan as their primary evidence in support of a hunt. According to the USFWS, wolf numbers have rebounded dramatically and are now in excess of their minimum sustainable levels for Michigan.⁵ Support groups say that a wolf hunt will help keep the population in check and keep them from expanding into human-occupied areas and attacking livestock. These groups have also expressed concern that out-of-state, national organizations such as the Sierra Club and the Humane Society, as well as Lower Peninsula voters are playing a disproportionate role in what is clearly an Upper Peninsula issue.

Supporters of the wolf hunt argue that out-of-state interest groups and Lower Peninsula petition signers are largely influenced by wildlife concerns and either ignore or do not understand the facts of the situation facing Upper Peninsula residents. They argue that the wolf hunt was put into place after careful scientific consideration and should not be subject to emotional decision-making via referendum.

For those that support wolf hunting, a yes vote on both referenda in November would legalize a hunt during the 2014 season. The Natural Resources Commission in September 2014 said that there would not be a wolf hunt in 2014 regardless of the outcome of the votes because of timing issues. Wolf hunting in future seasons has already been established by Initiated Law 1 of 2014 and will remain legal unless the NRC or the legislature remove wolf from the definition of game.

⁵ U.S. Fish & Wildlife Service, "Final Decision to Delist Wolves in the Western Great Lakes," www.fws.gov/midwest/wolf/delisting/qasfinalruleddec2011.html.

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