

Ballot Proposal #3 of 2006



HUNTING MOURNING DOVES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Ballot Proposal 06-03
November 2006 General Election
Placed on the ballot by Referendum Petition

Complete to 10-20-06

THE CONTENT OF THE BALLOT PROPOSAL:

The following is the official language as it will appear on the ballot.

A REFERENDUM OF PUBLIC ACT 160 OF 2004—AN ACT TO ALLOW THE ESTABLISHMENT OF A HUNTING SEASON FOR MOURNING DOVES

Public Act 160 of 2004 would:

- Authorize the Natural Resources Commission to establish a hunting season for mourning doves.
- Require a mourning dove hunter to have a small game license and a \$2 mourning dove stamp.
- Stipulate that revenue from the stamp must be split evenly between the Game and Fish Protection Fund and the Fish and Wildlife Trust Fund.
- Require the Department of Natural Resources to address responsible mourning dove hunting; management practices for the propagation of mourning doves; and participating in mourning dove hunting by youth, the elderly and the disabled in the Department's annual hunting guide.

Should this law be approved?

Yes

No

BRIEF SUMMARY: A "YES" vote is a vote in favor of allowing the hunting of mourning doves. A "NO" vote is a vote against allowing the hunting of mourning doves.

Public Act 160 of 2004 (House Bill 5029 of the 2003-04 Legislative Session, sponsored by then-Representative Sue Tabor) amended Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to include the mourning dove in the act's list of game animals. In addition, under the act the Legislature explicitly authorized the establishment of the first open season for mourning doves and permitted the Natural Resources Commission to issue orders pertaining to the hunting of mourning doves. Subsequently, opponents of the law mounted a successful petition drive to subject the act to a referendum by the voters. As a result, the act is no longer in effect, and the 2005 and 2006

mourning dove seasons were not held. (There had been a 2004 season.) The act will only take effect again if voters approve the law at the November 2006 election.

FISCAL IMPACT: Individuals wishing to hunt mourning doves would purchase a license issued by the Department of Natural Resources. The amount of revenue realized through the increased sale of licenses would depend on the number of new, unlicensed hunters wishing to participate in the season for mourning doves. As such, the bill would result in an indeterminate increase in revenue to the Game and Fish Protection Fund and the Fish and Wildlife Trust Fund. The bill would have no fiscal impact on local governmental units.

BACKGROUND INFORMATION:

Historical Information. The hunting of mourning doves has been controversial in Michigan for over 20 years. Indeed, when in 1985, the state's Natural Resources Commission voted to establish a mourning dove hunting season in Michigan, the Michigan Humane Society challenged the NRC's authority to do so. The state Court of Appeals ruled that only the Legislature could declare an open season under the law in place at that time, the Game Law of 1929. The Game Law was replaced in 1988 by the Wildlife Conservation Act, which was incorporated into the omnibus law known as the Natural Resources and Environmental Protection Act in 1994. The current law (Section 40110 of NREPA) says:

Only the Legislature may designate a species as game. If an animal is designated under this section by the Legislature as game, then only the legislature may authorize the establishment of the first open season for that animal. After the legislature authorizes the establishment of the first open season for game pursuant to this section, the Department [of Natural Resources] may issue orders pertaining to that animal for each of the purposes listed in Section 40107. (MCL 324.40110)

Section 40113a of NREPA says that the Natural Resources Commission "shall have the exclusive authority to regulate the taking of game as defined in Section 40103." Section 40103 is the section that lists the animals defined as "game" by the Legislature.

After several legislative proposals to permit dove hunting failed to become law in previous sessions, House Bill 5029 of the 2003-04 Legislative Session was enacted as Public Act 160 of 2004. Subsequently, the Natural Resources Commission issued an order establishing an open season for taking mourning doves from September 10 to October 30, 2004 and from September 1 to October 30 for 2005 and 2006. Hunting was restricted to Berrien, Branch, Cass, Hillsdale, Lenawee, and St. Joseph counties. The daily limit was set at 15 doves, with a possession limit of 30 doves. The DNR was required to report the impact of hunting on mourning dove populations at the conclusion of the third hunting season.

The 2004 Mourning Dove Season. According to the 2004 Mourning Dove Hunting Survey published by the DNR in February 2005, 4,981 hunters obtained a dove stamp for the 2004 mourning dove season in Michigan, and about 3,068 people actually hunted doves. Hunters spent 12,691 days hunting doves and harvested 28,139 doves. The DNR said that about 69 percent of the active hunters rated their hunting experience as either "very good" or "good." The greatest number of doves was harvested in Lenawee County. According to the DNR, an estimated 23 percent of adult dove hunters took a youth hunting with them during the Michigan season.

The report says, "Hunters most frequently hunted doves by finding a flight path that the doves were following between feeding, watering, and roosting areas and set up to shoot doves as they flew past." It added, "Walking along tree lines and shooting doves as they flushed was the next most commonly used method."

In the Midwest, says the DNR, Wisconsin, Illinois, Indiana, Minnesota, and Ohio also had mourning dove hunting seasons in 2004. In both Ohio and Indiana, hunters harvested over 300,000 doves during the 2003-04 season. Nationwide, during the 2003-04 season, about one million hunters harvested 18 million doves.

Petition Drive. The Committee to Restore the Dove Shooting Ban filed in excess of 275,000 signatures (over a 100,000 more than required) with the Secretary of State on March 28, 2005 to put a referendum of Public Act 106 of 2004 on the 2006 General Election ballot. The petitions were deemed sufficient on June 2, 2005 by the Board of State Canvassers.

A DESCRIPTION OF PUBLIC ACT 160 of 2004 (HOUSE BILL 5029):

The act amends Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to include the mourning dove in the act's list of game animals. In addition, the bill states that the legislature explicitly authorizes the establishment of the first open season for mourning doves and permits the Natural Resources Commission to issue orders pertaining to mourning doves for the purposes of Section 40113a of the act.

Under the act, a person could not hunt mourning doves without a current mourning dove stamp, which is to carry a \$2 fee. Money from the sale of stamps would be divided equally between the Game and Fish Protection Fund and the Nongame Fish and Wildlife Fund.

The act also requires the DNR to include in its annual hunting guide information on (1) how hunters can distinguish mourning doves from other birds; (2) management practices for the propagation of mourning doves; (3) how mourning dove hunting can be conducted ethically, lawfully, and safely; and (4) the special opportunities dove hunting offers to youth, the elderly, and the disabled.

MCL 324.40103 and 40110a

ARGUMENTS MADE BY PROPONENTS AND OPPONENTS OF THE BALLOT PROPOSAL:

For:

- Proponents say that mourning doves provide a great hunting opportunity as well as an excellent recruitment tool for sport hunting. Mourning doves are especially fun to hunt because their fast, erratic flight patterns make them an extremely challenging shot.
- Also, because mourning doves can be hunted from a stationary position, they make hunting feasible for categories of hunters who may have difficulty successfully hunting other game animals. Mourning dove hunting is available to elderly hunters, disabled hunters, and to young, and other novice, hunters. This will help in getting young people involved in the sport. Dove hunting, moreover, is a family friendly because it does not involve the long hours of stealth and silence often required for other game, such as deer. Young people can be part of the experience and move about in nature without scaring the game away.

- Mourning doves are hunted in 40 other states, including the bordering states of Wisconsin, Illinois, Indiana, and Ohio. Establishing a hunting season in Michigan will mean that instead of seeing an outmigration of dove hunters and the recreational dollars they spend, Michigan will play host to hunters from other states and benefit economically from the dollars spent on lodging, food, gasoline, and hunting supplies.
- Proponents argue that there is no scientific reason not to hunt mourning doves. The DNR has said that "mourning doves are one of the most numerous and widely distributed birds in the United States and the most popular, plentiful, and widely distributed gamebird[s] in North America ranging from Canada to Mexico." The department estimated in 2004 that four million doves migrate from Michigan each fall compared to 1.2 million waterfowl. The Michigan United Conservation Clubs has said doves do not live long, whether hunted or not, and are prolific breeders. Hunting accounts for less than ten percent of the dove population's mortality each year.
- Doves are, contrary to the claims of anti-hunters, good to eat; "two or three make for filling and delicious table fare," according to the MUCC. The organization says, "Fried, broiled, barbecued or baked, the dove's tender meat is highly prized and the subject of hundreds of recipes in wild game cookbooks." While it is true they are small, so are many fish and seafood resources.
- Hunting advocates say that the attempt to overturn the dove hunting law is "the tip of the iceberg" for anti-hunting organizations. If successful here, they will turn to banning trapping, bowhunting, bear hunting with hounds, and, charges the MUCC, "they'll move on to [prohibit the hunting of] pheasants, wild turkeys, grouse, deer, and ultimately fishing."

Against:

- Opponents say mourning dove hunting will be little more than "target shooting," and argue that it is wrong to hunt animals purely for fun; that is, to engage in hunting an animal that is not a significant source of food, does not pose a threat to agriculture or anything else of human value, and that does not need to be hunted as a form of environmental stewardship or wildlife management (for example, to control overpopulation).
- As small birds, mourning doves do not make a useful source of food for humans. Furthermore, they are at their lightest body weight during the time proposed for the open season. During the 2004 dove hunting season, about 27 percent of downed doves could not be retrieved, and so were not available for eating by hunters. At the same time that the birds offer little meat to human hunters, say shooting ban supporters, they are considered an important food source for protected birds of prey, such as eagles, falcons, hawks, and owls.
- The mourning dove has been protected in Michigan for over a century and is a much-loved backyard songbird. Will other songbirds be next? There is no shortage of game for hunters to pursue; indeed, some 40 other species of bird can already be hunted, and more than 115 games species in all. Where is the demonstrated need to add this particular animal to the list, particularly given the large public outcry against hunting doves?

- Some persons argue that dove hunting results in mistaken-identity kills of American kestrels and sharp-skinned hawks; and that there will be an unacceptably high wounding rate. Moreover, opponents say that fall shooting will lead to the starvation of the orphaned young since doves are still nesting during the proposed hunting season. Further, since doves can be hunted with lead shot, an open season on doves will likely lead to the discharge of enormous amounts of toxic lead shot in the environment. This poses a significant risk to the wildlife that ingests the lead.
- Rather than enhance Michigan's economy, say those opposing dove hunters, the open season could hurt the tourism generated by birdwatchers and make the state seem unfriendly generally to wildlife watchers. They also claim that promoting the season will cost the state budget more than any revenue realized.
- Opponents of Public Act 160 say the issue is the hunting of mourning doves—not hunting in general. Even many hunters support restoration of the ban. The petition drive, and the attendant publicity, made it clear to the public that what is at stake is the restoration of a century-old ban on the shooting of a popular songbird.

Legislative Analyst: Mark Wolf
Chris Couch
Fiscal Analyst: Kirk Lindquist

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.