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GOVERNOR

STATE OF MICHIGAN  
NATURAL RESOURCES COMMISSION  
LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

October 7, 2004

Memorandum to the Natural Resources Commission

SUBJECT: Interim Order on Disease Control Replacement Permits

Authority:

Sections 40108 and 40113a of Part 401, Wildlife Conservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Commission and the Director to amend orders when the Department determines that animals are inflicting damage.

Discussion and Background:

The Department of Natural Resources (DNR) continues to monitor the prevalence rate of bovine tuberculosis in Michigan's deer and elk herds. Part of this ongoing effort is the cooperation of deer and elk hunters in bringing their harvested deer or elk to a DNR check station for gross examination of the chest cavity and supplying heads for disease testing. For a carcass that shows visible evidence of TB, the hunter is asked to voluntarily surrender the animal to the DNR. For an animal that tests positive for bovine TB, the hunter receives a recommendation from the DNR Wildlife Disease Lab not to consume the meat.

The DNR wants to encourage hunters to remove a suspect carcass from the field and submit it for examination and testing. For hunters that have killed a bovine TB suspect deer or elk, a replacement kill tag, in the form of a disease control replacement permit, will be offered to the hunter. This permit would only be for an antlerless animal and be subject to the same hunting rules and regulations as an antlerless license for that species.

Providing a disease control replacement permit will encourage hunters to tag a carcass that shows visible evidence of TB and deliver the carcass to the DNR. Without this permit infected carcasses may be left in the field. As a precaution, the DNR has offered to incinerate meat from deer or elk testing positive for bovine TB. Providing disease control replacement permit will encourage hunters to voluntarily submit their deer or elk head for bovine TB testing.

Chronic Wasting Disease (CWD) has not been verified in Michigan. Should CWD be verified, a disease control replacement permit will be issued to hunters that voluntarily submit animals testing positive for CWD.

This interim order will expire on February 1, 2005.

Recommendation:

We recommend this Interim Order be issued to authorize disease control replacement permits to prevent damage which can be caused by the spread of disease. This order has been prepared for Commission action.

Douglas Reeves, Acting Chief  
Wildlife Division

Alan Marble, Chief  
Law Enforcement Division

Mindy S. Koch  
Resource Management Deputy

Dennis Fedewa  
Chief Deputy

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

Rebecca A. Humphries  
Director

# **INTERIM ORDER**

## **Amendment No. 4 of 2004 to the Wildlife Conservation Order**

Under the authority of sections 40108 and 40113a, Act 451 of the Public Acts of 1994, as amended, being 324.40108 and 324.40113a of the Michigan Compiled Laws, WE HEREBY ORDER that effective October 8, 2004, and remaining effective until February 1, 2005, the following sections of the Wildlife Conservation Order shall read as follows:

### **5.220 Disease control replacement permit, definitions.**

Sec. 5.220. For the purposes of section 5.221 of this order, the terms in this section shall have the meaning described to them in this section.

- (1) "Permit" means a disease control replacement permit.
- (2) "Permittee" means a person issued a disease control replacement permit by the department.
- (3) "Tag" means the replacement kill tag provided by the department.

### **5.221 Disease control replacement permit; standards, conditions, records; unlawful acts.**

Sec. 5.221. (1) A disease control replacement permit may be issued to a person who voluntarily surrenders the carcass of a legally harvested deer or elk if the deer or elk has one or more of the following conditions:

- (a) Visible lesions department field staff suspect to be bovine tuberculosis (TB).
  - (b) A positive acid fast test for bovine TB.
  - (c) A positive Elisa test for chronic wasting disease (CWD).
- (2) A person may retain the antlers or antlers attached to a skull cap cleaned of all brain and muscle tissue from a surrendered animal.
- (3) Department personnel shall record on the permit with indelible ink, the species and management unit where the permit is valid.
- (4) The permit shall be issued with a kill tag. A person killing an elk shall comply with the requirements of subsections 3.6(2) to 3.6(5). A person killing a deer shall comply with the requirements of section 3.103.
- (5) The permittee shall have the permit on their person when taking or attempting to take game. The permit shall be presented upon the demand of a law enforcement officer.
- (6) A disease control replacement permit shall not be valid:
- (a) Except during the established hunting seasons for the species listed on the permit.
  - (b) To take a deer with antlers extending 3 inches or more above the skull.
  - (c) To take an elk with antlers.

- (d) Except in the management unit designated on the tag.
- (e) If the recorded information on the tag is altered.
- (7) It shall be unlawful for any person to buy or sell any animal killed under the authority of a permit.
- (8) It shall be unlawful for any person other than the permittee to take or attempt to take game under the authority of a permit.
- (9) A deer or elk taken under the authority of a permit shall not count towards the bag or season limit.

**5.110 Special permits; fees; disposition.**

Sec. 5.110. The following fees are established for permits issued by the director:

- (1) A fee of \$50.00 shall be collected for each taxidermy permit issued. Taxidermy specimen identification tags shall be \$6 per hundred.
- (2) A fee equivalent to the fee charged for a resident antlerless deer hunting license shall be collected for each MDH permit and each DMA permit purchased by a permittee.
- (3) All moneys received from the sale of permits and licenses as provided in this section shall be turned over to the state treasurer and credited to the game and fish protection fund.
- (4) No fee shall be collected for any of the following permits:
  - (a) Highway killed deer/bear permit.
  - (b) Deer damage shooting permit.
  - (c) Damage and nuisance animal control permit, including disease control and disease control replacement permits.
  - (d) Rehabilitation permit.
  - (e) Permit to take game with a crossbow.

Issued this 7th day of October, 2004.

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

Keith J. Charters, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries  
Director