

## Chapter IX

### Protected and Unprotected Animals

#### 9.1 Permitted acts; certain species.

Sec. 9.1 (1) English sparrows, feral pigeons, and starlings may be taken by hunting statewide, year around except within state park and recreation areas from April 1 to September 14. English sparrows and starlings may be taken without a permit when doing or about to do damage to property or committing or about to commit depredations. Opossum, weasels, ground squirrels, and red squirrels may be taken by hunting and trapping statewide, year around except within state park and recreation areas from April 1 to September 14.

(2) Mute swans and their eggs and nests may be taken by department personnel, and persons authorized by the department to control mute swans under one or more of the following situations:

(a) To stabilize or reduce mute swan population levels or to prevent new populations of feral mute swans from being established in this state.

(b) To prevent mute swans interference with the establishment, reestablishment, or reproductive success of native wildlife and with the establishment or reestablishment of native vegetation.

(c) To prevent mute swans interference with the establishment, reestablishment, or reproductive success of endangered or threatened species.

(d) To protect public health, safety, or welfare.

(3) Mute swans taken as provided in this section shall not be released back into the wild in this state.

(4) A bat may be taken whenever there is any reason to believe the bat was involved in a bat-human or bat-domestic animal exposure to rabies or other health hazard. Bats taken under this subsection shall not be held in captivity except for temporary holding of the animal at the request or recommendation of a physician or public health official for public health reasons. Bats held in captivity for public health reasons shall be humanely euthanized. Except for threatened or endangered species, or as otherwise provided by this order, bats may be taken:

(a) When creating a damage or nuisance problem on privately-owned property.

(b) Incidental to normal forest management activities occurring on public or private lands.

(c) Incidental to closure of an abandoned mine as a result of public safety concerns.

(d) Incidental to demolition of buildings or other structures.

(e) To test for a wildlife disease, as authorized by the department in writing.

(f) To humanely euthanize a bat that is not listed as threatened or endangered and is showing symptoms of a terminal disease, such as white-nose syndrome.

(5) Double-crested cormorants and their eggs may be taken only as follows:

(a) Double-crested cormorants may be harassed without a permit by nonlethal means to deter or prevent damage to private property or to public fishery resources using such devices as noise makers or scare devices and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals.

(b) Double-crested cormorants may be taken and their eggs destroyed or oiled by department employees and designated agents of department employees at times and by manners identified through a state breeding colony or local breeding population control action which has been submitted to the United States fish and wildlife service.

(6) Individuals of a cervidae species not native to Michigan, including, but not limited to sika deer, fallow deer, mule deer, and hybrids thereof, but excluding red deer, elk, and hybrids thereof, found in the state outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours that do not bear visible identification may be taken by hunting statewide, year around, except within state park and recreation areas from April 1 to September 14, if the animal is submitted for registration and disease testing in a manner specified by the department by the person killing the animal.

(7) Red deer, elk and hybrids thereof found in zone 3 outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours that do not bear visible identification may be taken by hunting year around, except within state park and recreation areas from April 1 to September 14, if the animal is submitted for registration and disease testing in a manner specified by the department by the person killing the animal.

(8) In addition to the provisions of subsections (6) and (7), the wildlife permit specialist may issue a permit authorizing a department employee or federal employee to kill a cervidae species not native to Michigan, including elk, red deer and hybrids thereof, in a specified part of the state during a specified time period, whether or not visibly marked, if all of the following conditions are met:

(a) The animal is documented by a department employee or federal employee to have been outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours.

(b) No report of release has been filed with the department matching the species of animal and visible identification, if any, on the animal for the locality in which the animal was found.

(c) The department is unable to determine ownership of the animal by the visible identification, if any, displayed on the animal.

(d) The animal is submitted for registration and disease testing in a manner specified by the department.

(9) Wolves may be taken by department personnel, and persons authorized in writing by the department, consistent with the federal endangered species act of 1973, to manage wolves, for one or more of the following purposes:

(a) To protect public health, safety, or welfare.

(b) To control damage or nuisance caused by wolves on privately-owned property.

(c) For purposes of scientific research.

(d) To address disease concerns.

(e) To stabilize or reduce wolf population levels.

History: Eff. Mar 31, 1989; Am. 9, 1989, Eff. Sep 1, 1989; Am. 13, 1991, Eff. Sep 1, 1991; Am. 3, 1993, Eff. Jun 15, 1993; Am. 1, 2000, Eff. Feb 1, 2000; Interim Order 3, 2004, Eff. Feb 25, 2004; Am. 4, 2004, Eff. Apr 2, 2004; Am. 9, 2007, Eff. May 11, 2007, Eff. May 11, 2007; Interim Order 2, 2009, Eff. Apr 3, 2009; Am. 9, 2009, Eff. Jun 4, 2009; Am. 18, 2009, Eff. Sept 10, 2009, Am. 01 of 2011, Eff. Jan 13, 2011; Am. 02 of 2011, Eff. Feb 10, 2011.

## **9.2 Repealed. Am. 1, 1997, Eff. May 1, 1997**

Publisher's note: This repealed section pertained to hawks, owls, eagles: unlawful acts, certain exception.

## **9.3 Protected animals; unlawful acts.**

Sec. 9.3 (1) Moose, wolverine, and all birds not defined as game, except those listed in section 9.1, shall not be taken at any time, except as authorized elsewhere in this order.

(2) Mute swans and bats shall not be taken at any time except as specified in section 9.1.

(3) Wolves shall not be taken at any time except as specified in 2008 PA 290, being MCL 324.95151 to 324.95155, 2008, PA 318, being MCL 324.95161 to 324.95167, or in Section 9.1 of this order.

History: Eff. Mar 31, 1989, Am. 9, 1989, Eff. Jun 7, 1989; Am. 13, 1991, Eff. Jul 11, 1991; Am. 3, 1993, Eff. Jun 15, 1993; Am. 1, 2000, Eff. Feb 1, 2000; Am. 4, 2004, Eff. Apr 2, 2004; Interim Order 2, 2009, Eff. Apr 3, 2009; Am. 9, 2009, Eff. Jun 4, 2009; Am. 18, 2009, Eff. Sep 10, 2009.

#### **9.4 Carnivorous animals, permitted taking.**

Sec 9.4 In emergency cases carnivorous animals may be killed or taken by the owner of property or his authorized agent, without a permit, when his property is being damaged by any such animal; but such killing or capture shall be considered unlawful unless all animals killed or taken under this provision are disposed of only as directed by the director. This section shall not be construed as authorizing the taking or attempted taking of bear by traps except under permit issued by the director. This section shall not authorize the taking or attempted taking of birds.

History: Eff. Mar 31, 1989; Am. 15, 2010, Eff. Aug. 12, 2010.

#### **9.5 Repealed. Am. 13, 1991, Eff. Sep 1, 1991.**

Publisher's note: This repealed section pertained to the permitted taking of bear.