



Michigan Department of Agriculture

Wildlife Conservation Act Normal Agricultural Practices

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**WILDLIFE CONSERVATION ACT
NORMAL AGRICULTURAL PRACTICES
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INTRODUCTION

The presence of bovine tuberculosis (TB) in Michigan's white-tailed deer is a serious problem. The risk to Michigan's deer herd with its many social, ecological, and economic values, Michigan's livestock industry, and most importantly, the health of Michigan's citizens, is significant. In response, an Executive Directive (No. 1998-01) was issued by the Governor on January 29, 1998. Consistent with this directive, the Natural Resources Commission amended "The Wildlife Conservation Act Order" under the authority of Section 8, Act 256 of the Public Acts of 1988. The Order defines "bait" and "baiting", and establishes the conditions for baiting. Act No. 66 of the Public Acts of 1999 was approved by the Governor on June 25, 1999, and took immediate effect. The Act amends Act 451 of the Public Acts of 1994. The amendments define "feed" and "feeding", and establish the conditions for feeding. These changes were enacted as components in the strategy to eradicate bovine tuberculosis and relate to the management of feed and bait materials that may result in the congregation of deer or elk.

The following farm management practices have been developed to provide producers and growers with compliance assistance information. The feeding and baiting regulations have statewide application and thus so do the "Normal Agricultural Practices". The presence of TB in northern Michigan has created the need to put special emphasis on the implementation of these practices. Monitoring of compliance with the "Normal Agricultural Practices" will be ongoing.

In defining normal agricultural practices an emphasis was placed on ensuring flexibility and minimizing the financial burden on growers and producers. However, it is noted that implementation of the "Wildlife Conservation Act Order" may impose management changes and in some cases increase demand on financial, capital, and human resources of the impacted farms. It is also noted that the implementation of the Order may temporarily increase local cervidae (deer and elk) feeding pressure on agricultural feed sources until populations are reduced.

DEFINITIONS

"Bait" means a substance composed of grains, minerals, salt, fruit, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice, or attract deer. Bait does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices or livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices (The Wildlife Conservation Act Order 3.100(4)).

"Baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer (The Wildlife Conservation Act Order 3.100 (4)).

“Feed” means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following (Act No. 66 Public Acts of 1999 Sec. 40102. (8)):

- (a) Plantings for wildlife.
- (b) Standing farm crops under normal agricultural practices.
- (c) Agricultural commodities scattered solely as the result of normal agricultural practices.

“Feeding” means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following (Act No. 66 Public Acts of 1999 Sec. 40102. (6)):

- (a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer or elk from gaining access to the feed.
- (b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
- (c) The storage or use of feed for agricultural purposes if one or more of the following apply:
 - (1) The area is occupied by livestock actively consuming the feed on a daily basis.
 - (2) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.
 - (3) The feed is in a storage facility that is consistent with normal agricultural practices.

“Normal agricultural practices” means generally accepted agricultural and management practices as defined by the Commission of Agriculture (Act No. 66 Public Acts of 1999 Sec. 40103. (4)).

FEED STORAGE SECURITY

Agricultural practices utilized for livestock feed storage should prevent access to livestock feed materials by deer or elk.

Hay and Forage

Hay may be stored inside enclosed barns, in pole barns, under lean-to shelters, and/or outside under protective covers or with no cover. It is a common agricultural practice in Michigan to store hay bales in the field temporarily until fed. Producers and landowners should remove the hay bales from the field in a timely manner. If weather conditions prevent the movement of the hay bales, temporary measures to secure the bales should be pursued if deer or elk begin feeding on them. Site selection for outside hay storage should consider proximity to woodlots, waterways, and other areas frequented by deer or elk.

Regular monitoring to determine if deer or elk are frequenting the area where hay or other forages are stored is recommended. Storage practices should be changed if monitoring indicates frequent access by deer or elk. Stored forages should be covered, moved to an enclosed barn or lean-to shelter, fenced to exclude wildlife, or fed to livestock to eliminate them as a feed source for deer or elk.

Grain and Silage

Livestock feed materials, such as feed grains and silage, should be secured and managed in a manner to prevent access by deer or elk. Feed storage facilities for grains and silage may be completely sealed such as upright silos or grain bins, semi-protected such as open bunk-type silos where feed materials may be covered, or feed materials may be piled on a solid surface or on the ground for temporary storage. Practices and structures such as the use of covers, fences, yard lighting, guard animals, etc., may discourage wildlife from congregating at and around agricultural feed storage facilities. Regular monitoring of grain and silage storage facilities is recommended. Producers should contact the Michigan Department of Natural Resources (MDNR) for disease control permits and the United States Department of Agriculture (USDA) Wildlife Services for assistance with reducing wildlife populations on their property.

HAY RACK AND FEED BUNK MANAGEMENT

Livestock feeding practices should minimize the potential for deer or elk to gain access to livestock feed materials.

Persons feeding livestock should follow reasonable precautions to exclude deer and elk from accessing feed materials. Livestock feed should be managed to minimize the quantity of fresh feed remaining at livestock feeding facilities and potentially available to deer or elk. This may be accomplished by rationing feed materials to daily needs, regular removal of excess feed materials from feeding facilities, securing livestock feeding areas with fencing, yard lighting, guard animals, and/or covering residual feed materials.

Regular monitoring of livestock feeding facilities and surrounding areas is recommended. The use of disease control permits for the reduction of disease risk in the vicinity of livestock and livestock feed, as approved by the Natural Resources Commission, may be considered. Producers and landowners should contact the MDNR for information.

AGRICULTURAL BY-PRODUCT, CULLED AND UNMARKETABLE COMMODITY MANAGEMENT

Agricultural by-products and culled or unmarketable commodities should be managed in a manner to minimize the congregation of, and close contact between, deer or elk.

Agricultural by-products and culled or unmarketable commodities may be utilized as a nutrient source for crop production provided they are managed in accordance with acceptable nutrient management practices. Practices for temporary storage, soil testing, nutrient analysis, and land application of these types of by-products are outlined in the Right to Farm "Generally Accepted Agricultural and Management Practices for Nutrient Management". When agricultural by-products and culled or unmarketable commodities are land applied they should be spread over the soil to minimize the congregation of, and close contact between, deer or elk, and to prevent plant disease problems.

Certain vegetable by-products and culled or unmarketable commodities may be utilized for livestock feed. These materials may be temporarily stockpiled or ensiled until fed. They should be managed as livestock feed only, and in a manner to minimize the congregation of, and close contact between, deer or elk.

In this state, most grading and marketing of potatoes occurs from mid-October through mid-April. Seasonal weather and field conditions often preclude land application of culled potatoes during this time period. As such, culled potatoes may be piled outside near storage or grading facilities, or near crop fields where land application is planned. Cull potatoes may also be composted or temporarily stored in animal waste storage facilities for later utilization as a nutrient source. In all cases, cull potatoes should be managed in a manner to minimize the congregation of, and close contact between, deer or elk.

If market, economic, or production conditions encourage or force a producer to leave a commodity unharvested, this shall be considered a normal agricultural practice.

SUMMARY

A person shall not allow feed used for livestock to remain in areas frequented by deer or elk unless the area is occupied by livestock actively consuming the feed on a daily basis, or unless the feed is covered so as to prevent deer and elk from gaining access to the feed. In all cases, agricultural by-products and culled or unmarketable commodities should be managed in a manner to minimize the congregation of, and close contact between, deer or elk.

These Normal Agricultural Practices were reviewed and revised by a diverse work group consisting of farmers, commodity groups, Michigan Department of Agriculture, Michigan Department of Natural Resources, Michigan Farm Bureau, Michigan State University, and the USDA Natural Resources Conservation Service.