



STATE OF MICHIGAN



DEPARTMENT OF NATURAL RESOURCES

JENNIFER M. GRANHOLM
GOVERNOR

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: November 9, 2009
RESUBMITTED: December 7, 2009

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Resident Canada Goose Management
Wildlife Conservation Order Amendment No. 1 of 2010

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background

Wildlife Division has been working with the general public to resolve human-goose conflicts for over 30 years. The resident Canada goose population in Michigan has increased from zero, to a peak of approximately 330,000 in the mid-1990s, to an estimated 201,000 in 2009. The statewide population is generally managed through hunting season structure. Special Canada goose hunting seasons (i.e., early and late seasons) have been established to direct harvest pressure at resident Canada geese to help alleviate human-goose conflicts. However, if current trends in development continue, these conflicts are anticipated to increase based on the overlapping distribution of both Canada geese and humans.

In the 1990s, Wildlife Division began to partner with private nuisance animal control businesses to improve the efficiency of conflict resolution. This partnership has been very successful over nearly 20 years. Nevertheless, the Canada goose conflict resolution, particularly the Canada Goose Roundup Program, has been extremely costly to the Department in both time and money. In an effort to increase the efficiency and cost-effectiveness of the program, it is necessary to initiate a fee structure for permits to private contractors and applicants of the Canada Goose Roundup Program. The Department will also be exploring options to expand our cooperation with private businesses to better address conflict resolution. However, Canada geese are migratory birds protected under federal regulations. As such, Michigan's control efforts are granted through a special Canada goose permit from the U.S. Fish and Wildlife Service (USFWS). Based on the requirements of this permit, it is necessary for the Department to ensure a permitting and reporting process is in place to obtain the information needed to respond to the USFWS annually.

Resident Canada Goose Management

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528
www.michigan.gov/dnr • (517) 373-2329

Great Lakes, Great Times, Great Outdoors!

Wildlife Conservation Order Amendment No. 1 of 2010

Page 2

December 7, 2009

These recommended changes to the Wildlife Conservation Order coincide with other changes being made to the Department's Canada goose conflict program. The Department has worked with private nuisance animal control businesses and the Canada Goose Coalition to develop recommended changes in the egg/nest destruction program eligibility and relocation of geese. The purpose of these changes is to improve the program's efficiency for the Department, attempt to reduce the number of geese handled, and reduce Wildlife Division staff's handling of geese.

This Amendment sets up a permit fee structure to handle the various permits issued to private and public nuisance animal control organizations. This Amendment also addresses the authority of department staff to collect and move Canada geese without a permit as a function of their official job responsibilities. This clarification of authority will improve the efficiency of staff to handle goose and other human-wildlife conflicts.

Recommendation:

This order was submitted for information and consideration at the December 3, 2009, Natural Resources Commission meeting. This item appeared on the Department's November 23, 2009 calendar and may be eligible for approval on January 7, 2010.

Russ Mason, Ph.D., Chief
Wildlife Division

Ronald A. Olson, Chief
Parks and Recreation Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division

Gary Hagler, Chief
Law Enforcement Division

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Arminda S. Koch
Resource Management 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

WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2010

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107, and 40113a of 1994 PA 451, MCL 324.40107, 324.40113a, it is ordered that effective January 8, 2010, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.51 Damage and nuisance animal control permit, issuance, release requirements, reporting.

Sec. 5.51 (1) Except as provided by subsections (4) and (8), a damage and nuisance animal control permit shall be required by anyone to prevent or control, by shooting, trapping or otherwise, the depredations of animals at a time or in a manner not otherwise permitted by law or order. Except as provided in sections 5.51a, 5.52, 5.52a, and 5.53 of this order, a conservation officer or wildlife biologist shall make an investigation upon complaint of any person allegedly suffering damage caused by wild birds or wild mammals and may issue a damage and nuisance animal control permit. At the time of such investigation, the complainant shall furnish the department investigator with a written statement, on forms provided for this purpose by the department, indicating the location, extent, kind, and approximate value of the property allegedly damaged, destroyed, or in danger of being damaged or destroyed, the kind and number of animals believed to be doing the damage and such other information as may be required.

(2) If, results of investigation, warrants control of the animals involved, the investigator may except for horticultural or agricultural damage caused by deer, issue a permit authorizing their control of the animals by shooting, trapping, or other means as noted on the permit.

(a) Permits to control horticultural or agricultural damage caused by deer may be issued by the investigator per section 5.41 of this order.

(b) Permits to control deer at airports may be issued by the district law supervisor.

(3) Permits shall be issued only to bona fide landowners or lessees, or their designated agents, and shall not be transferable.

(4) Except for animals protected by part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451, nonlethal means of harassment to deter or prevent damage to private property, such as noise makers or scare devices; exclusion devices such as fences or screening; and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals shall not require a permit.

(5) All animals taken under the authority of a permit shall be reported to the department in the manner specified on the permit.

(6) All animals taken under the authority of a permit shall be properly cared for and disposed of as directed by the permit or this order.

(7) Live raccoons captured under a damage and nuisance animal control permit shall be possessed and released only as follows:

(a) Raccoons, if released, shall be released only in the same county where captured and if held in captivity shall be isolated in a manner to prevent physical contact with animals not originating from the same county. Each cage shall be tagged by the permittee with the county of origin and date of capture.

(b) Cages and areas used to hold raccoons for release shall be constructed of materials that can be effectively disinfected.

(c) If a raccoon has come into physical contact with a raccoon originating from another or unknown county of origin, both raccoons shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of exposure.

(8) Department employees shall be exempt from the requirement of obtaining a permit to take animals, nests, or eggs for damage and nuisance control in the course of performing official job responsibilities.

5.51a Damage and nuisance animal control permit, Canada goose site permit issuance; definitions.

(1) For the purposes of sections 5.51a and 5.51b of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) "Permit" means a site permit for Canada geese issued under the authority of the department's federal special Canada goose permit.

(b) "Permittee" means a person who has applied for and been issued a site permit by the department.

5.51b Damage and nuisance animal control permit; Canada goose, eggs, nests, site permit, requirement, issuance, reporting.

(1) To capture and hold Canada geese, destroy Canada goose eggs and nests under the authority granted to the state of Michigan by the federal special Canada goose permit a permittee must:

(a) Possess written certification of the successful completion of a department sponsored training to handle and/or destroy Canada goose eggs and nests.

(b) Provide the department with one of the following:

(i) A petition requesting transport of geese signed by a minimum of 70 percent of the riparian owners on the involved water body.

(ii) A signed request for transport of geese from a governmental agency representative of the riparian owners.

(iii) Proof of sole ownership of the site.

(c) Make application for and be issued a Canada goose site permit by the wildlife permit specialist on a form provided by the department at the fees noted in section 5.110 (3).

(d) Submit an annual report as required by section 5.54 of this order.

(2) An annual Canada goose site permit shall be valid for the period from March 11 through August 31 per federal regulation 50 CFR 21.26. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive a Canada goose control permit for a period of one year.

(3) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

(5) Permits shall be issued only to bona fide landowners or lessees, and shall not be transferable.

(6) To transport Canada geese under this section a permittee must do the following:

(a) Possess written certification of the successful completion of department sponsored training to handle and transport geese.

(b) Make application for and be issued a goose permit by the wildlife permit specialist on a form provided by the department at the fee noted in section 5.110 (4).

(c) Possess and employ state inspected and approved transportation cages.

(d) Transport geese to locations and within timeframes specified by the department.

(e) Submit an annual report as required by section 5.54 of this order.

5.52 Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations, permit issuance; requirements.

Sec. 5.52 The department's wildlife permit specialist may issue a permit to a reputable nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization for the purpose of taking certain animals causing damage to personal or real property. A person issued a permit under this section is subject to all of the following requirements:

(1) Permits shall expire on the third March 31 after the date of issue, except as noted in section 5.52b of this order.

(2) Permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms. In other areas of the state, permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures from April 1 to September 30. Notwithstanding the other provision of this subsection, permittees may, upon verifying a complaint of damage or nuisance, effect control measures at any time of year within the curtilage of the complainant. For the purposes of this subsection, "curtilage" means the dwelling house, associated buildings, and associated yard used for domestic purposes. Control measures in areas and at times not otherwise provided by this subsection shall only be initiated on those complaints referred to the permittee by a wildlife biologist or conservation officer.

(3) Permittees shall be authorized to undertake control measures on the premises of the complainant for the control of bats that are not threatened or endangered and the control of coyote, fox, weasels, mink, raccoon, skunk, opossum, woodchuck, badger, muskrat, squirrels, ground squirrels, rabbits, English sparrows, feral pigeons, starlings, and crows. Permittees shall also be authorized to undertake control measures on the premises of the complainant on beaver on private lands in zone 3 during the closed season; however, beaver shall not be live trapped and relocated or translocated without authorization of the wildlife management unit supervisor. Control of damage by other wildlife shall be undertaken only as authorized by a wildlife biologist or conservation officer. Control of damage caused by protected migratory birds shall require a federal permit, except as noted in section 5.52b of this order.

(4) To effect control measures, permittees may use foothold traps, body gripping or conibear type traps, live traps, firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws and colony or multiple-catch traps for species other than muskrat. Colony traps may be used for muskrat if used in compliance with subsection 3.600(5). To affect control measures, permittees may also use snares the entire year if one or more of the following conditions are met:

(a) Permitted species is within the curtilage of the complainant.

(b) Permitted species is trapped upon the premises of the complainant in completely submerged underwater sets.

(c) For the control of fox and coyote outside the curtilage upon the premises of the complainant in the Lower Peninsula if the snare meets the requirements of subsection 3.609(2), subdivisions (b) through (j).

(5) Permittees may sell live nuisance feral pigeons live trapped during legitimate nuisance control operations.

(6) A dead animal taken by means other than pesticides during the open season for that animal may be disposed in any manner provided by section 4.3 of this order if the person disposing of the animal is licensed to take the animal

under part 435, hunting and fishing licensing, of the natural resources and environmental protection act, 1994 PA 451.

(7) Non-profit nuisance animal control organizations shall comply with all rules and regulations for permittees. The permit shall be issued in the name of an official of the organization. The person to whom the non-profit nuisance animal control permit is issued shall not authorize any employee or volunteer of the organization to undertake control measures without providing the employee or volunteer a copy of the permit countersigned by that person. An employee or volunteer undertaking nuisance animal control measures shall produce a copy of the countersigned permit upon demand of a police or peace officer.

(8) All live traps, foot-hold traps, and other catching devices which are designed and used in a manner to trap or capture animals alive shall be checked daily. All traps and catching devices used under the authority of a permit issued under this section shall be marked as provided by section 3.600, subsections (2) and (3), except that the trap or catching device shall be marked "permit no." followed by the permittee's permit number, and the business name, and business phone number of the permittee.

(9) Captured animals shall not be released from or upon a public roadway or right of way. Captured animals shall not be released upon the lands of another person, whether private or public lands, without the consent of the landowner or land manager.

(10) All animals, which the permittee is authorized to take, shall be taken and disposed of in a manner to ensure humane handling or killing. Captured animals shall not be held longer than 24 hours unless requested by a department representative, or by a physician or public health official for public health reasons. Captured animals shall not be euthanized except by methods recommended and approved by the department.

(11) Any control measures undertaken by the permittee shall be considered a contractual agreement between the permittee and the complainant. The cost of control effected under the authority of a permit is the responsibility of the permittee.

(12) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

5.52a Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; Canada goose permit, definitions.

(1) For the purposes of sections 5.52a and 5.52b of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) "Permit" means a Canada goose permit issued under the authority of the department's federal special Canada goose permit.

(b) "Permittee" means a nuisance animal control business, public nuisance animal control agency, or non-profit animal control agency who has applied for and been issued a Canada goose permit by the department.

5.52b Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; Canada goose permit, requirements, issuance, reporting.

(1) To capture and hold or kill Canada geese, destroy Canada goose eggs and nests under the authority granted to the state of Michigan by the federal special Canada goose permit, a permittee must:

(a) Possess written certification of the successful completion of a department sponsored training to handle and/or destroy Canada goose eggs and nests.

(b) Make application for and be issued a Canada goose permit by the wildlife permit specialist on a form provided by the department at the fee noted in section 5.110 (5).

(c) Submit an annual report as required by section 5.54 of this order.

(2) An annual Canada goose permit shall be valid for the period from March 11 through August 31 per federal regulation 50 CFR 21.26. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive Canada goose control permits for a period of one year.

(3) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

(4) To transport Canada geese under this section a permittee must do the following:

(a) Ensure that the landowner or land lessee of the site from which geese are to be removed holds a valid permit under section 5.51b of this order.

(b) Possess written certification of the successful completion of a department sponsored training to handle and transport geese.

(c) Make application for and be issued a Canada goose permit by the wildlife permit specialist on a form provided by the department at the fee noted in section 5.110 (6).

(d) Possess and employ state inspected and approved transportation cages.

(e) Transport geese to locations and within timeframes specified by the department.

(f) Submit a site report to the department on form provided by the department.

(5) An annual Canada goose permit shall be valid for the period from March 11 through August 31 per federal regulation 50 CFR 21.26. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive Canada goose control permits for a period of one year.

5.54 Damage and nuisance animal control permit; record keeping requirements.

Sec. 5.54 A person issued a damage and nuisance animal control permit shall keep records of all nuisance animal control operations, documenting the complainant's name, address, date of service, service technician, species of nuisance animal, number of each species taken, number of nests and eggs destroyed, county in which captured, disposition of all animals taken, and county of release. These records and any animals in the permittees possession shall be available for inspection by a conservation officer or other representative of the department at any reasonable time. Prior to the expiration of a permit, the permittee shall submit an accurate summary of permitted activities upon forms furnished by the department. Prior to a permit being renewed, the permittee shall also submit a completed renewal application.

5.110 Special permits; fees; disposition.

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

(1) A fee of \$100.00 shall be collected for each taxidermy permit issued. Taxidermy specimen identification tags shall be \$10 per fifty.

(2) A fee equivalent to the fee charged for a resident antlerless deer hunting license shall be collected for each managed deer hunting permit and each deer management assistance permit purchased by a permittee.

(3) An annual fee of \$200 shall be collected for a site permit to participate in the capture and holding of Canada geese, as specified in section 5.51b of this order.

(4) An annual fee of \$300 shall be collected for a site permit to participate in the transport of Canada geese as specified in section 5.51b of this order.

(5) An annual fee of \$200 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the following, as specified in section 5.52b of this order:

(a) Capture, holding or killing of Canada geese.

(b) Destruction of Canada goose nests and eggs.

(6) An annual fee of \$300 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the transport of Canada geese as specified in section 5.52b of this order.

(7) 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.

(8) 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, except as noted in section 5.110(3) and section 5.110(4) of this order, including disease control and disease control replacement permits.

(d) Rehabilitation permit.

(e) Permit to take game with a crossbow.

(f) Site permit to destroy Canada goose nests and eggs, as specified in section 5.51b of this order.

Issued this 7th day of January, 2010.

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