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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



SUBMITTED: December 13, 2010
RESUBMITTED: January 18, 2011

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Mute Swan Management
Wildlife Conservation Order Amendment No. 02 of 2011

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:

Mute swans are not native to Michigan, nor to North America. They were brought to this country from Europe. The population of this exotic, invasive species is large and rapidly expanding in Michigan. The 2010 spring population was estimated to be approximately 15,000 as compared to an estimated 5,400 in 2000.

Mute swans have had severe negative impacts on the natural resources of Michigan. These birds are fierce competitors and have supplanted many native waterfowl species on breeding habitat throughout the state. They are also voracious feeders, which has resulted in the disturbance and destruction of submerged aquatic vegetation, a valuable food source for native waterfowl and other wetland species. Species that may have been negatively affected by mute swans include common loon (state threatened), native trumpeter swans (state threatened), several duck species, and Canada geese.

As the feral mute swan population has grown, so has the level of conflicts with humans. Reported attacks on humans in boats and on shore have become increasingly frequent throughout the state.

Michigan has implemented management efforts to reduce the mute swan population over time and thereby reduce the negative impacts of this invasive species. These efforts include various actions to reduce the mute swan reproductive capacity through nest and egg destruction, as well as directly removing birds in areas where they negatively affect the resources or pose human safety concerns. While these efforts may be effective locally, they have not had the desired effect statewide and the mute swan population continues to increase.

This proposal removes the need for written approval for designated partners to assist the Department in the removal of mute swans when beneficial to Michigan's natural resources. Verbal permission will still be required. This amendment also removes the potential for mute swans taken from the wild to be released back into the wild. Returning any mute swans to a wild habitat is counter to the overall need to reduce the population of these non-native birds.

Michigan's current and proposed management efforts were recently discussed with a forum of citizens representing sixteen interested groups and several government agencies. The forum agreed that increased actions needed to be taken to reduce the mute swan numbers to protect the natural resources of this state.

Recommendation:

This order is being submitted for information on January 13, 2011 at the Natural Resources Commission Meeting. This item appeared on the Department's December 2010 calendar and may be eligible for approval on February 10, 2011.

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Lynne M. Boyd, Chief
Forest Management Division

Ronald A. Olson, Chief
Recreation Division

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

Mindy S. Koch, Deputy Director
Resource Management

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Chief of Staff has authority.

Rodney A. Stokes
Chief of Staff

WILDLIFE CONSERVATION ORDER

Amendment No. 02 of 2011

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources and Environment by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective February 11, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.74a Animals of special concern, possession, transportation and disposal.

Sec. 5.74a Animals of special concern are as follows:

(1) Deer of special concern, all wild free-ranging deer. Live wild deer may be possessed and released only as follows:

(a) All wild deer, positively confirmed to be from Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle counties, or positively confirmed to be from inside a CWD surveillance zone as defined in chapter 12 of this order, shall be sent or taken at the earliest possible time to the department pathology laboratory by direct arrangement with the pathology laboratory or by arrangement with a local conservation officer.

(b) All wild deer positively confirmed to be from outside a CWD surveillance zone but within counties containing a CWD surveillance zone or counties adjacent to a county containing a CWD surveillance zone as defined in chapter 12 of this order shall be isolated in an enclosure in a manner to prevent physical contact with animals not originating from the same county and shall be released only in the county of origin and outside of any CWD surveillance zone. Each enclosure shall be tagged by the permittee with the county of origin and date of capture.

(c) All wild deer positively confirmed to originate from areas not defined in sections (1a) and (1b) above may not be released within the areas defined in sections (1a) and (1b).

(d) The permittee shall permanently mark all deer in possession with a clearly visible unique identification mark as required by the department.

(2) Skunks and bats of special concern, all wild skunks and bats. Live skunks and bats shall not be possessed.

(3) Raccoons of special concern, all wild raccoons. Live raccoons may be possessed and released only as follows:

(a) Raccoons shall be released only in the same county where captured and 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 the capture point of a raccoon cannot be positively confirmed to be from a particular county, the raccoon shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of receipt. 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.

(4) Elk of special concern, all wild free-ranging elk. Live wild elk shall not be possessed.

(5) Moose of special concern, all wild free-ranging moose. Live wild moose shall not be possessed.

(6) Mute swans of special concern, all wild mute swans. Live wild mute swans shall not be possessed.

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.

Issued on this tenth day of February 2011.

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

Timothy L. Nichols, Chairman
Natural Resources Commission

Approved as to matters over which the Chief of Staff has authority.

Rodney A. Stokes
Chief of Staff