



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: August 29, 2008
RESUBMITTED September 15, 2008
RESUBMITTED October 13, 2008
RESUBMITTED November 10, 2008
RESUBMITTED December 11, 2008

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| <p><u>A P P R O V E D</u> _____, 20__ MICHIGAN NATURAL RESOURCES COMMISSION _____ (ASSISTANT TO THE COMMISSION)</p> |
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MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

SUBJECT: Possession, Transportation, and Rehabilitation of Live Wild Deer, Elk, and Moose
Wildlife Conservation Order Technical Amendment of Amendment 17 of 2008

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:

The Director and Natural Resources Commission approved Wildlife Conservation Order Amendment 17 on December 4, 2008, which placed restrictions upon the rehabilitation of wild deer, elk and moose in response to the *Michigan Surveillance and Response Plan for Chronic Wasting Disease of Free-Ranging and Privately-Owned Cervids* (CWD Plan).

Amendment 17 stated the rehabilitation of wild deer originating from within a Chronic Wasting Disease (CWD) Surveillance Zone and within seven northeastern Michigan counties affected by bovine tuberculosis (TB) will not be allowed. Rehabilitation of deer originating outside a surveillance zone but within a county containing a CWD Surveillance Zone, or a county adjacent to a surveillance zone, will be allowed, but rehabilitated deer must be marked, as designated by the Department, and released in their county of capture, except no deer may be released within a CWD Surveillance Zone. Rehabilitated deer originating from all other counties must be marked, but have no geographic restrictions on release. The rehabilitation of elk and moose will not be permitted in Michigan.

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

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Possession, Transportation, and Rehabilitation of Live Wild Deer, Elk, and Moose Wildlife Conservation Order Technical Amendment of Amendment 17 of 2008

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Upon updating of the Wildlife Conservation Order to incorporate the above changes, a technical error was found in the language of Amendment 17. This Amendment is to provide the technical correction to assure that the Wildlife Conservation Order includes the proper language necessary to enact the desired changes for the rehabilitation of wild deer, elk and moose in Michigan.

Recommendation:

Amendment 17 was submitted for information on September 11, October 9, November 6, and December 4, 2008, at the Natural Resources Commission Meetings. Amendment 17 appeared on the Department's September 2, September 29, October 27, and November 24, 2008, calendars and was approved on December 4, 2008. The Technical Amendment proposed herein is eligible for approval on January 8, 2009.



Russ Mason, Ph.D., Chief
Wildlife Division



Ronald A. Olson, Chief
Parks and Recreation Division



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

Gary Hagler, Chief
Law Enforcement 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. 17

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 and 324.40113a, it is ordered that effective January 9, 2009, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.71 Rehabilitation permit, prohibited acts.

Sec. 5.71.(1) A person shall not possess a live animal in captivity for the purposes of rehabilitating the animal without first securing a permit from the wildlife rehabilitation permit coordinator or being listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator.

(2) A person listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator shall not possess a wild deer, elk, or moose.

5.72 Rehabilitation permit, application, issuance.

Sec. 5.72. (1) An application for a permit shall be submitted on a form furnished by the department and presented to the wildlife rehabilitation permit coordinator. A permit shall be granted only if the applicant completes the application form according to instructions provided and documents all of the following:

(a) Training and experience in the care and handling of such animals. Training and experience in the care and handling of such animals shall be documented by 1 of the following:

(i) A letter or affidavit, signed by a licensed veterinarian, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(ii) A letter or affidavit, signed by a current permittee, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(b) Adequate facilities as determined by the wildlife rehabilitation permit coordinator based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation." All facilities where animals are kept for longer than 48 hours shall be listed on the permit application and shall be subject to inspection prior to permit issuance and at any reasonable time thereafter by a conservation officer.

(c) A permit shall not be renewed unless the application is accompanied by a certificate of completion for a continuing education class in the rehabilitation of wild animals for a class and at a frequency that has been approved by the wildlife rehabilitation permit coordinator.

(d) In addition to the training and experience requirements of subsection (a), a person making application for a permit which is not a renewal, including application for a permit previously revoked, shall furnish with their permit application proof of having completed a wildlife rehabilitation basic skills class that has been approved by the wildlife rehabilitation permit coordinator.

(2) Authorization to rehabilitate wild animals shall not be exercised contrary to the laws and lawful ordinances of the appropriate local unit of government.

5.74 Rehabilitation permit, conditions, limitations; unlawful acts.

Sec. 5.74. The following conditions and limitations shall apply to the possession of animals under the authority of a rehabilitation permit:

(1) Except for threatened or endangered species and animals of special concern, all animals which cannot be rehabilitated sufficiently to be released into the wild shall be disposed by one of the following ways:

(a) Donation to a public zoological park approved or accredited by the American zoo and aquarium association or a public sanctuary approved or accredited by the association of sanctuaries or the American sanctuary association.

(b) Donation to a research or educational institution that meets acceptance criteria for the issuance of a Michigan scientific collector's permit as provided by section 5.21 of this order.

(c) Humane and discreet euthanasia by methods recommended and approved by the American veterinary medical association. The carcasses of protected animals and game animals shall be turned over to the local conservation officer or disposed of as directed by the officer.

(2) All animals on the federal endangered or threatened species list shall be turned over to an agent of the United States fish and wildlife service.

(3) All animals not included on the federal threatened or endangered species list but included on the state endangered or threatened species list that shall come into possession of a permittee shall be reported during the same business day, or subsequent first business day if acquired on a holiday or weekend, to the endangered species specialist, wildlife division. Such animals shall be handled and disposed of only as provided by the endangered species specialist and shall only be possessed for rehabilitation purposes under the authority of an endangered species permit as provided by Part 365 of the natural resources environmental protection act, 1994 PA 451.

(4) All animals exhibiting an illness, disease, or symptom of special concern that shall come into possession of a permittee, and all animals that die of questionable illness or disease while in the possession of the permittee, shall be reported during the same business day, or subsequent first business day if the animal shall die or be acquired on a holiday or weekend, to a veterinarian or a pathologist at the department pathology laboratory. Such animals shall be possessed, handled, and disposed of only as provided by the veterinarian or pathologist. Illnesses, diseases, and symptoms of special concern shall be identified by a department veterinarian within the permit or by permit amendment.

(5) As soon as an animal is capable of fending for itself, it shall be released into the wild as directed by the permit and this order. Animals shall not be released upon the lands of another except with written permission of that property owner or the public land administrator

(6) Live or dead animals shall not be sold or bartered by a permittee in any manner. Live or dead animals shall not be transferred by a permittee except to another permittee with appropriate facilities or as stipulated by subsections (2), (3), and (4) above.

(7) All animals shall be kept under humane and sanitary conditions at all times based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation."

(8) Captive animals shall not be allowed to come into physical contact with members of the general public, domestic animals including livestock, or animals held under the authority of a permit issued by the department to hold wildlife in captivity.

(9) Animals shall not be placed on public display.

(10) The permittee shall obtain a federal permit prior to obtaining or possessing migratory birds unless otherwise provided by the United States fish and wildlife service. When the limitations of a federal permit are more restrictive than the state permit, the federal limitations shall prevail.

(11) All premises and facilities covered by a permit shall be open to inspection by a conservation officer, department veterinarian, or by an agent of the United States fish and wildlife service at any reasonable time. An inspection may include the determination that an animal shall be released or be taken into possession by the department.

(12) The permittee shall maintain an up-to-date record of all animals in their possession on a form furnished by the department, except that federally protected birds may be recorded upon a form furnished by the United States fish and wildlife service. The record for each shall list the species, the county of origin, the condition of the animal, the name and address of the donor or other source, the method and date of disposition, the county of release, and the unique identification marking as noted on the permit. If the permittee is an organization that includes multiple facilities, each facility that keeps animals for 48 hours or longer shall maintain these records on the premises. The permittee shall submit all state and federal permittee and subpermittee records for the calendar year to the department's wildlife rehabilitation permit coordinator by January 31 of each year or within 15 days after termination of the permit. A copy of the records required by this section shall be maintained by the permittee for 2 years following the required date of submission.

(13) Animals of special concern shall be possessed, transported, and disposed of only as provided in this order.

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.

Issued this 8th day of January, 2009.

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