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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: August 15, 2016

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Technical Amendment-Use of Suppressors in the Taking of Game  
Wildlife Conservation Order Amendment No. 9 of 2016  
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Currently, the Wildlife Conservation Order, Section 3.100, states that an individual shall not possess or use an apparatus known as a silencer on a gun while hunting deer. However, the passage of Wildlife Conservation Order Amendment No. 1, Use of Suppressors in the Taking of Game, in February, 2016, authorized the use of suppressors, also referred to as a silencer, for hunting. Therefore, a technical change to remove the silencer prohibition in Section 3.100 is necessary for consistency.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's August 2016 calendar and may be eligible for approval on October 13, 2016.

Russ Mason, Ph.D., Chief  
Wildlife Division

Gary Hagler, Chief  
Law Enforcement Division

  
for

Bill O'Neill, Chief  
Forest Resources Division

Ronald A. Olson, Chief  
Parks and Recreation Division

  
for

James Dexter, Chief  
Fisheries Division

William E. Moritz, Ph.D.  
Natural Resources Deputy

# WILDLIFE CONSERVATION ORDER

## Amendment No. 9 of 2016

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 October 14, 2016, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **3.100 Take of deer; prohibited firearms, legal weapons, "bait" and "baiting" defined, conditions for baiting established in certain area(s); unlawful acts.**

Sec. 3.100 (1) "Take" means the same as defined in section 40104, 1994 PA 451, MCL 324.40104.

(2) An individual must possess while hunting deer the unused kill tag issued with the deer license, pursuant to section 3.103, and provide it to a conservation officer upon request.

(3) Unless otherwise specified in this order, an individual shall not do any of the following:

(a) Take a deer without possessing a valid license with kill tag.

(b) Take a deer other than during the open seasons established in this order.

(c) Take a deer outside of lawful hunting hours.

(d) Take a deer by any method other than by firearm, bow and arrow, or crossbow.

(e) Take a deer with a rimfire firearm.22 caliber or smaller.

(f) Take a deer during any firearm deer season in the "limited firearms deer zone," with a firearm other than a shotgun with a smooth or rifled barrel, a .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges, a .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches, a .35 caliber or larger air rifle or pistol charged only from an external high-compression power source, or a muzzleloading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(g) Take a deer, or have in possession while hunting deer, a semiautomatic shotgun or rifle, capable of holding more than six shells in the magazine and barrel combined, or use a cartridge containing a tracer or explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

~~(h) Possess or use an apparatus known as a silencer on a gun while hunting deer.~~

(h) ~~(+)~~ Take a deer using an arrow, bolt, or quarrel with a broadhead hunting type of point less than 7/8 of an inch wide and/or a length less than 14 inches.

(i) ~~(+)~~ Take a deer with a crossbow or a modified bow in zone 1 from December 1 to March 31 unless issued a disability crossbow permit by the department.

(j) ~~(+)~~ Take a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(k) ~~(+)~~ Make use of a dog in hunting a deer, except as noted in section 2.1a of this order.

(l) ~~(+)~~ Use aircraft to aid in the taking of a deer.

(m) ~~(n)~~ Set afire or assist in setting afire any land for the purpose of driving out a deer, or take or attempt to take a deer so driven out of any land.

(n) ~~(o)~~ Purchase a deer license unless the individual holds a current base license.

(o) ~~(p)~~ Subsection (f) shall be rescinded on May 12, 2017.

(4) For the purposes of this section and sections 3.100a, and 3.205, "bait" means a substance composed of grains, minerals, salt, fruits, 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 of 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. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(5) It shall be unlawful for a person to make use of bait to aid in the taking of a deer within the core CWD area and CWD management zone as defined in chapter XII of this order, and within Alcona, Alpena, Montmorency, and Oscoda counties.

(6) In remaining portions of Michigan not described in subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from September 15 to January 1.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used at any 1 point in time shall not exceed 2 gallons at any 1 hunting site.

(e) Subsection (6) is subject to Section 3.100a (2) of this order.

(7) It shall be unlawful for a person to make use of bait to aid in the taking of a deer if the bait and baiting does not meet all of the conditions specified in subsection (6) unless specifically authorized.

Issued on this 13<sup>th</sup> day of October, 2016.

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

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director