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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: June 9, 2008

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

SUBJECT: Crossbows Permits for Hunters with Disabilities
Wildlife Conservation Order Amendment No. 14 of 2008
FOR INFORMATION ONLY

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 Department is recommending an amendment to the Wildlife Conservation Order regarding provisions that stipulate the conditions of eligibility for hunting with crossbows.

Currently, crossbows are legal for use by deer hunters age 12 and older during the November 15-30 firearm deer season. Additionally, disabled hunters that have an 80% permanent loss of use of a shoulder-elbow-hand combination may qualify for a disabled hunter crossbow permit to hunt any game.

The Natural Resources Commission (NRC) addressed this issue in 2007 and subsequently made some minor amendments to crossbow regulations. However, discussions with hunters and potential hunters relayed the need for a more thorough review and evaluation of these regulations.

The NRC appointed a work group in early 2008 in response to numerous requests from individuals who are presently unable to use other archery equipment. The charge of the workgroup was to review and propose updates to the crossbow permitting program to increase recreational opportunities for persons with disabilities and to increase clarity and efficiency of the program.

The work group included representation from the medical community, bow hunting interests, the Accessibility Advisory Council, general hunting interests, and crossbow industry representatives. Several meetings occurred in 2008 to discuss regulations from other states, practical testing and evaluation criteria, simplification of the process, and administrative issues.

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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The work group endorsed changes for the disabled hunter crossbow permit to establish eligibility criteria that set certain automatic eligibility criteria for a permit and simplified evaluation parameters for physicians and therapists to use for assessment of muscle weakness or motion limitations. Criteria were also set that physicians could recognize as limitations to use of conventional archery equipment that qualify some individuals for crossbow permits. The work group agreed that therapists should include both occupational and physical therapists.

The proposed changes will provide increased opportunity to qualify for a crossbow permit by hunters with physical limitations which prevent their use of conventional archery equipment. The recommended changes also provide a more understandable and less costly procedure for obtaining these permits.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the June 30, 2008 Department Calendar and is eligible for action on August 14, 2008.

Douglas A. Reeves, Acting 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

Armind S. Koch
Resource Management Deputy

Dennis Fedewa
Chief 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. 14

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources orders that, effective August 15, 2008 the following sections of the Wildlife Conservation Order shall read as follows:

5.95 Permit to take game with a crossbow.

Sec. 5.95. (1) The department may issue a permit to a person who is certified as being permanently disabled by a licensed physician or physical/occupational therapist as provided in this section. That permit shall be issued without cost to the applicant and shall authorize that person to take game with a crossbow during the open season for that game if that person holds a license to take that game issued pursuant to part 435 and complies with all other laws and rules for the taking of game.

(2) An applicant for a permit under this section shall submit to the department a signed certification from a licensed physician or physical/occupational therapist indicating the disability determined to be present in the permit applicant. The licensed physician or physical/occupational therapist may certify that the applicant is permanently disabled as required by this section if the licensed physician or physical/occupational therapist finds that the permit applicant has a disability that renders them unable to use conventional archery equipment. In support of such a determination, the licensed physician or physical/occupational therapist shall utilize the following standards and criteria:

(a) A functional draw test to simulate the drawback posture and/or position with a weight equivalent to 35 pounds of resistance for a 4-second duration.

(b) Manual muscle testing: Shoulder flexion, shoulder extension, shoulder abduction (horizontal plane) elbow flexion and elbow extension are graded equal to or less than 3 of 5 using a standard manual muscle grading scale or an equivalent test.

(c) Impaired range of motion: Goniometric measurements using the "American medical association guide to evaluation and permanent impairment rating," or other guidelines accepted by the American medical association or an equivalent test. If shoulder flexion is equal to or less than 90 degrees or shoulder extension is equal to or less than 10 degrees or shoulder abduction is equal to or less than 70 degrees or elbow flexion is equal to or less than 90 degrees or elbow extension is equal to or less than negative 20 degrees, the permit may be granted.

(d) Amputations involving body extremities required for stable function to use conventional archery equipment do not require objective test findings. However, the applicant is required to present a physician's certification to be qualified for a permit.

(e) Any spinal cord injury resulting in permanent disability to the lower extremities, leaving the applicant permanently non-ambulatory or other disability resulting in a permanent wheelchair (mobility device) restriction, as diagnosed by a physician, do not require objective test findings.

(f) Coordination assessment. Coordination is the ability to execute smooth, accurate, controlled movement. Incoordination or coordination deficit describes abnormal motor function characterized by awkward, extraneous, uneven, or inaccurate movements, caused by central nervous disorders, including, but not limited to, Parkinson's disease, cerebral palsy, hemiplegia, hemiparesis, and closed head trauma, or by progressive neuromuscular diseases,

such as muscular dystrophy, multiple sclerosis, and amyotrophic lateral sclerosis. Purpose: to assess the ability of muscles or groups of muscles to work together to perform a task.

(3) Any other permanent disability that renders the applicant unable to use conventional archery equipment as diagnosed by a licensed physician shall be sufficient grounds for granting the permit. The licensed physician must note in general terms how the disability prevents the applicant from using conventional archery equipment other than a crossbow.

(4) A person shall not seek diagnosis from a licensed physician or physical/occupational therapist for purposes of meeting the requirements of this section on more than 2 occasions within a 6-month period.

(5) Crossbow permits issued pursuant to this section are valid unless revoked pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(6) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow under a permit issued under this section or as provided in section 2.1 are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length.

Issued this 14th day of August, 2008.

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