



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: September 17, 2007

Memorandum to the Natural Resources Commission

SUBJECT: Disease Control Permits – 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:

Bovine tuberculosis (TB) continues to be a concern in free-ranging deer and elk of Northeast Michigan. Disease control permits were created to assist agricultural landowners in managing deer on their property in a county with one or more documented cases of TB. This amendment changes the definition of landowners eligible to receive disease control permits, from agricultural landowners to any landowner in a county with a documented case of TB. Landowners within 30 miles of a documented case of TB, even if their residence is outside of the county, are eligible to receive these permits. Expansion of disease control permits from agricultural landowners to any landowner will increase the Department's ability to manage deer in these counties. The increase in the TB incidence rate in 2006 underscores the need to apply more broadly the tools used to manage deer populations.

In addition to expanding the type of landowner eligible to receive these permits, this amendment will replace the plastic seal used to tag a deer with the same tag as utilized for deer damage control permits.

Disease control permits will also be available to landowners should a case of chronic wasting disease (CWD) ever be documented in Michigan.

NATURAL RESOURCES COMMISSION

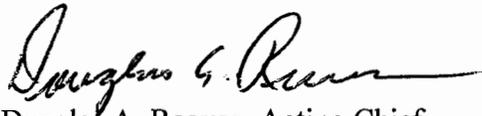
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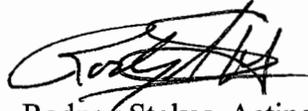
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Recommendation:

This order is being submitted for information and consideration. This item will be resubmitted for action in November, 2007.



Douglas A. Reeves, Acting Chief
Wildlife Division



Rodney Stokes, Acting Chief
Law Enforcement Division



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



Ronald A. Olson, Chief
Parks and Recreation Division

Arminda 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. 16 of 2007

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 ordered that effective November 9, 2007, the following section of the Wildlife Conservation Order shall read as follows:

5.76 Disease control permit, definitions.

Sec. 5.76. For the purposes of sections 5.77 to 5.79 of this order, the terms in this section shall have the meaning described to them in this section.

(1) "Permit" means a disease control permit.

(2) "Permittee" means a person who has been issued a disease control permit by the department.

(3) "Authorized designee" means a person who has been designated by a permittee to implement the provisions of a disease control permit. The authorized designee must be eligible under Michigan law to purchase a hunting license. The department reserves the right to deny a person, including the permittee, the authority to personally implement the provisions of a permit if such authority would conflict with a court order, administrative rule, or law.

(4) "Tag" means a deer damage permit tag provided by the department.

5.77 Disease control permit; standards, conditions, records; unlawful acts.

Sec. 5.77. (1) Disease control permits may be issued to any owner of property in a county with a confirmed case of bovine tuberculosis (TB) or lands within 30 miles of a confirmed case of bovine TB, or to any owner of property in a county with a confirmed or department suspect case of chronic wasting disease (CWD) or within 30 miles of a confirmed or department suspect case of CWD in deer or elk.

(2) Landowners may apply for a permit by filing an application with the wildlife management unit supervisor. This application will include an estimate of desired number of tags to take deer and names of desired authorized designees needed to meet the objective. This application, once signed by both the landowner and the wildlife management unit supervisor, shall become the permit. The number of tags issued will be determined by the wildlife management unit supervisor.

(3) Property inspections may be conducted under the direction and at the discretion of the wildlife management unit supervisor.

(4) A disease control permit shall not be valid except during the time period authorized by the permit.

(5) The permittee shall keep records as may be required by the director and present them for inspection at the request of a conservation officer or wildlife biologist.

(6) The permittee or authorized designee shall make a reasonable effort to retrieve all deer shot under the authority of a permit.

(7) The permittee or authorized designee shall have a copy of the permit and a valid unused tag on their person when taking or attempting to take deer.

(8) A person killing a deer shall immediately affix the tag to the gambrel or jaw of the deer. The permittee or authorized designee, upon killing a deer, shall notify the department as instructed on the permit.

(9) All deer killed under a disease control permit shall be disposed of as specified by the permit. If required, deer heads shall be submitted to the department by the permittee.

(10) The permit shall be valid within the ownership boundaries of the permittee or as stated on the permit.

(11) Permits shall be valid for deer of either sex as noted in the permit. If the taking of an antlered deer is allowed by the permit, all antlers shall be submitted to the department.

5.78 Disease control permit, prohibited acts.

Sec. 5.78. (1) During designated deer hunting seasons it shall be unlawful for an individual to implement this permit without possessing a valid deer hunting license

(2) Outside of designated deer hunting seasons the permittee must designate no more than 3 authorized designees to implement the provisions of the permit unless additional designees are approved by the wildlife management unit and district law enforcement supervisors.

(3) It shall be unlawful for a permittee or an authorized designee to:

(a) Kill more than the number of deer authorized by the permit.

(b) Possess a deer killed under the authority of a permit without having a valid tag attached to the deer.

(c) Take or attempt to take a deer within the permit boundaries unless in possession of a valid tag. The tag shall be presented upon demand to a representative of the director.

(d) Use a firearm other than a centerfire rifle or shotgun with slugload.

(e) Possess an uncased or loaded firearm in a vehicle.

(f) Take or attempt to take a deer using an artificial light or from 1/2 hour after sunset to 1/2 hour before sunrise unless approved by the wildlife management unit and district law enforcement supervisors.

(g) Take or attempt to take a deer in any area except that location described on the permit.

(h) Take or attempt to take a deer not authorized by the permit.

(i) Retain antlers from deer taken on the permit to the department if antlered deer have been approved in the permit.

(4) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take deer under the authority of a valid permit.

5.79 Disease control permit; revocation, suspension.

Sec. 5.79. (1) Pursuant to section 40118 of part 401, wildlife conservation, Act No. 451 of the Public Acts of 1994, as amended, being section 324.40118 of the Michigan Compiled Laws, a conviction for a violation of the provisions of sections 5.76 to 5.78 of this order shall result in the revocation of a permit.

(2) A modification, suspension, or revocation of a permit is subject to the provisions of section 40114 of part 401, wildlife conservation, Act No. 451 of the Public Acts of 1994, as amended, being section 324.40114 of the Michigan Compiled Laws.

(3) Failure of the permittee or an authorized designee to comply with the permit provisions will make the permittee ineligible to receive disease control permits, deer damage control permits, or deer management assistance permits (DMAP) for the following calendar year.

Issued this 8th day of November, 2007.

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

