



STATE OF MICHIGAN



JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES  
DIRECTOR

SUBMITTED: August 29, 2008  
RESUBMITTED: September 15, 2008

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

SUBJECT: Chronic Wasting Disease (CWD) Surveillance Zone, Mandatory Check,  
and Regulation on Removing Carcasses  
Wildlife Conservation Order Amendment No. 16 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 Department adopted the *Michigan Surveillance and Response Plan for Chronic Wasting Disease of Free-Ranging and Privately-Owned Cervids* (CWD Plan) on August 26, 2002. The CWD Plan requires various surveillance and control measures to be implemented when CWD is documented.

On August 25, 2008, the National Veterinary Services Laboratory in Ames, Iowa, confirmed CWD in a deer from a privately-owned facility in Kent County. The confirmation from Ames, Iowa, triggered these control measures required in the CWD Plan.

An interim order by the Director was issued on August 29, 2008 establishing a surveillance zone (CWD Surveillance Zone) around the documented case of CWD, requiring all hunter-harvested deer be submitted to the Department for CWD testing, and limiting only boned meat, capes, and antlers of hunter harvested deer be removed from the surveillance zone. The interim order has an expiration date of February 28, 2009.

A second interim order by the Director was issued on September 15, 2008, authorizing the removal of a deer carcass from the CWD Surveillance Zone after a negative CWD test is documented by the Department.

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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This amendment replaces these Director's Interim Orders on the CWD Surveillance Zone and restriction of carcass movement.

The CWD Surveillance Zone will consist of the townships of Tyrone, Solon, Nelson, Sparta, Algoma, Courtland, Alpine, Plainfield, and Cannon in Kent County.

Within the CWD Surveillance Zone, the entire carcass of all hunter-harvested deer, either intact or without the deboned meat, shall be presented during the business hours of the next 72 hours of harvest at a Department deer check station established within the CWD Surveillance Zone. The head, with a portion of the neck or other parts of the carcass the Department may request, shall be submitted to the Department for CWD testing. The hunter may retain the antlers.

Hunters harvesting a free-ranging deer within the CWD Surveillance Zone shall not remove the carcass or parts of the carcass from the CWD Surveillance Zone until a negative test for CWD is documented by the Department, except for the following:

- (a) Deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, and hides.
- (b) A finished taxidermist mount.

Included in this amendment, but not in the Director's Interim Order, is the prohibition of possessing a carcass or parts thereof from a state known to have CWD, or possessing a carcass or parts thereof outside the CWD surveillance zone of a free-ranging deer, elk, or moose from the CWD surveillance zone, until a documented negative test for CWD is received by the Department for that carcass. A notification period during the business hours of the next 72 hours is also being proposed for processors and taxidermists to notify the Department if they come into possession of a cervid carcass from a state verified to have CWD or from a deer originating from within the CWD zone that does not have a documented negative CWD test.

The restrictions on importing deer from states known to have CWD are being proposed to move from Section 3 to the more appropriate Section 4 of the Wildlife Conservation Order.

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Recommendation:

This order was submitted for information on September 11, 2008, at the Natural Resources Commission Meeting. This item appeared on the Department's September 2, 2008, calendar and may be eligible for approval on October 9, 2008.

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. 16**

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 10, 2008, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **3.100b Prohibition on possession of free-ranging deer carcasses or parts thereof; reporting requirements; movement of deer carcasses or parts thereof.**

Sec. 3.100b. (1) A person shall not remove the carcass or parts of the carcass of a free-ranging deer from the CWD surveillance zone defined in section 12.900 of this order, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, and hides, until a negative test for CWD is documented by the department for that carcass.

(2) The carcass or parts thereof of a hunter-harvested deer, other than deboned meat, antlers, antlers attached to a skull cap cleaned of brain and muscle tissue, and hides, shall not be possessed outside the CWD surveillance zone defined in section 12.900 of this order if originating from a free-ranging deer from the CWD surveillance zone, until a negative test for CWD is documented by the department for that carcass.

### **3.101h Deer check; requirements.**

Sec. 3.101h. A person killing a deer within the CWD surveillance zone defined in section 12.900, shall present the entire deer, or head with at least 3 vertebra attached, at a department designated check station within the CWD surveillance zone within the business hours of the next 72 hours after killing the deer. The field validation kill tag must be attached to the deer. The head, with vertebra, will be surrendered to the department for CWD testing. The hunter may retain the antlers attached to a skull cap cleaned of all brain and muscle tissue.

### **4.1 Possession of animals; duty to retrieve game animals.**

Sec. 4.1. A person may possess any animal or parts of any animal, from this state, or from outside of this state, whether living or dead, only as provided by this section:

(1) Game lawfully taken, acquired, and transported may be possessed by any person.

(2) Live game taken from the wild shall not be possessed. Wounded game, reduced to possession, shall be immediately killed and included in the daily limit. A person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit.

(3) Dead game lawfully taken in another state, territory, or country, and lawfully imported into this state, may be possessed by any person.

(4) Game lawfully taken may be possessed afield, or in or upon a motorized vehicle, if the identification of species and sex is readily identifiable as provided by section 40109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40109. Waterfowl may be transported or possessed only in accordance with sections 3.403 to 3.406 of this order. For the purposes of identification under section 40109, the species and sex of a butchered or processed deer, bear, or elk shall be considered readily identifiable if the carcass or parts thereof are accompanied by the head of the animal with the validated tag or seal as required for the species by this order.

(5) Animals, dead or alive, and parts thereof may be possessed by educational institutions, public agencies, and public zoological gardens. A qualified person may obtain a permit from the department to possess a live animal for rehabilitation purposes as specified in sections 5.70 to 5.75 of this order. Rehabilitation shall be undertaken only for the expressed purpose of ultimately returning the sick or injured animal to the wild.

(6) Except as otherwise provided in this subsection, live game or protected species, and any other animals which closely resemble game or protected species, and can reasonably be confused with game or protected species as

determined by the department, which have been lawfully acquired from within this state, or lawfully imported, may be possessed if the person first applies for and has been issued 1 or more of the following licenses or permits specifically authorizing the species to be possessed by that person:

(a) A shooting preserve license.

(b) A permit to hold wildlife in captivity.

(c) A state-federal falconry permit.

(d) A federal raptor propagation permit, except that the possession of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not possess any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose education permit or state scientific collector's permit.

(7) Nothing in this section shall be construed to prohibit the possession of a hawk, owl, or eagle, or parts thereof, by an American Indian for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

(8) A licensed taxidermist may possess lawfully acquired dead game and protected animals only under the following conditions:

(a) Game and protected animals must be tagged with a taxidermist specimen identification tag supplied by the department and the information requested on the tag must be completely and legibly recorded.

(b) A copy of the taxidermist specimen identification tag shall be maintained by the taxidermist on the premises for inspection by a conservation officer for 1 year following disposal of any specimen.

(c) Receipt of any carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, elk, or moose, originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations, or from the CWD surveillance zone as defined in section 12.900 of this order, that does not have documentation showing a negative test for CWD, must be reported to the Michigan department of natural resources, wildlife disease laboratory, within the business hours of the next 72 hours of receipt.

(9) A person shall not possess the carcass or parts thereof, of a deer, elk, or moose originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except for the following:

(a) Deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth.

(b) A finished taxidermist mount.

(c) Tissues imported for use by a diagnostic or research laboratory.

#### **4.2 Importation.**

Sec. 4.2. A person may import any animal, whether living or dead, or parts of any animal, into this state only as provided in this section:

(1) Dead bear, deer, elk, wild turkey, and parts thereof, lawfully taken or purchased in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the bear, deer, elk, or turkey is clearly and permanently tagged as to the state, territory, or country of origin. A person causing a dead animal or parts thereof to be imported shall maintain documentation of the lawful taking, purchase, and/or

importation of the animal until the animal is consumed, or if prepared as a trophy, the documentation must remain with the trophy.

(2) Except as otherwise provided in this subsection, live game or protected animals, lawfully taken or acquired in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the person causing the game or protected animal to be imported complies with sections 5.2 and 5.5 of this order and has first applied for and been issued one or more of the following licenses or permits specifically authorizing possession of the species being imported:

(a) A shooting preserve license.

(b) A permit to hold wildlife in captivity.

(c) A state-federal falconry permit.

(d) A federal raptor propagation permit, except that the importation of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not import any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose possession education permit or state scientific collector's permit.

(3) A person shall not import the carcass or parts thereof, of a free-ranging deer, elk, or moose into this state if the carcass or parts thereof originated from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except as described in section 4.1 (9) of this order.

(4) A person who is notified by mail or other means that a carcass or parts thereof, imported into Michigan tested positive for CWD, shall report such finding within the business hours of the next 72 hours to the Michigan department of natural resources, wildlife disease laboratory, and shall provide such information as may be requested by the laboratory.

(5) Nothing in this subsection shall be construed to prohibit an American Indian from importing a hawk, owl, or eagle for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

#### **4.4 Commercial processing and storage; records required; maintenance and inspection.**

Sec. 4.4. (1) The owner, operator, or agent of any commercial processing operation, refrigeration plant, or frozen food locker plant, shall maintain records of all wild animals accepted for processing or storage for 90 days following receipt of the animal. Such records shall include the name and address of the owner of the animal, the date accepted, and the number of the license or permit authorizing possession. These records shall be maintained on the premises and be available for inspection by a conservation officer at any reasonable time.

(2) A commercial processing operation that receives a carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, elk, or moose which originated from a state or a province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations, shall report such acquisition to the Michigan department of natural resources, wildlife disease laboratory, within the business hours of the next 72 hours.

(3) A commercial processing operation outside of the CWD surveillance zone described in 12.900 of this order, that receives a carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within the CWD surveillance zone described in section 12.900 of this order, without a negative test for CWD documented by the department for that carcass, shall report such acquisition to the Michigan department of natural resources wildlife disease laboratory, within the business hours of the next 72 hours.

**12.900 "CWD surveillance zone" defined.**

Sec. 12.900. "CWD surveillance zone" means the townships of Tyrone, Solon, Nelson, Sparta, Algoma, Courtland, Alpine, Plainfield, and Cannon in Kent County.

Issued this 9th day of October, 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



# Chronic Wasting Disease Surveillance Zone, Kent County, Activated Aug. 25, 2008

This CWD Surveillance Zone was activated in response to test results of a single deer from a privately-owned facility in Kent County, as part of the activated measures of the Michigan's CWD Plan. This map figure is part of a Director's Order and other materials, and should not be used without consulting those resources.

Michigan  
Department of  
Natural Resources  
Wildlife Division

### Legend

-  Surveillance zone
-  Kent County Townships
-  County

