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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: November 8, 2011

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Management of Bats
Wildlife Conservation Order Amendment No. 01 of 2011
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:

White-Nose Syndrome is a new disease of hibernating bats, which is causing unprecedented bat mortality in other states and provinces. The fungus associated with the disease does not cause illness in humans, but humans can spread spores from cave to cave or mine to mine. Based on rates of spread from 2006-2010, the disease could affect bats in Michigan in 2011.

Currently, there is no way to care for sick bats. There is no known cure for the disease, and rehabilitation of sick bats is not allowed because of rabies risk to humans. Thus, the most ethical option is to humanely euthanize suffering bats. Lastly, at present, we lack the authority to take bats for disease sampling.

This amendment proposes a change in the Wildlife Conservation Order to allow sampling for the disease and to allow biologists, conservation officers, or others to dispatch suffering bats ethically and legally.

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Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's November 2010 calendar and may be eligible for approval on January 13, 2011.

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Lynne M. Boyd, Chief
Forest Management Division

Ronald A. Olson, Chief
Recreation Division

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Mindy S. Koch, Deputy Director
Resource Management

Frank Ruswick, Deputy Director
Stewardship

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. 01 of 2011

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources and Environment by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective January 14, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

9.1 Permitted acts; certain species.

Sec 9.1 (1) English sparrows, feral pigeons, and starlings may be taken by hunting statewide, year around except within state park and recreation areas from April 1 to September 14. English sparrows and starlings may be taken without a permit when doing or about to do damage to property or committing or about to commit depredations. Opossum, weasels, ground squirrels, and red squirrels may be taken by hunting and trapping statewide, year around except within state park and recreation areas from April 1 to September 14.

(2) Mute swans and their eggs and nests may be taken by department personnel, and persons authorized in writing by the department to control mute swans under one or more of the following situations:

(a) To stabilize or reduce mute swan population levels or to prevent new populations of feral mute swans from being established in this state.

(b) To prevent mute swans interference with the establishment, reestablishment, or reproductive success of native wildlife and with the establishment or reestablishment of native vegetation.

(c) To prevent mute swans interference with the establishment, reestablishment, or reproductive success of endangered or threatened species.

(d) To protect public health, safety, or welfare.

(3) Mute swans taken as provided in this section shall not be released back into the wild in this state. Mute swans rendered and certified incapable of flight by a licensed veterinarian and prevented from reproducing at the permittee's expense may be possessed with written authorization. For the life of the swan, this authorization will be contingent upon the ability of the permittee to render any resulting eggs incapable of hatching. The permit may be revoked by the department upon evidence that the mute swan has successfully reproduced.

(4) A bat may be taken whenever there is any reason to believe the bat was involved in a bat-human or bat-domestic animal exposure to rabies or other health hazard. Bats taken under this subsection shall not be held in captivity except for temporary holding of the animal at the request or recommendation of a physician or public health official for public health reasons. Bats held in captivity for public health reasons shall be humanely euthanized. Except for threatened or endangered species, or as otherwise provided by this order, bats may be taken:

(a) When creating a damage or nuisance problem on privately-owned property.

(b) Incidental to normal forest management activities occurring on public or private lands.

(c) Incidental to closure of an abandoned mine as a result of public safety concerns.

(d) Incidental to demolition of buildings or other structures.

(E) TO TEST FOR A WILDLIFE DISEASE, AS AUTHORIZED BY THE DEPARTMENT IN WRITING.

(F) TO HUMANELY EUTHANIZE A BAT THAT IS NOT LISTED AS THREATENED OR ENDANGERED AND IS SHOWING SYMPTOMS OF A TERMINAL DISEASE, SUCH AS WHITE-NOSE SYNDROME.

(5) Double-crested cormorants and their eggs may be taken only as follows:

(a) Double-crested cormorants may be harassed without a permit by nonlethal means to deter or prevent damage to private property or to public fishery resources using such devices as noise makers or scare devices and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals.

(b) Double-crested cormorants may be taken and their eggs destroyed or oiled by department employees and designated agents of department employees at times and by manners identified through a state breeding colony or local breeding population control action which has been submitted to the United States fish and wildlife service.

(6) Individuals of a cervidae species not native to Michigan, including, but not limited to sika deer, fallow deer, mule deer, and hybrids thereof, but excluding red deer, elk, and hybrids thereof, found in the state outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours that do not bear visible identification may be taken by hunting statewide, year around, except within state park and recreation areas from April 1 to September 14, if the animal is submitted for registration and disease testing in a manner specified by the department by the person killing the animal.

(7) Red deer, elk and hybrids thereof found in zone 3 outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours that do not bear visible identification may be taken by hunting year around, except within state park and recreation areas from April 1 to September 14, if the animal is submitted for registration and disease testing in a manner specified by the department by the person killing the animal.

(8) In addition to the provisions of subsections (6) and (7), the wildlife permit specialist may issue a permit authorizing a department employee or federal employee to kill a cervidae species not native to Michigan, including elk, red deer and hybrids thereof, in a specified part of the state during a specified time period, whether or not visibly marked, if all of the following conditions are met:

(a) The animal is documented by a department employee or federal employee to have been outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours.

(b) No report of release has been filed with the department matching the species of animal and visible identification, if any, on the animal for the locality in which the animal was found.

(c) The department is unable to determine ownership of the animal by the visible identification, if any, displayed on the animal.

(d) The animal is submitted for registration and disease testing in a manner specified by the department.

Issued on this thirteenth day of January, 2011.

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

Timothy L. Nichols, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director