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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: March 14, 2011
RESUBMITTED: April 11, 2011

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Regulations
Wildlife Conservation Order Amendment No. 7 of 2011

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:

This amendment proposes to change the season purchase limit on antlerless licenses for deer management units (DMU) in Zone 1 and for DMU which are entirely within Zone 2. This amendment would also incorporate DMU 041 (Kent County) within the definition of DMU 486, the multi-county unit in southern Michigan, and eliminate the definition of the chronic wasting disease (CWD) surveillance zone previously established in DMU 041.

Antlerless license quotas provide the mechanism for restricting the total take of antlerless deer at the DMU level. Regardless of the total number of deer in each DMU relative to population goals for that area, individual landowners also have objectives for managing local numbers or impacts of deer. Many landowners in Zone 1 and Zone 2 experience impacts such as deer herbivory constraining forest regeneration following timber harvest as a result of locally abundant deer numbers in their vicinity. Increasing the seasonal purchase limit from a total of two to a total of five antlerless licenses would allow these landowners to address their local concerns without influencing the overall level of take within the DMU. This would also alleviate the administrative burden of authorizing such landowners to receive deer management assistance permits (DMAP) and collecting and entering data from the reporting forms that are required to be submitted by all DMAP recipients.

In August of 2008, a white-tailed deer in a captive cervid facility in Kent County was diagnosed with CWD and the *Michigan Surveillance and Response Plan for Chronic Wasting Disease of Free-Ranging and Privately-Owned/Captive Cervids* (CWD Plan), jointly developed in 2002 by the Department of Natural Resources and Department of Agriculture, was initiated. The CWD Plan called for establishment of CWD surveillance zones to mandate CWD testing of all deer taken by hunters. Testing goals were established for three years following any positive CWD test results.

The mandatory testing requirements required substantial administrative burden, but were vital for efforts to document the extent of CWD infection. Since no additional deer have tested positive for CWD since the initial case in 2008, it is no longer necessary to retain the CWD surveillance zone and the mandatory testing requirements in Kent County.

Recommendation:

This order was submitted for information on April 7, 2011, at the Natural Resources Commission Meeting. This item appeared on the Department's March 2011, calendar and may be eligible for approval on May 12, 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
Parks and Recreation Division

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

Mindy S. Koch, Deputy Director
Resource Management

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

Rodney A. Stokes, Director

Date

WILDLIFE CONSERVATION ORDER

Amendment No. 7 of 2011

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 May 13, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.102 Antlerless deer license; validity; authority; types; restrictions; units.

Sec. 3.102. (1) Antlerless deer licenses are only valid in their specified deer management unit when the unit has a season open to the taking of deer. Antlerless deer licenses do not grant permission to hunt on private property without the permission of the owner. A person purchasing an antlerless deer license over the counter shall do so in person.

(2) Antlerless deer licenses shall only be valid for taking an antlerless deer.

(3) Except as otherwise provided in this subsection, the holder of a valid public land antlerless deer license shall only take a deer from publicly owned lands within the deer management unit specified on the antlerless deer license. Public land antlerless deer licenses shall not be valid on any privately owned lands except lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.51101 to 324.51120 of the Michigan Compiled Laws.

(4) The holder of a valid private land antlerless deer license shall only take a deer from privately owned lands within the deer management unit specified on the private land antlerless deer license. The private land antlerless deer license shall not be valid on publicly owned lands and lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being sections 324.51101 to 324.51120 of the Michigan Compiled Laws.

(5) The deer management units, as defined in chapter XII, listed in section 3.105a are open to the taking of antlerless deer by public land antlerless deer license or private land antlerless deer license, or any combination.

(6) The director, in consultation with and concurrence of the chair or vice chair of the natural resources commission, may require an application to obtain an antlerless deer license or may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units.

(7) The director in consultation with and concurrence of the chair or vice chair of the natural resources commission may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units when the director determines that antlerless deer licenses remain unsold after the drawing, provided for in section 3.104, has been held or where such issuance is in the best interest of deer management. An application for the current year is not required to purchase an antlerless deer license that remains after the drawing, provided for in section 3.104, has been held.

(8) Young hunters 10 to 16 years of age on or before the 4th Saturday in September may purchase 1 private or public land antlerless deer license, over the counter, on a first-come, first-served basis, during the application period for antlerless licenses for any deer management unit with antlerless licenses available.

(9) A person shall not purchase more than 5 antlerless deer hunting license per calendar day, no more than 2 of which may be for deer management units other than the following: 452, 486, 487.

(10) The season limit for private land antlerless licenses shall be 5 per person except for deer management units in Alpena, Alcona, Iosco, Montmorency, Oscoda, and Presque Isle counties, and deer management unit 486 shall not be included in the season limit as defined in section 3.102(10) of this order.

12.486 "Deer management unit 486 (southern Lower Peninsula multi-county)" defined.

Sec. 12 486 "Deer management unit 486 (southern Lower Peninsula multi-county)" means all of Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Mecosta, Midland, Montcalm, Muskegon, Oakland, Ottawa, Saginaw, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, and Washtenaw counties, plus deer management unit 162 (south Newaygo county).

12.900 Repealed. Am. 7, 2011, Eff. May 12, 2011.

Issued on this 12th day of May, 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.

Rodney A. Stokes
Director