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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: March 18, 2013
RESUBMITTED: April 15, 2013

A P P R O V E D
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MICHIGAN NATURAL RESOURCES COMMISSION
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Management Assistance Permit Regulations
Wildlife Conservation Order Amendment No. 3 of 2013

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:

Conflicts between white-tail deer and humans occur at various levels of intensity across Michigan. Damage to agricultural and horticultural crops, suppressed forest regeneration, deer-vehicle collisions, and destruction of landscaping and other property by deer in urban and suburban areas can be significant.

When these conflicts arise, landowners frequently request assistance from the Department of Natural Resources. When necessary, the Department authorizes purchase of additional antlerless deer licenses called Deer Management Assistance Permits (DMAPs) to eligible land owners for use during the hunting seasons. In order to use DMAPs, the landowner must:

- Purchase them for a fee
- Use them only during an open season for deer
- Purchase the corresponding license for the season when they are being used
- Use only the method of take allowed during the open season for deer
- Take only antlerless deer

Occasionally, in extreme cases when there are many deer present and causing damage, the use of archery equipment in conjunction with DMAPs has not been sufficient to reduce or eliminate the conflict. Accordingly, the Department recommends allowing firearm use on a case-by-case basis with written permission during the first two weeks of October. This proposed exception shall be authorized only by the wildlife supervisor and district law enforcement supervisor if the Department determines that take by archery methods would not be sufficient to reduce conflict due to extreme circumstances.

The Department also recommends requiring the permittee to complete additional reporting requirements if this exception is authorized. This will allow the Department to collect accurate data regarding the extension in order to ensure the landowner's needs are addressed while being cognizant of hunter concerns.

Technical wording changes are proposed in several sections to maintain consistency throughout the Wildlife Conservation Order.

Recommendation:

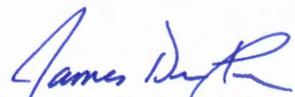
This order was submitted for information on April 11, 2013, at the Natural Resources Commission Meeting. This item appeared on the Department's March 2013 calendar and may be eligible for approval on May 9, 2013.


Russ Mason, Ph.D., Chief
Wildlife Division


Gary Hagler, Chief
Law Enforcement Division


Bill O'Neill, Chief
Forest Resources Division


Ronald A. Olson, Chief
Parks and Recreation Division


James Dexter, Chief
Fisheries Division


William E. Moritz, Ph.D.
Natural Resources Deputy

WILDLIFE CONSERVATION ORDER

Amendment No. 3 of 2013

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 10, 2013, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.80 Deer management assistance (DMA) hunting permits; definitions, criteria for issuance, validity of permits, application procedures, restrictions and requirements; exception; unlawful acts.

Sec. 5.80 (1) The terms in this section shall have the meaning described to them in this section.

(a) "Permit" means a deer management assistance (DMA) permit.

(b) "Permittee" means a person who has applied for and been authorized to purchase deer management assistance permits by the department.

(c) "Authorized designee" means one person who has been designated by the landowner and approved by the department, to act on behalf of the landowner to apply for and implement the provisions of deer management assistance permits. 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.

(2) Permits may be issued statewide to owners of land, or their authorized designee, located in areas where current antlerless harvest methods are insufficient to achieve department deer management objectives or where one of the following conditions exist:

(a) The department has documented that the property owner has significant agricultural or horticultural crop damage caused by deer.

(b) The department has documented that a serious disease outbreak is a threat to the deer herd, livestock, or human health.

(c) The department has documented a significant safety hazard caused by deer.

(d) Current antlerless regulations are insufficient to achieve landowner deer management objectives.

(3) DMA permits are valid only during an open season for the taking of deer as established by this order and only upon the land for which issued.

(4) DMA permits are valid only for the taking of an antlerless deer. A person hunting under the authority of a DMA permit shall carry the unused permit and shall exhibit the unused permit upon the request of a law enforcement officer.

(5) A person owning land within a qualifying area as determined by the department, or their authorized designee, may apply for a DMA permits with the wildlife supervisor on a form provided by the department. This agreement will include an estimate of desired antlerless harvest and numbers of hunters needed to meet the desired harvest objective. A DMA permit shall be signed by both the permittee and wildlife supervisor. The number of DMA permits will be determined by the wildlife supervisor. A minimum of 5 DMA permits shall be issued per permittee. Failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for a period of 1 year.

(6) The permittee shall not purchase more DMA permits than approved by the department.

(7) DMA permits may be subsequently issued by the permittee. The permittee shall issue a DMA permits only to a person who purchased a deer hunting license for the current hunting seasons. A person shall not accept, carry afield, use or attempt to use a DMA permit unless in possession of a deer hunting license for the current hunting seasons. A permittee shall not sell, lend, barter, or trade a DMA permit. Permittees shall inform hunters about rules pertaining to the use of DMA permits.

(8) A hunter issued a DMA permit by a permittee or authorized designee shall not sell, lend, barter, trade, or allow another person to use the DMA permit. Unused permits may be reissued to hunters only by the permittee or authorized designee.

(9) The provisions of section 3.103 shall apply to a permit and kill tag issued under this section. In addition, unless otherwise provided in this section, a person issued a DMA permit shall comply with lawful hunting hours and all regulatory requirements for the taking of deer for the season in which they are hunting.

(a) A firearm shall not be used with a DMA permit during archery season except from October 1 through October 14 with permission. This exception may be authorized on a case-by-case basis by the wildlife supervisor and district law enforcement supervisor if the department determines that take by archery methods will not be sufficient to reduce conflict due to unusual circumstances.

(10) A permittees shall report by January 15, on a form provided by the department, to the wildlife supervisor the name and address of all hunters and the number of deer harvested under the authority of DMA permits. Failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for a period of 1 year.

(a) A permittee authorized for firearm use as provided by subsection (9a) above shall adhere to additional reporting requirements. A permittee shall report, on a form provided by the department, by October 29 to the wildlife supervisor the name and address of all hunters, the number of deer harvested, and the method of take used under the authority of DMA permits from October 1 through October 14. Failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for a period of 1 year.

(11) Deer taken under the authority of a DMA permit shall not be included in the season limit as defined in section 3.101(8) of this order. The daily limit and season limit shall be 1 deer per DMA permit.

Issued on this 9th day of May, 2013.

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

J. R. Richardson, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director