



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: April 9, 2012
RESUBMITTED: May 21, 2012

A P P R O V E D
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Special Deer Permits
Wildlife Conservation Order Amendment No. 7 of 2012

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 has the authority to issue Deer Damage Shooting Permits to owners of specific lands with significant and documented agricultural or horticultural crop damage caused by deer. In accordance with Public Act 65 of 2012, the number of authorized shooters for Deer Damage Shooting Permits has been increased from three to no more than 15.

To align with Public Act 109 of 2011, language related to Deer Management Assistance (DMA) hunting permits that prohibited youth under 12 years of age from hunting with a firearm, has been eliminated.

Recommendation:

This order was submitted for information on May 17, 2012, at the Natural Resources Commission Meeting. This item appeared on the Department's April 2012 calendar and may be eligible for approval on June 14, 2012.

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Bill O'Neill, Acting 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

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 2012

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 June 15, 2012, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.41 Deer damage shooting permit; standards, conditions, records; unlawful acts.

Sec. 5.41 (1) Deer damage shooting permits may be issued statewide to owners of specific lands with significant agricultural or horticultural crop damage documented by the department.

(2) A deer damage shooting permit shall not be valid:

(a) Except during the time period authorized by the permit.

(b) During an open season for deer.

(3) 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.

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

(5) A person killing a deer shall immediately validate the deer damage permit tag as instructed on the tag and attach the tag to the gambrel or jaw of the deer. The postcard portion of the tag shall be mailed to the department by the person killing the deer within 24 hours after having killed that deer.

5.42 Deer damage shooting permit, prohibited acts.

Sec. 5.42 (1) It shall be unlawful for a permittee to designate more than 15 authorized shooters to implement the provisions of the permit unless additional shooters are approved by the wildlife management unit supervisor and district law enforcement supervisor.

(2) 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 validated deer damage permit tag attached to the deer.

(c) Take or attempt to take a deer within the permit boundaries unless in possession of a valid unused deer damage permit 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) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess an uncased or loaded firearm in the vehicles authorized by the permit.

(f) Kill a deer with antlers extending three inches or more above the skull unless approved by the wildlife management unit supervisor.

(g) Take or attempt to take a deer using an artificial light or from one-half hour after sunset to one-half hour before sunrise unless approved by the wildlife management unit supervisor and district law enforcement supervisor.

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

(3) It shall be unlawful for any person to buy or sell any deer killed under the authority of a deer damage control 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.

5.80 Deer management assistance (DMA) hunting permits; definitions, criteria for issuance, validity of permits, application procedures, restrictions and requirements; 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 or authorized designee of land 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 from 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 and adjacent private property with permission of the landowner.

(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, or authorized designee, owning land within a qualifying area as determined by the department, may apply for DMA permits by filing an agreement with the wildlife management unit supervisor. This agreement will include an estimate of desired antlerless harvest and numbers of hunters needed to meet the desired harvest objective. This agreement, once approved, shall be signed by both the permittee and wildlife management unit supervisor. The number of DMA permits will be determined by the wildlife management unit supervisor. A minimum of 5 DMA permits shall be issued per permittee. Failure to comply with these and other rules will make the permittee ineligible to participate in the DMA permit program for a period of 1 year.

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

(7) These DMA permits shall be subsequently issued by the permittee. The permittee shall issue the DMA permits only to a person who purchased a bow and arrow deer, firearm deer, combination deer, or antlerless deer hunting license for the current hunting seasons. A person shall not accept, carry afield, use or attempt to use a DMA permit unless they had purchased a bow and arrow deer, firearm deer, combination deer, or antlerless deer license for the current hunting seasons. A permittee shall not sell a DMA permit. Permittees shall inform hunters about rules pertaining to the use of DMA permits.

(8) Once issued by the permittee, a person issued a DMA permit shall not sell, lend, or allow another person to use or attempt to use the person's DMA permit. Unused permits may be reissued to hunters only by the permittee.

(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 all rules and regulations for the taking of deer for the season in which they are hunting.

(10) Permittees shall report by January 15 to the wildlife management unit supervisor the name and address of all hunters and the number of deer harvested under the authority of DMA permits.

(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 14th day of June 2012.

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