STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: February 11, 2013

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Salvage Permit for Business Entity
Wildlife Conservation Order Amendment No. 2 of 2013
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:

A scientific collector's permit is required for the collection, possession, transportation, or disposition of wild birds or mammals, living or dead, or parts thereof for scientific or educational purposes. Currently, the Department of Natural Resources Wildlife Division issues a scientific collector's permit based on four categories: salvage, research, live animal programs, or bird banding. The applicant for the permit must be associated with a public or private school, public agency, non-profit educational organization, scientific research organization working in cooperation with a college or university, or a scientific organization licensed by the United States Department of Agriculture.

In recent years in Michigan, companies have been pursuing alternative energy options including the use of wind power. As more wind turbines are built, the need to study their impact on wildlife becomes greater. Currently, the private organizations that control wind turbines do not qualify for a scientific collector's permit. However, some of these organizations have requested permits from the Division, so they can salvage birds and mammals that are found dead near their wind turbines and conduct scientific research. Accordingly, the Division recommends expanding applicant institutions to include business entities researching post construction impacts on wildlife.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's February 2013 calendar and may be eligible for approval on April 11, 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. 2 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 April 12, 2013, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.21 Scientific collector's permit, requirements.

Sec. 5.21 (1) A person shall not collect, possess, transport, or dispose of an animal, or parts thereof, for scientific or educational purposes, without first securing a permit from the wildlife permit specialist.

(2) An application for a permit shall be made on a form supplied by the department and shall be subject to department approval.

(3) A permit shall expire on the third March 31 after the date of issue unless the permit specifies a period of shorter duration.

(4) Department employees, in the course of performing official job responsibilities, shall be exempt from the requirement of obtaining a permit.

(a) Animals considered to be a disease risk may be collected by department employees performing official job responsibilities.

(5) A permit to collect a migratory bird or its eggs is valid only if the permittee has also obtained and has in their possession a similar permit issued by the United States fish and wildlife service.

(6) A permit shall be issued only to a qualified person who will use the specimens obtained for bona fide scientific or educational purposes. An applicant for a permit must be affiliated with one of the following institutions:

(a) A public or private school, such as a college, university, high school, junior high school, middle school, or elementary school. The school must be recognized as a legitimate educational institution by the Michigan department of education. The primary listed applicant, or the advisor named on the application, must hold at least a bachelor's degree in the biological sciences or an educational field.

(b) A public agency, such as a federal, state, city, or county unit of government associated with a wildlife or scientific area of study or research.

(c) A non-profit educational organization, which has obtained an exemption from federal income tax under the provisions of section 501 (c) (3) of the internal revenue code. The educational organization must be associated with a wildlife or scientific area of study or research. The primary listed applicant, or the advisor named on the application, must hold at least a bachelor's degree in the biological sciences or an educational field. The applicant must provide written documentation to the department certifying that 501 (c) (3) status has been achieved.

(d) A scientific research organization, working in cooperation with a college or university, whose primary listed applicant holds a post graduate degree in a science-related field.

(e) A scientific research organization licensed by the United States department of agriculture.

(f) A business entity researching post construction impact on wildlife.

(7) Applicants for a permit must submit a letter from an appropriate representative of the institution listed on the application. The letter shall include the applicant's and institutions permit qualifications, the need for the permit, and a description of the type of collection activity required. If the applicant requires more than the salvage of specimens found dead, the letter shall also include the species and number of specimens to be collected and the method of take.

If live animals are to be held, the letter shall include the species and number of animals, the source of the animals, and the need for holding live animals.

(8) In addition to the requirements described in section 5.21 (7), applicants who are not directly affiliated with the institution listed on the application must include with their application a letter from an appropriate employee of the institution. The employee must be named as the applicant's advisor on the application. The institution must qualify for a permit. The letter must certify that:

(a) The institution requires the applicant to hold specimens for the institution off the premises of the institution.

(b) The institution has a need for the applicant to perform this activity.

(c) The applicant is qualified to perform this activity for the institution.

(d) The institution accepts responsibility for the safe keeping and welfare of all specimens held by the applicant.

(e) If applicable, the institution accepts responsibility for the educational content of programs presented by the applicant, utilizing specimens held by the applicant.

(9) Permits issued prior to January 1, 1993, which do not meet current issuance requirements, shall be renewed, provided the permittee and institution continues to be deemed qualified by the department.

(10) Institutions possessing animals under the authority of section 4.1 (5) of this order shall be exempt from the requirement of obtaining a permit. Persons possessing, transporting, or otherwise handling such animals off the premises of such institutions shall require a permit.

(11) A permit shall not be issued for the collection or handling of state- or federally-listed threatened or endangered species.

(12) Animals, or parts thereof, held under the authority of this permit shall not be sold.

(13) No private maintenance or disposition of any animal, or parts thereof, collected under the authority of this permit is allowed. This does not apply to the temporary holding of animals being prepared for permanent deposit into a collection.

Issued on this 11th day of April 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