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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: November 12, 2013

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Allowable Uses of Salvaged Deer Resulting from Collision with a Motor Vehicle
Wildlife Conservation Order Amendment No. 1 of 2014
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Currently, a deer that has been killed by a motor vehicle collision may be tagged during deer season by a licensed hunter and used to bait furbearers. In addition, any person may salvage for food a deer that has been killed by a motor vehicle collision as long as the person obtains a "highway killed deer permit" from a conservation officer or peace officer.

The Department has received feedback from some hunters and trappers that they would like to be able to use deer killed by a motor vehicle collision to bait furbearers even when deer are not in season. Seasons for coyote and bobcat, for example, extend well past any open seasons for deer hunting. Accordingly, the Department recommends allowing deer carcasses for this use as long as the person in possession has obtained a permit and is able to produce the permit upon the request of a peace officer.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's November calendar and may be eligible for approval on January 9, 2014.

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

WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2014

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 January 10, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.

Sec. 3.600 It shall be unlawful for any person:

(1) To use a firearm, crossbow, or bow and arrow to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps, except for youths trapping with a junior fur harvester-trap only license.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares or 1 or more cable restraints unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number of the user or person possessing the catching device.

(4) To use or have in possession 1 or more snares or 1 or more cable restraints securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 8 inches in height, 8 inches in width, and 36 inches in depth. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take fur-bearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any protected animal or protected bird as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit a person from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season or deer possessed under section 5.10 of this order, as bait, except as stated in Section 5.31 of this order.

(9) A trap or snare shall not be set on a beaver dam or lodge unless the trap is totally submerged below the water.

(10) To set a body gripping or conibear type trap larger than 5 and one half inches in width as measured inside the jaw hinges on dry land or over frozen submerged bottomlands, unless the trap is placed as follows:

(a) On private land and less than 7 and one half inches as measured inside the jaw hinges.

(b) On public or private lands 4 feet or more above dry ground or the frozen surface of ice, as applicable.

(c) On public lands:

(i) Less than 8 inches above the ground at the highest point, and in a way that does not use bait, lure, or attractant to entice an animal and the trap is between 5 and one half and 6 and one half inches as measured inside the jaw hinges.

(ii) In a box or similar container that is placed vertically on a tree or other structure so that the trap trigger is at least 4 inches from the container opening and the opening of the container is no more than 6 inches from the ground.

(iii) In a box or similar container with a maximum fixed opening of 6 inches measured from the inside bottom of the container opening to the lower edge of the top of the container opening with 8 inch slots to allow trap placement so that no part of the trap trigger is closer than 6 inches to the opening edge of the container and the trap is between 5 and one half inches and 7 and one half inches as measured inside the jaw hinges.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless any catch is released or removed upon checking the catching device. Restraining type traps and cable restraints designed to hold an animal alive shall be checked at least once daily in zones 2 and 3 and within a 48 hour period in zone 1, except as noted in Section 5.52 (8).

(13) To use, carry afield, or set a trap with teeth or serrations.

4.5 Possession of road-killed ~~w~~Wild animals killed by motor vehicle; possession; permit; disposal.

~~Sec. 4.5 A person~~ An individual may possess a road-killed wild animal killed by collision with a motor vehicle, or so injured that it must be killed, only as provided for by the following:

(1) For purposes of this section "nongame" means all wild birds and wild mammals not defined as game by Part 401, ~~of the Natural Resources and Environmental Protection Act~~, wildlife conservation, 1994 PA 451, being MCL 324.40103(1).

(2) ~~Road-killed n~~Nongame mammals killed by collision with a motor vehicle, except for mammals protected by section 9.3 of this order and by Part 365 ~~endangered species protection~~, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.36503, may be kept possessed by any person ~~an individual~~ at any time without a permit. Mammals protected by the endangered species protection act may be possessed only in compliance with Part 365.

(3) ~~Road-killed n~~Nongame birds killed by collision with a motor vehicle, except for house (English) sparrows, European starlings, feral pigeons, or endangered or threatened species, may be kept possessed only by a scientific or educational institution with a permit from the director for scientific or educational purposes. House (English) sparrows, European starlings, or feral pigeons may be kept possessed by any person ~~an individual~~ at any time without a permit. ~~Protected B~~birds protected by Part 365 may be possessed only in compliance with Part 365, ~~endangered species protection, 1994 PA 451.~~

(4) ~~Road-killed g~~Game animals killed by collision with a motor vehicle, except for a spotted fawn, cub bear, or migratory birds, may be kept possessed by any person ~~an individual~~ without a permit if the hunting or trapping season is open for that species where the animal was killed and if that person has a valid license for taking the animal. A road-killed game animal killed by collision with a motor vehicle shall be included in the daily,

possession, and season limit. A spotted fawn, cub bear, migratory game bird, and all other game animals killed outside of the open season may be ~~kept possessed~~ only by a scientific or educational institution with a permit from the director for scientific or educational purposes and applicable federal permit.

(5) Notwithstanding the provisions of subsection (4), a road-killed deer killed by collision with a motor vehicle that is not spotted, or an adult bear, may be salvaged ~~for food by anyone~~ at any time with a permit from the director as provided by section 5.10.

(6) A road-killed wild animal killed by collision with a motor vehicle from outside the state of Michigan may be kept only by ~~a person who can show proof that it was legal to take or possess that animal in the state where it was killed~~ an individual meeting the provisions of section 4.1 and 4.2 of this order.

5.10 Highway-killed Deer and or bear killed by collision with a motor vehicle; permit, issuance; prohibited acts.

Sec. 5.10 (1) A deer or bear killed by collision with a motor vehicle, or so injured that it must be killed, may be possessed by a person only if that person has obtained a highway-killed deer and bear permit. The highway-killed deer and bear permit may be issued by a police or peace officer investigating the motor vehicle collision upon a form prescribed by the director ~~according to~~ and all of the following rules apply:

(a) The driver of the damaged vehicle shall have first priority to possess the highway-killed deer or bear.

(b) A highway-killed deer and bear permit shall not be issued to possess a spotted fawn or cub bear killed by collision with a motor vehicle.

(c) A person possessing a highway-killed deer or bear killed by collision with a motor vehicle shall immediately produce the highway-killed deer and bear permit upon the demand of a conservation officer or peace officer. ~~Immediately Within 24 hours following the issuance of a highway-killed deer and bear permit, a person possessing a highway killed deer or bear carcass shall securely attach the permit to the carcass. The permit shall remain attached until the carcass is processed or butchered for consumption. If the carcass is used as bait, the permittee may remove the tag while the carcass is in use, but shall produce the permit upon the request of a peace officer.~~

(2) A permit authorized under this section may be issued by a department conservation officer to dispose of the carcass of a deer or bear which was otherwise accidentally or unlawfully taken, or unlawfully possessed.

Issued on this 9th day of January, 2014.

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