



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: April 9, 2012

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Possession of Antlers Shed by a Deer, Elk, or Moose
Wildlife Conservation Order Amendment No. 8 of 2012
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:

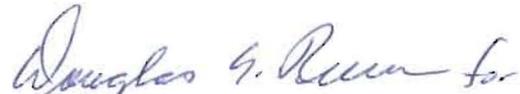
Deer, elk, and moose naturally shed their antlers on an annual basis once they reach maturity. As the male animal experiences a change in testosterone levels due to mating season, antler growth slows down, calcium is reabsorbed from the antler weakening the joint between the skull and antler, and the antler naturally drops or “sheds.”

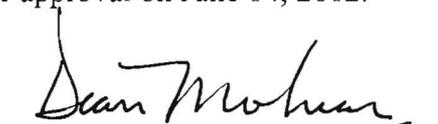
“Hunting for sheds” is a popular activity in states where cervidae resources are readily available. People are known to use shed antlers for a variety of purposes such as making knife handles, arts and crafts, or maintaining a collection. In some states, such as Wyoming, picking up shed antlers is so popular that the state has specific laws in place to prevent incidental elk harassment during wintering months.

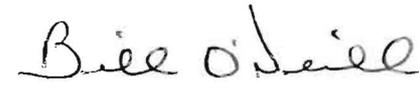
Current legislation does not specifically prohibit picking up shed antlers. However, existing restrictive possession language can be interpreted to include antlers. Accordingly, the Department recommends allowing for the possession of naturally shed antlers. The Department also recommends allowing for the sale or purchase of naturally shed antlers.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's April 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, Acting Chief
Fisheries Division


Acting 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. 8 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:

4.1 Possession of animals; duty to retrieve game animals.

Sec. 4.1 A person may possess any animal or parts of any animal, from this state, or from outside of this state, whether living or dead, only as provided by this section:

(1) Game lawfully taken, acquired, and transported may be possessed by any person.

(2) Live game taken from the wild shall not be possessed. Wounded game, reduced to possession, shall be immediately killed and included in the daily limit. A person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit.

(3) Dead game lawfully taken in another state, territory, or country, and lawfully imported into this state, may be possessed by any person.

(4) Game lawfully taken may be possessed afield, or in or upon a motorized vehicle, if the identification of species and sex is readily identifiable as provided by section 40109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40109. Waterfowl may be transported or possessed only in accordance with sections 3.403 to 3.406 of this order. For the purposes of identification under section 40109, the species and sex of a butchered or processed deer, bear, or elk shall be considered readily identifiable if the carcass or parts thereof are accompanied by the head of the animal with the validated tag or seal as required for the species by this order.

(5) Animals, dead or alive, and parts thereof may be possessed by educational institutions, public agencies, and public zoological gardens. A qualified person may obtain a permit from the department to possess a live animal for rehabilitation purposes as specified in sections 5.70 to 5.75 of this order. Rehabilitation shall be undertaken only for the expressed purpose of ultimately returning the sick or injured animal to the wild.

(6) Except as otherwise provided in this subsection, live game or protected species, and any other animals which closely resemble game or protected species, and can reasonably be confused with game or protected species as determined by the department, which have been lawfully acquired from within this state, or lawfully imported, may be possessed if the person first applies for and has been issued 1 or more of the following licenses or permits specifically authorizing the species to be possessed by that person:

(a) A shooting preserve license.

(b) A permit to hold wildlife in captivity.

(c) A federally recognized falconry permit.

(d) A federal raptor propagation permit, except that the possession of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not possess any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose education permit or state scientific collector's permit.

(7) Nothing in this section shall be construed to prohibit the possession of a hawk, owl, or eagle, or parts thereof, by an American Indian for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

(8) A licensed taxidermist may possess lawfully acquired dead game and protected animals only under the following conditions:

(a) Game and protected animals must be tagged with a taxidermist specimen identification tag supplied by the department and the information requested on the tag must be completely and legibly recorded.

(b) A copy of the taxidermist specimen identification tag shall be maintained by the taxidermist on the premises for inspection by a conservation officer for 1 year following disposal of any specimen.

(c) Receipt of any carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, elk, or moose, originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations, or from the CWD surveillance zone as defined in section 12.900 of this order, that does not have documentation showing a negative test for CWD, must be reported to the Michigan department of natural resources and environment, wildlife disease laboratory, within the business hours of the next 72 hours of receipt.

(9) A person shall not possess the carcass or parts thereof, of a deer, elk, or moose originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except for the following:

(a) Deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth.

(b) A finished taxidermist mount.

(c) Tissues imported for use by a diagnostic or research laboratory.

(10) A person may possess antlers that have been shed by a deer, elk, or moose. "Shed" means to cast off as part of a natural process.

4.3 Buying and selling.

Sec. 4.3 A person may buy, offer to buy, sell, offer to sell, or exchange for anything of value animals or parts of animals only as provided in this section:

(1) The fur, hide, pelt, plumage, or skin of game, lawfully taken during the open season or raised under the authority of a permit to hold wildlife in captivity, may be sold or offered for sale by the person licensed to take the game or the person permitted to hold wildlife in captivity.

(2) The carcass and parts thereof, of fur-bearing animals lawfully taken during their open season or lawfully imported from another state, territory, or country, may be bought or sold.

(3) The antlers of deer, elk, and moose ~~and the skull of black bear~~ lawfully taken **by a hunter or shed by the animal** may be bought or sold. **The skull of black bear lawfully taken may be bought or sold.** The teeth, claws, flesh, bones, or internal organs of game, other than those species listed in subsection (2), shall not be bought or sold.

(4) A person engaged in the business of buying or selling animals, or parts thereof, other than tanned skins, hides, or manufactured products, may be required to obtain a fur dealer's license as required by part 425, furs, hides, and pelts, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42501 to 324.42507 of the Michigan Compiled Laws. A taxidermist, licensed by the department, is not required to obtain a fur dealer's license to purchase animals, or parts thereof, which may be legally bought or sold

under subsections (1) to (3), part 427, breeders and dealers, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws, or part 417, private shooting preserves, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.41701 to 324.41712 of the Michigan Compiled Laws.

(5) A dealer in meats, restaurateur, private club manager, shooting preserve licensee, or the sponsor of a field dog trial may sell for food the carcasses of game listed in subsection (2), game lawfully purchased from a captive wildlife permittee, and/or game lawfully imported from another state, territory, or country provided that the seller maintains on the premises documents, receipts, bills of lading, invoices, or customs declarations which identify the number, origin, poundage, species, and cost of the game being sold. Such records must be maintained on the premises and made available to any conservation officer during normal business hours for at least 30 days following the sale of the game.

(6) A person with a permit to hold wildlife in captivity may buy and sell any animals listed on their permit in accordance with the provisions of part 427, breeders and dealers, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws, and orders issued under the authority of that part.

(7) A licensed taxidermist may sell a permanently preserved specimen other than a migratory bird if the animal was lawfully obtained and, upon transfer, is lawfully possessed by the buyer. Documentation of lawful purchase or lawful importation must be maintained by the taxidermist and transferred to the buyer upon sale. A licensed taxidermist may sell a mounted, properly marked, captive bred, migratory bird if it was lawfully obtained and is sold in compliance with federal regulations.

(8) Dead game, or parts thereof, imported from another state, territory, or country and offered for sale must be labeled or stamped as a product of that state, territory, or country and the name of the producer clearly identified in legible English on the exterior of any packaging.

(9) The state will allow the buying and selling of raptors as provided by 50 C.F.R. 21.30. No person shall purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

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