

Commissioner Lashbrook – Amendment to 2.1(17) and 3.600(15)

I MOVE TO AMEND WILDLIFE CONSERVATION ORDER AMENDMENT #5 of 2021, SECTIONS 2.1(17) AND 3.600(15), TO STATE THE FOLLOWING:

- Section 2.1(17): Possess or use lures or attractants in an area frequented by game that contain or claim to contain cervid urine or other bodily fluids originating from cervids except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.
 - Section 3.600(15): Possess or use lures or attractants in an area frequented by furbearers that contain or claim to contain cervid urine or other bodily fluids originating from cervids except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.
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2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, “raised platform” means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the persons possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber or smaller rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvesters license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, 1994 PA 451, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the “limited firearms deer zone” from November 15 to November 30, or use to take a deer during any firearm deer season in the “limited firearms deer zone,” a firearm other than:

- (a) A shotgun with a smooth or rifled barrel.
- (b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.
- (c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured blackpowder substitute.
- (d) A .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches.
- (e) A .35 caliber or larger air rifle or pistol charged only from an external high-compression power source such as an external hand pump, air tank, or air compressor.
- (5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.
- (6) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.
- (7) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.
- (8) Take any animal at any time other than during the hunting hours and open seasons established in this order, except as may otherwise be provided in chapter VI.
- (9) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.
- (10) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.
- (11) Make use of a dog in hunting deer, except as noted in section 2.1a of this order.
- (12) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently or temporarily disabled person who holds a special permit provided for in section 40101 to 40119 of 1994 PA 451, MCL 324.40101 to 324.40119, or section 5.95 of this order.
- (13) Use aircraft to aid in the taking of a wild bird or wild animal.
- (14) Take game with a crossbow unless the hunter possesses a valid license to take game and uses only arrows, bolts, and quarrels for taking deer, bear, elk, wolf, and turkey with a broadhead hunting type of point not less than 7/8 of an inch wide with a minimum of 14 inches in length.
- (15) Take deer with a crossbow or a modified bow in zone 1 from December 1 to March 31, except in the core CWD surveillance area where an individual may take deer with a crossbow. This subsection shall not apply to a person who holds a special permit provided for in part 401, wildlife conservation, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.40101 to 324.40119, or section 5.95 of this order.
- (16) Subject to section 40116, 1994 PA 451, MCL 324.40116, take game during the established daylight shooting hours from August 15 through April 30 unless the individual wears a cap, hat, vest, jacket, or

rain gear of hunter orange. Hunter orange includes camouflage that is not less than 50 percent hunter orange. The garments that are hunter orange must be the hunter's outermost garment and be visible from all sides of the hunter. This does not apply to an individual engaged in the taking of deer with a bow or crossbow during archery deer season, an individual taking bear with a bow or crossbow, an individual engaged in the taking of turkey or migratory birds other than woodcock, an individual engaged in the sport of falconry, or an individual who is stationary and in the act of hunting bobcat, coyote, or fox.

(17) Possess or use ~~natural cervid~~ lures or attractants in an area frequented by game that contain or claim to contain cervid urine or other bodily fluids originating from ~~deer cervids~~, **except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.**

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 if the trapper is an individual that cannot lawfully hunt with a firearm, crossbow, or bow and arrow.

(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's license number or DNR sportcard number of the user or individual 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 individual 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 or DNR sportcard number of the user or individual 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 or DNR sportcard number of the user or individual 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. Mink incidentally taken in a multiple catch trap or a colony trap legally set for muskrat may be lawfully possessed. 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 furbearing 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 an individual from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season, as bait, except as stated in Section 5.31 of this order.

(9) To set a trap or snare on a beaver dam or lodge unless it meets at least one of the following provisions:

(a) The trap is totally submerged below the water.

(b) The trap is a duffer-type, egg-type, or similarly designed foothold trap which by construction will selectively capture raccoon. This trap may be set above the water.

(c) The trap is a body gripping or conibear type trap 5 inches or less in width as measured inside the jaw hinges. This trap may be set above the water.

(d) The trap is a body gripping or conibear type trap less than 8 inches above the ground at the highest point, and set in a way that does not use bait, lure, or attractant to entice an animal, and the trap is between 5 inches and 6 and one half inches as measured inside the jaw hinges. This trap may be set above 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 unless the trap is at least half submerged in water or on dry land or over frozen submerged bottomlands, and the trap is placed as follows:

(a) On private land, except lands open to hunting by the general public under the provisions of Part 511, commercial forests, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120, 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 and lands open to hunting by the general public under the provisions of Part 511, commercial forests, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120, and is:

(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 foothold 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:

(a) Any catch is released or removed upon checking the catching device. Restraining type traps set in a manner 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) or in (ii) below.

(b) Using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, for the taking of furbearing animals, in season, by a licensed trapper, or person permitted by the Department.

(i) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall release or kill an animal captured in a live-restraining cage trap immediately upon finding that animal in a trap.

(ii) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall tend the trap daily statewide.

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

(14) A person shall not set or maintain any foothold trap within 20 feet of bait located in such a manner that it is visible from 4 feet or more above the bait. This shall not be construed to prohibit the use of completely submerged foothold traps located within 20 feet of any bait.

(a) As used in this subsection, "bait" is any animal or animal parts, including dead fish, except that pieces of less than 36 square inches and comprised of dried hide, fur, feathers or bones and entirely free of meat may be used as a visible attractant.

(15) Possess or use ~~natural-cervid~~ lures or attractants in an area frequented by furbearers that contain or claim to contain cervid urine or other bodily fluids originating from ~~deer cervids~~, **except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.**