



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



SHANNON LOTT
ACTING DIRECTOR

SUBMITTED: February 14, 2023
RESUBMITTED: March 13, 2023
RESUBMITTED: April 17, 2023
RESUBMITTED: May 15, 2023

APPROVED
June 8, 2023
MICHIGAN NATURAL RESOURCES COMMISSION
Brooke Parmelee
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Tracking Legally Shot Game Animals
Wildlife Conservation Order Amendment No. 5 of 2023

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:

Current regulations allow an individual to track wounded deer, elk, or bear with a dog if the:

- Dog is kept on a leash.
- Tracking is done at night, artificial lights ordinarily carried in the hand or on the person.
- Dog barks, it may not be used on public lands.
- Use of a dog to recover legally taken game does not authorize trespass.

The Law Enforcement Division (LED) has reviewed the request to allow the use of a Global Positioning System (GPS) to allow the dog off leash when the tracker can demonstrate knowledge of the dog's GPS coordinates and a method to control the dog.

Issues Pros and Cons

GPS dog tracking devices allow for the tracker to maintain position and control of the dog off leash. Such remote technologies will aid in finding wounded game more quickly.

GPS dog tracking devices may have systematic issues, such as signal strength, battery power, and inaccurate readings.

Other States

The Department reviewed regulations in Illinois, Indiana, Ohio, and Wisconsin to determine if they allow the use of a GPS tracking system with a dog off leash when a tracker can demonstrate knowledge of a dog's GPS coordinates and a method to control the dog. Illinois, Indiana, Ohio, and Wisconsin require the dog to be on a leash.

Biological

The Department does not expect a biological impact to wildlife populations.

Social

Tracking Legally Shot Game Animals
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The Department does not expect any social impacts.

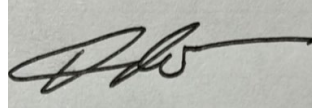
Economic

The Department does not expect any significant economic impacts.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on March 9, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's February 28, 2023 calendar and was eligible for approval on April 13, 2023.



Sara Thompson, Acting Chief
Wildlife Division



David Shaw, Chief
Law Enforcement Division



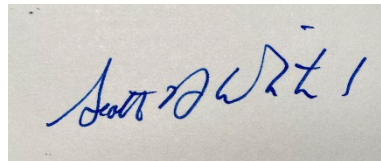
Jeffery J. Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division

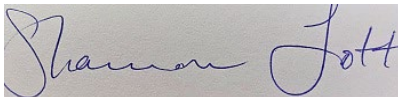


Randy Claramunt, Chief
Fisheries Division



Scott Whitcomb
Acting Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



Shannon Lott, Acting Director

Date: June 8, 2023

Commissioner Anthony – WCO 5 of 2023 Amendment

I MOVE TO AMEND WILDLIFE CONSERVATION ORDER AMENDMENT NO. 5 OF 2023 TO REMOVE THE PROHIBITION OF DOGS THAT BARK ON PUBLIC LANDS.

2.1a Tracking by dogs; requirements.

Sec. 2.1a (1) A dog may be used to locate a wounded deer, elk **or bear** if the dog is kept on a leash **or the tracker can demonstrate control of the dog under (5)(e)** and, subject to section 43510, subsections (2) and (3), of part 435, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, none of the persons in attendance possess a firearm, crossbow or bow and arrow, except as noted in 2.1a (2) and (3). If the tracking is done at night, artificial lights ordinarily carried in the hand, or on the person, may be used. **A dog that barks while tracking shall not be used on public lands.** The use of dogs to recover legally taken game does not authorize trespass.

(2) A licensed deer or elk hunter accompanying a dog tracker shall not have a live round in the chamber, a cocked crossbow, or bow with nocked arrow, except at the time and point of kill.

(3) A licensed bear hunter accompanying a dog tracker outside of legal hunting hours shall not have a loaded firearm, a cocked crossbow, or bow with nocked arrow except at the time and point of kill.

(4) Only a licensed hunter may dispatch and tag the wounded deer, elk, or bear.

(5) A dog tracker, when accompanying a licensed hunter, must comply with all the following:

~~(a) Tracker must successfully complete a basic tracking test as administered by a department approved organization and shall furnish such proof upon the request of a peace officer.~~

~~(b) Tracker has in his or her possession a license to carry a concealed pistol or is authorized to carry without obtaining a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.~~

~~(c) (a) Tracker must register to receive a bi-annual permit from the department's law enforcement division authorizing the individual to track with a dog. Tracker shall submit an application for a permit on a form or through a web-based application system furnished by the department. A permit application shall be considered only if the applicant is at least 18 years of age or older and has provided all documentation required by the department: Tracker must receive annual written authorization from the department's law enforcement division prior to participation in activities involving the tracking of wounded animals.~~

~~(d) (b) Tracker's name, address, telephone number, and accompanying hunter's license information must be provided to the department's report all poaching telephone number prior to initiating each tracking activity.~~

~~(c) Tracker has control of the dog off leash when the tracker can demonstrate knowledge of the dog's location and a method to control the dog, which may include voice command.~~

~~(e) (d) Tracker must contact the department's report all poaching telephone number within 12 hours of a mortally wounded animal being dispatched or ending each tracking activity.~~

WILDLIFE CONSERVATION ORDER

Amendment No. 5 of 2023

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 8, 2023, the following section(s) of the Wildlife Conservation Order shall read as follows:

2.1a Tracking by dogs; requirements.

Sec. 2.1a (1) A dog may be used to locate a wounded deer, elk or bear if the dog is kept on a leash or the tracker can demonstrate control of the dog under (5)(e) and, subject to section 43510, subsections (2) and (3), of part 435, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.43510, none of the persons in attendance possess a firearm, crossbow or bow and arrow, except as noted in 2.1a (2) and (3). If the tracking is done at night, artificial lights ordinarily carried in the hand, or on the person, may be used. The use of dogs to recover legally taken game does not authorize trespass.

(2) A licensed deer or elk hunter accompanying a dog tracker shall not have a live round in the chamber, a cocked crossbow, or bow with nocked arrow, except at the time and point of kill.

(3) A licensed bear hunter accompanying a dog tracker outside of legal hunting hours shall not have a loaded firearm, a cocked crossbow, or bow with nocked arrow except at the time and point of kill.

(4) Only a licensed hunter may dispatch and tag the wounded deer, elk, or bear.

(5) A dog tracker, when accompanying a licensed hunter, must comply with all the following:

(a) Tracker must register to receive a bi-annual permit from the department's law enforcement division authorizing the individual to track with a dog. Tracker shall submit an application for a permit on a form or through a web-based application system furnished by the department. A permit application shall be considered only if the applicant is at least 18 years of age or older and has provided all documentation required by the department:

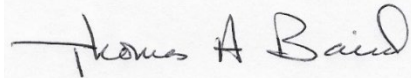
(b) Tracker's name, address, telephone number, and accompanying hunter's license information must be provided to the department's report all poaching telephone number prior to initiating each tracking activity.

(c) Tracker has control of the dog off leash when the tracker can demonstrate knowledge of the dog's location and a method to control the dog, which may include voice command.

(d) Tracker must contact the department's report all poaching telephone number within 12 hours of a mortally wounded animal being dispatched or ending each tracking activity.

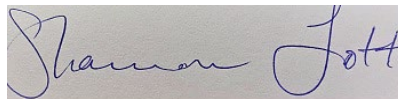
Issued on this 8th day of June, 2023.

Approved as to matters over which the Natural Resources Commission has authority.

A handwritten signature in black ink that reads "Thomas A Baird". The signature is written in a cursive style with a horizontal line under the first letter of the first name.

Thomas Baird, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

A handwritten signature in blue ink that reads "Shannon Lott". The signature is written in a cursive style with a horizontal line under the first letter of the first name.

Shannon Lott
Acting Director



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



GRETCHEN WHITMER
GOVERNOR

SHANNON LOTT
ACTING DIRECTOR

SUBMITTED: April 25, 2023
RESUBMITTED: May 15, 2023

APPROVED
June 8, 2023
MICHIGAN NATURAL RESOURCES COMMISSION
Brooke Parmelee
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Regulations
Wildlife Conservation Order Amendment No. 7 of 2023

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:

In preparation for the 2023-2025 deer regulatory cycle, deer regulations such as season dates and structure, antlerless take, chronic wasting disease (CWD), and other various topics were reviewed and developed with internal staff, stakeholder groups, and the public earlier this year as part of the regulatory process. The Department's recommendations, as explained in this memorandum, are intended to simplify, and reduce confusing regulations, increase antlerless deer harvest, and increase deer harvest opportunities for hunters.

The Department will continue to review deer regulations as data continues to show a decline in hunters and a decline in revenue from hunting license sales as the deer population continues to grow. The Department will also continue to review deer regulations for disease and population management goals.

Statewide Recommendations:

Liberty Hunt Bag Limit

The Liberty Hunt is a firearm deer hunt that takes place on private or public lands statewide open to firearm deer hunting the 2nd weekend in September. Youth hunters 16 years or younger and hunters with disabilities may participate in this hunt. During this hunt, a hunter may only take one deer provided they possess a deer license, deer combination license, an antlerless deer license, or a deer management assistance permit. A deer license or deer combination license may be used for an antlered or antlerless deer. Antler point restrictions do not apply. An antlerless deer license or deer management assistance permit may only be used to take an antlerless deer. To provide more flexibility and recreational opportunities for youth hunters and hunters with disabilities, the Department recommends increasing the deer bag limit and allowing a hunter to take more than one deer during the liberty hunt (one deer per valid license), however

only one deer can be an antlered deer. All other regulations for the liberty hunt, including license validity still apply.

Issues Pros and Cons

The Liberty Hunt is a special hunt that provides recreational opportunities for youth hunters and hunters with disabilities. With the declining trend in hunter numbers, this hunt provides training and apprentice opportunities for youth hunters, as well as opportunities for hunters with disabilities to harvest a deer during less crowded hunting conditions. It also gives hunters the opportunity to harvest a deer when the weather is likely to be less challenging and provides a more focused mentoring and assistance opportunity for those who choose to participate. Increasing the bag limit will not only provide additional opportunities to harvest more than one deer, but it is also another avenue to introduce new hunters to the sport of hunting.

Increasing the bag limit during the Liberty Hunt will create some inconsistency between the September Liberty Hunt and the October Independence Hunt, which might create some confusion between the two special early firearm seasons.

Biological

The Department does not expect a biological impact. In 2022, the Liberty Hunt contributed to two percent of the total deer season harvest, which is consistent with previous years. Even if success rates increase, or the proportion of antlerless deer in the harvest is increased substantially, the Department does not anticipate the level of harvest to have a negative biological impact in any of their management units.

Social

Increasing the bag limit may help increase hunter success rates and satisfaction during the Liberty Hunt.

Economic

The Department does not expect a significant increase or decrease in participation, and therefore, does not expect an economic impact.

Upper Peninsula (UP) Recommendations:

Antlerless Option During Archery Deer Season on Deer License and Deer Combination License

In 2015, the Department closed antlerless harvest opportunities with archery equipment across the UP after several successive severe winters. In 2019, some antlerless opportunities were restored in the southern part of the UP surrounding the detection of CWD in 2018 in Dickinson County. In May 2020, the Department brought forward a recommendation to reinstate the antlerless option during archery deer season for hunters hunting on a deer license or deer combination license in the entire UP. However, the Natural Resources Commission (NRC) approved an amendment that prohibited antlerless take on these licenses during the archery season in western UP deer management units (DMUs) 127, 066, 027, 131, 042, 036, and 031. Then in November 2021, the Department brought forward a recommendation to remove this amendment and implement the original proposal, however the NRC approved an amendment to prohibit antlerless take on these licenses during the archery deer season in the northern UP DMUs 127, 066, 131, 042, 031, 007, and 048.

The Department recommends removing the regulation that prohibits antlerless take during the archery deer season in the northern UP. Removing this regulation will allow antlerless deer to

be taken during archery deer season for hunters hunting on a deer license or deer combination license in the entire UP. This will provide additional antlerless harvest opportunities and provide consistency in regulations across the UP.

Issues Pros and Cons

Allowing the option to take an antlerless deer during archery season for hunters hunting on a deer license or deer combination license in the entire UP will provide hunters with more flexibility and opportunity to hunt across the UP. In addition, this will also provide for simplified and consistent regulations across the UP.

There may be some confusion regarding the option to take antlerless deer with a deer license or deer combination license; however, the Department will continue effective communications and customer service related to the regulatory changes.

Biological

The UP region varies significantly in capability of habitat to support deer, with winter impacts on deer, predator populations, and other factors that influence deer numbers. The severe winters of 2013-2014 and 2014-2015 resulted in high snow depths and harsh winter conditions. These conditions left many areas of the UP with low deer numbers. With previously restrictive regulations, including areas with no antlerless quotas allowed, the only opportunity for antlerless deer harvest to be reduced following these severe winters was during the archery season. The average antlerless harvest during archery season between the 2012-2014 seasons was 1,275 across over 7,100 square miles for the areas currently closed to antlerless archery harvest. When antlerless harvest was briefly allowed in DMUs 007 and 048 in 2020, an estimated 295 antlerless deer were taken during this season across an area that spans over 3,800 square miles (which translates to less than 8 deer for every 100 square miles). Allowing antlerless harvest on a deer license or deer combination license during archery deer season will increase antlerless hunting opportunities and support continued management of the population.

Based on data from the predator-prey study, the Department is also seeing longer, drawn out fawn birth dates in the mid and high snowfall areas. Timing of the rut and subsequent fawn birthdates are important in northern latitudes so fawns can maximize growth during the summer and fall as they head into the long winter months. Delayed breeding can be a function of low deer densities and/or largely skewed male/female ratios. Fawns born later in the summer are at a greater disadvantage compared to fawns born earlier. Camera data shows that in the high snowfall zone a 1:8 buck:doe ratio with densities ranging from ~8 to 26 deer per square mile. In the low snowfall zone, camera data showed estimated a 1:3 buck:doe ratio with densities around 50 deer per square mile.

The Department maintains that the overall impact of allowing antlerless deer to be taken with archery equipment across these DMUs on a deer license or deer combination license, even in areas with low densities, will not lead to exceedingly low deer densities that would impact the long-term sustainability of the deer herd.

Social

Providing the option to take an antlerless deer during archery season on a deer license or a deer combination license will provide additional recreational opportunity. Providing additional antlerless harvest in the UP may result in some social conflict.

Economic

Antlerless harvest opportunities will continue to be important in DMUs to address agricultural crop damage and forest regeneration concerns.

Crossbows During Late Archery Season

In November 2021, the Department brought forward a recommendation to allow crossbows during the late archery season in the entire UP. However, the NRC approved an amendment to remove this proposal. The Department is bringing forward this proposal again.

When crossbows were originally recommended to be allowed for all archers in the state of Michigan (2009), a group of concerned sports persons came to the NRC and asked that crossbows are not allowed during the late season of the archery season (December 1 through January 1). The reason being that this group felt deer in the UP were too vulnerable to harvest during that time frame (yarding up) and those crossbows were too efficient at killing deer. The NRC amended the recommendation and prohibited crossbows during the late archery season unless someone, due to medical reasons, could not pull back a long bow or compound bow and therefore could only use a crossbow or modified bow during that time. A permit was required.

Currently, there is no evidence to suggest that allowing crossbows would increase the number of deer killed or that deer are more vulnerable to crossbows than to any other piece of archery equipment. To provide more recreational opportunity and consistent regulations across the state, the Department recommends allowing crossbows during the late archery season in the entire UP.

Allowing crossbows during the late archery season also removes the permit requirement for crossbows or modified bows. When the NRC approved the expansion of crossbow regulations in 2010, it included the use of modified bows where crossbows are legal. The recommendation to allow crossbows during the late archery season will now allow crossbows to be used statewide, therefore a crossbow or modified bow permit is no longer required.

Issues Pros and Cons

Allowing crossbows during the late archery season in the UP will simplify and provide consistent statewide regulations. In addition, it will provide for additional recreational opportunity in late archery season and will allow for more flexibility for hunters. Current regulations allow for the use of crossbows during the early archery season statewide and in the late archery season in the UP Core CWD Surveillance Area. In 2022, there were a reported 4,440 deer taken in DMUs 007, 031, 042, 048, 066, 127, and 131, representing our high snowfall zone. Of those, 744 were taken in the archery season, with only 38 coming from the late archery season. Late archery harvest made up 5.1 percent of the total reported archery harvest and 0.85 percent of the total harvest in these units.

There will be hunters who oppose this regulation because they feel that deer in the UP are too vulnerable to harvest during the December 1 through January 1 time frame (yarding up) and that crossbows are too efficient at killing deer.

Biological

There is no current evidence that this regulation would have a population level impact. In addition, there is no evidence that suggests deer are more vulnerable to crossbows than to any other piece of archery equipment.

Social

While some may object to allowing crossbows during the late archery season in the UP, there are those who have expressed a desire to see them allowed because they have a crossbow and can only utilize it during half of the archery season. In addition, it provides flexibility in their equipment options.

Economic

There may be a small economic impact with late archery hunters purchasing crossbows.

Remove Core CWD Surveillance Area and Associated Regulations

In October 2018, a 4-year-old doe harvested on a deer damage shooting permit in Waucedah Township, Dickinson County, tested positive for CWD, marking the first confirmation of CWD in the UP. The Department took immediate action and increased testing and active surveillance to better understand where the disease exists. The Department set up a Core CWD Surveillance Area, centered on Waucedah Township, and set testing goals to better determine the extent of possibly infected deer. Through 2022, the Department tested 2,098 deer from the surveillance area and to date has not found any additional CWD-positive deer. The Department also reviewed regulatory measures associated with the Core CWD Surveillance Area, such as the baiting and feeding ban, and no antler point restrictions (APRs). The Department has determined that the Core CWD Surveillance Area has completed intense surveillance and regulatory measures can be removed at this time. The Department recommends removing the Core CWD Surveillance Area, removing the baiting and feeding ban, and aligning the APRs with the surrounding DMUs to include hunters' choice (no APRs on the single deer license; 3-point APR on the deer combination regular license and 4-point APR on the deer combination restricted license). If there are additional findings of CWD in the UP in the future, then the Department will reevaluate disease surveillance and regulatory measures.

Issues Pros and Cons

Disease surveillance measures have been in place for four years in the UP with no additional findings of CWD-positive deer. Removing the baiting and feeding ban and aligning the APRs with the surrounding DMUs will create consistent regulations across much of the UP. It will also eliminate confusion and simplify regulations. Multiple stakeholders have reached out requesting lifting of the baiting ban in the core CWD surveillance area in recent years due to the lack of detections from the previous surveillance effort.

The Department will continue to collect samples of deer with CWD-like symptoms, statewide year-round and will provide options for hunter who want their deer tested in the locations where CWD was previously detected.

Biological

Maximum prevalence throughout the Core CWD Surveillance Area is believed to be no higher than ~0.27% after four years of surveillance. It's impossible to guarantee that CWD is absent from the landscape or that no more deer are affected with CWD. The Department maintains that baiting and feeding can increase the risk associated with disease transmission if CWD is present on the landscape.

Social

According to the 2018 CWD Survey Report, about 52 percent of active Michigan hunters used bait while hunting prior to the baiting and feeding ban. The use of bait differed significantly among regions and was used most frequently in the UP (81 percent). According to the 2018

CWD Survey Report, hunting success and mean harvest per hunter were significantly greater for hunters using bait in the UP than non-bait hunters. In the UP, 45% of baiters were successful and 23% of non-baiters were successful. Baiting appeared to improve hunting success in the UP and a baiting ban was least acceptable. Removing the baiting and feeding ban may help increase hunter success rates and satisfaction in this area.

The hunter's choice option for the deer combination license in the Core CWD Surveillance Area was in place for 11 years prior to finding of CWD. The Department has heard from hunters that they support this regulation.

Economic

The Department does not expect an economic impact.

Lower Peninsula (LP) Recommendations:

Resume 4-point APR on Restricted Tag of Deer Combination License in CWD Management Zone

In May 2020, the Department brought forward a recommendation to resume the 4-point APR on the restricted tag of the deer combination license in the 19-county CWD Management Zone. However, the NRC approved an amendment to remove this proposal. The Department is bringing forward this proposal again.

Since the identification of CWD in 2015, the Department removed the 4-point APR from the restricted tag of the deer combination license in counties with or adjacent to where CWD has been identified. Though the DMUs for the CWD areas have changed during the early years of responding to CWD, which makes between year comparisons challenging, the Department has not had any evidence that removing APRs from the restricted tag of the deer combination license has changed either the yearling buck harvest percentage, increased the harvest of total antlered deer, or altered hunter behavior during this timeframe. The Department recommends resuming the 4-point APR on the restricted tag of the deer combination license in the CWD Management Zone.

Issues Pros and Cons

This change will provide consistency and familiarity across Zone 3. At first, this may result in some pushback by hunters who are already familiar with no APRs in the CWD areas, but the Department will provide clear communication to the hunting community. Some hunters will support this change as there is support for APRs amongst a large section of our hunting public.

Biological

Resuming the 4-point APR on the restricted tag of the deer combination license is not likely to impact overall harvest. Evaluation of 2022 harvest data shows that 68.9 percent of bucks taken in the 19-county area had 4 points to a side. For the remaining 22 counties in the Southern Lower Peninsula, 68.85 percent of bucks taken had 4 points to a side.

Social

There are some who are likely to be opposed to this regulation, believing that any deer within a CWD area should be able to be harvested on a deer or deer combination license. Likewise, there are others who will desire additional APRs on the deer license or deer combination license. The information to date does not support the addition of APRs to all tags within a CWD area for managing CWD. Additionally, there has seemingly been no impact on antlered harvest

with the removal of the restricted tag on the deer combination license in the previous years but adding back the original APR will create continuity and consistency for hunters.

Economic

The Department does not expect an economic impact.

North Manitou Island Regulations

The National Park Service (NPS) at Sleeping Bear Dunes National Lakeshore has asked the Department to amend the Wildlife Conservation Order regarding North Manitou Island for clarification purposes. It is recommended to remove the word “free” from the following sentence in section 3.108(1) “In issuing these free permits, the park superintendent shall serve as the agent of the department to implement the open firearms deer hunt on North Manitou Island as designated in section 3.110 of this order.” The NPS has an administrative fee that is charged to process and issue the special permits for the hunt. This recommendation reduces confusion on fees associated with the special permits.

Administrative Changes:

Deer Harvest Reporting within 72 Hours or Before Transfer of Possession

The Law Enforcement Division is requesting to clarify the language in the Wildlife Conservation Order regarding the requirement to report deer harvest within 72 hours or before transfer of possession. There are some hunters who process deer themselves who think that unless they are transferring the deer, they do not have to report their deer harvest. To ensure that hunters are reporting their deer harvest within 72 hours regardless of transfer of possession, the Department recommends updating the language to “A person shall report their deer harvest as instructed by the department within 72 hours after retrieval of a deer or before transfer of possession of a deer, whichever comes first.”

Deer Harvest Reporting for Deer Management Assistance Permits, Deer Damage Shooting Permits, and Disease Control Permits

Online deer harvest reporting is a new requirement of every successful deer hunter with a state issued deer license to report their deer harvest through the Department’s website or mobile app beginning in 2022. The new system, MI Connect Outdoors, now has the enhanced capability to collect deer harvest information for individuals issued a deer management assistance permit and will soon have the capability to collect deer harvest information for deer damage shooting permits and disease control permits. This will allow the Department to track all harvested deer in a single system. To align reporting requirements across all deer licenses and deer permits, the Department recommends that a permittee or authorized designee under a deer management assistance permit, a deer damage shooting permit, or a disease control permit to report their deer harvest as instructed by the department within 72 hours of killing the deer or before transfer of possession, whichever comes first. If applicable, permittees or authorized designees must retain the associated harvest confirmation number. In addition, the Department recommends removing the requirement for deer management assistance permittees to provide a final report to the Department by January 15. This creates statewide consistency and simplified regulations.

Deer Regulations
Wildlife Conservation Order Amendment No. 7 of 2023
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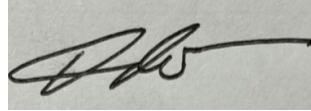
Other Administrative Changes:

There have been many administrative changes made throughout the order that provide consistency and clarification.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on May 11, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's May 2, 2023 calendar and may be eligible for approval on June 8, 2023.



Sara Thompson, Acting Chief
Wildlife Division



David Shaw, Chief
Law Enforcement Division



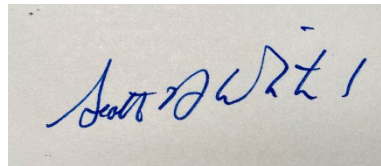
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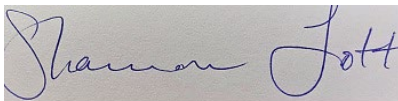


Randy Claramunt, Chief
Fisheries Division



Scott Whitcomb
Acting Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



Shannon Lott, Acting Director

Date: June 8, 2023

WILDLIFE CONSERVATION ORDER

Amendment No. 7 of 2023

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 8, 2023, the following section(s) of the Wildlife Conservation Order shall read as follows:

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, stupefying substance, 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. 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 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.

2.4 Permissible use of artificial lights.

Sec. 2.4 (1) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used by a person traveling afoot with a bow and arrow, crossbow, a pneumatic gun, a rimfire firearm .22 caliber or smaller, a centerfire rifle or centerfire pistol .269 caliber or smaller, or shotgun with loads other than buckshot larger than number 3, slug or cut shell. However, subject to MCL 324.43510, (2) and (3), the person shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow, except as provided in section 2.1a of this order unless one or more of the following conditions apply:

(a) The individual is hunting with the aid of dogs and is at the point of kill.

(b) The individual is hunting with the aid of game call or predator call.

(2) Persons not possessing a bow, crossbow, or firearm while traveling afoot may use lights as defined in subsection (1) during dog training or field dog trials to follow dogs chasing raccoon, opossum, or fox.

(3) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used by a person traveling afoot to take a bear outside of the open bear season under the authority of a bear damage shooting permit as provided in sections 5.46 and 5.47 of this order.

(4) Artificial lights, similar to the type ordinarily held in the hand or on the person, may be used by a person traveling afoot to take a deer outside of the open deer season under the authority of a deer damage shooting permit as provided in sections 5.42 of this order.

2.5 Hunting hours, exceptions; prohibited activities.

Sec. 2.5 (1) Except for the trapping of animals and as otherwise specified in this section, the hunting hours shall substantially conform to one-half hour before sunrise to one-half hour after sunset and shall be those starting times and ending times published in the Michigan hunting and trapping guide or in the respective state hunting guide for that animal.

(2) In addition to the daylight hunting hours specified in subsection (1) and 3.605, a person traveling afoot at night and in possession of only a bow and arrow, a crossbow, a pneumatic gun, a rimfire firearm .22 caliber or smaller, a centerfire rifle or centerfire pistol .269 caliber or smaller, or shotgun with loads other than buckshot larger than number 3, slug or cut shell, unless otherwise provided by law, may take within their specified open seasons raccoon, opossum, coyote, and fox. However, subject to MCL 324.43510, (2) and (3), a person hunting these species during the nighttime hunting hours shall not possess a loaded firearm, a cocked crossbow, or bow with a nocked arrow unless one or more of the following conditions apply:

(a) The individual is hunting with the aid of dogs and is at the point of kill.

(b) The individual is hunting with the aid of game call or predator call.

(3) A person shall not use a centerfire rifle or centerfire pistol to take an animal during nighttime hunting hours as specified in subsection (2) in any state park or recreation area. Within the limited firearms deer zone as defined in section 1.2, a person may use a centerfire rifle or centerfire pistol during nighttime hunting hours, as specified in subsection (2), only on private land.

(4) Except for woodcock and crow, the hunting and hawking hours for all waterfowl and migratory birds shall be as listed in the state waterfowl hunting guide. The hunting hours for woodcock shall substantially conform to sunrise to sunset and shall be as published in the Michigan hunting and trapping guide. The hunting hours for crow shall be as specified in subsection (1).

(5) The hunting hours for wild turkey during the spring season shall substantially conform to one-half hour before sunrise to one-half hour before sunset, and shall be those starting times and ending times published in the state hunting guide for wild turkey.

(6) The hunting hours for teal during the early season shall substantially conform to sunrise to sunset, and shall be those starting times and ending times as published in the waterfowl hunting digest.

(7) Subject to MCL 324.43510, (2) and (3), except during the hunting hours specified in this section and as otherwise provided by subsection (2) and sections 5.42, 5.46 and 5.47, a person shall not possess afield a firearm unless it is unloaded in the barrel, or crossbow or a bow and arrow unless all arrows and bolts are placed in a quiver. A person may, to comply with section 4.1(2), kill a down and mortally wounded deer, bear, or elk using an otherwise legal means and may possess a loaded firearm, a cocked crossbow, or bow with nocked arrow only at the time and at the point of kill. Notwithstanding any other

provision of this subsection, a person hunting under the authority of a wild turkey license during the spring wild turkey season may load and carry a loaded firearm afield while going to their hunting stand up to one hour prior to the spring wild turkey hunting hours.

3.100 Take of deer; prohibited firearms, legal weapons, “bait” and “baiting” defined, conditions for baiting established in certain area(s); unlawful acts.

Sec. 3.100 (1) “Take” means the same as defined in section 40104, 1994 PA 451, MCL 324.40104.

(2) An individual must possess while hunting deer the unused kill tag issued with the deer license, pursuant to section 3.103, and provide it to a conservation officer, a law enforcement officer, or a tribal conservation officer upon request.

(3) Unless otherwise specified in this order, an individual shall not do any of the following:

(a) Take a deer without possessing a valid license with kill tag.

(b) Take a deer other than during the open seasons established in this order.

(c) Take a deer outside of lawful hunting hours.

(d) Take a deer by any method other than by firearm, bow and arrow, or crossbow.

(e) Take a deer with a rimfire firearm .22 caliber or smaller.

(f) Take a deer during any firearm deer season in the “limited firearms deer zone,” with a firearm other than a shotgun with a smooth or rifled barrel, 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, 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, a .35 caliber or larger air rifle or pistol charged only from an external high-compression power source, or a muzzleloading rifle or black-powder pistol loaded with black-powder or a commercially manufactured blackpowder substitute.

(g) Take a deer, or have in possession while hunting deer, a semiautomatic shotgun or rifle, capable of holding more than six shells in the magazine and barrel combined, or use a cartridge containing a tracer or explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(h) Take a deer using an arrow, bolt, or quarrel with a broadhead hunting type of point less than 7/8 of an inch wide and/or a length less than 14 inches.

(i) Take a deer with a crossbow or a modified bow in zone 1 from December 1 to March 31.

(j) Take a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(k) Make use of a dog in hunting a deer, except as noted in section 2.1a of this order.

(l) Use aircraft to aid in the taking of a deer.

(m) Set afire or assist in setting afire any land for the purpose of driving out a deer, or take or attempt to take a deer so driven out of any land.

(n) Purchase a deer license unless the individual holds a current base license.

(o) 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.

(4) For the purposes of this section and sections 3.100a, and 3.205, "bait" means a substance intended for consumption by deer composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured. "Bait" does not include scents – whether composed of natural or synthetic materials – made inaccessible for consumption by deer and placed in such a manner to prohibit any physical contact with deer, the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(5) Except as otherwise provided in this subsection, it shall be unlawful for a person to make use of bait to aid in the taking of a deer within zone 2 and zone 3, exceptions:

(a) Eligible individuals participating in the Liberty Hunt described in section 3.101e, may make use of bait to aid in the taking of a deer if the baiting occurs only from five days prior to the second Saturday in September to the last day of the season and the provisions of subsection (6b), (6c), and (6d) are met. All bait shall be removed prior to any additional hunting during this season. This does not apply to youth hunters participating in the Liberty Hunt who only meet the eligibility requirements of section 3.101e (2a).

(b) Eligible individuals participating in the Independence Hunt as described in section 3.101g, may make use of bait to aid in the taking of a deer if the baiting occurs only from five days prior to the first day of the season through the last day of the season and the provisions of subsection (6b), (6c), and (6d) are met. All bait shall be removed prior to any additional hunting during this season.

(6) In remaining portions of Michigan not described in subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from September 15 to January 1, except that eligible participants participating in the Liberty Hunt may use bait five days prior to the second Saturday in September.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10- foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used at any 1 point in time shall not exceed 2 gallons at any 1 hunting site.

(e) Subsection (6) is subject to Section 3.100a (2) of this order.

(7) Except as otherwise provided by subsection 5, it shall be unlawful for a person to make use of bait to aid in the taking of a deer if the bait and baiting does not meet all of the conditions specified in subsection (6) unless specifically authorized.

3.100a Deer and elk feeding; prohibitions and conditions; words and phrases.

Sec 3.100a (1) A person shall not engage in deer and elk feeding, as defined by section 40102 of 1994 PA 451, MCL 324.40102, within zone 2 and zone 3.

(2) Deer and elk feeding prohibited except for recreational viewing and supplemental feeding, conditions for baiting and feeding in certain areas. In remaining portions of Michigan not described in subsection (1), a person shall not engage in deer and elk feeding except for recreational viewing and supplemental feeding conducted as prescribed in this section. In the event CWD is documented within Michigan,

outside of the areas described in subsection (1), within 10 miles of Michigan's border with another state or Canadian province, or as determined by the director, the director shall issue an interim order banning the use of bait and banning the feeding of deer and elk, at a minimum, within the relevant CWD management zone.

(3) Recreational feeding and supplemental feeding may be prohibited if a location is deemed by the Department to be a public safety issue.

(4) Recreational viewing in areas not closed to feeding, conditions. In remaining portions of Michigan not described in subsection (1) or identified by provisions of subsection (2), a person may engage in deer and elk feeding for recreational viewing only if all the following conditions are met:

(a) The feed is placed not more than 100 yards from a residence of the person and upon land owned or possessed by that person.

(b) The feed is placed, scattered, or dispersed at least 100 yards from any area accessible to cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae and no more than 100 yards from a residence.

(c) The feed is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection.

(d) The volume of feed placed, scattered, or distributed does not exceed 2 gallons per residence per calendar day and no more than 2 gallons present at any one time.

(e) The feed placed, scattered, or distributed may be of any food type.

(f) The feed shall not be placed or used as bait to take deer.

(g) A person shall not hunt or attempt to hunt over feed placed for deer.

(h) A landowner shall not allow an individual to hunt or attempt to hunt over feed placed for deer.

(5) Deer or elk feeding on property under a person's ownership or lease, prohibited conduct, "person" defined. A person shall not allow deer or elk feeding on property under their ownership or control in violation of this section. For the purposes of this subsection, "person" means an individual, partnership, corporation, association, or other nongovernmental legal entity except if the property is leased it shall mean the individual, partnership, corporation, association, or other non-governmental legal entity with control or authority over the property except it shall not include the owner of lands enrolled 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.

(6) Supplemental feeding of deer, counties listed, conditions. A person may engage in the supplemental feeding of deer in Ontonagon, Houghton, Keweenaw, Baraga, Alger, Luce, Gogebic, Marquette, Schoolcraft, Mackinac, Chippewa, Iron, Dickinson, Delta, and Menominee counties if all the following apply:

(a) The placement of feed shall not begin before January 1 and shall not extend beyond May 15.

(b) All conditions in section 3.100a (7) of this order are met.

(7) The following conditions must be met to engage in the supplemental feeding of deer in areas noted in section 3.100a (6) of this order:

(a) The supplemental deer feeding is conducted in compliance with all the following criteria:

(i) All feed shall be placed one-quarter mile or more from the nearest paved public highway.

(ii) All feed shall be placed at least 1 mile from cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae.

(iii) All feed shall be placed at least 1 mile from wheat fields, potato fields, commercial fruit orchards, commercial plantings of nursery stock or Christmas trees.

(iv) The feed shall consist solely of grains, second cut alfalfa and clover, and pelletized food materials containing no animal protein which is scattered or dispersed directly upon the ground to a depth which shall not exceed three inches.

(v) The feed shall not be placed or used as bait to take deer.

(b) A person shall not hunt or attempt to hunt over feed placed for deer.

(c) A landowner shall not allow an individual to hunt or attempt to hunt over feed placed for deer.

3.101 Deer hunting open seasons; type of deer that may be taken; carrying of firearms, season limit.

Sec. 3.101. (1) The open firearm deer season shall be from November 15 to November 30.

(2) The open muzzle-loading and black-powder firearms deer season in zone 1, zone 2, and zone 3 shall be a total of 10 days from the first Friday in December to nine days thereafter.

(3) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, except as provided in subsection (5), an individual hunting deer with a muzzleloading firearm during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a muzzle-loading rifle, muzzle-loading shotgun, or black-powder pistol, loaded with black-powder or a commercially manufactured black-powder substitute, or a crossbow.

(a) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, except as provided in subsection (5), an individual hunting deer in zone 3, including the entirety of Oceana, Newaygo, Mecosta, Isabella, Midland, Muskegon, and Bay counties, during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a weapon that is legal to possess or carry afield, or to take a deer with during the open firearm deer season for that respective zone.

(4) The open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 1.

(a) Subject to all other provisions of this order, in the urban deer management zone, as defined in chapter XII of this order, the open bow and arrow season shall be from October 1 through November 14 and from December 1 through January 31.

(5) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, during the open bow and arrow season, as described in subsection (4), an individual hunting deer with a bow and arrow or a crossbow shall not possess or carry afield a pistol, revolver, or any other firearm unless:

(a) The individual is properly licensed to hunt deer with a firearm and is hunting in an area open to firearm deer hunting.

(b) The individual is properly licensed to hunt deer with a firearm and is hunting in an area open to the muzzleloading and black-powder firearms deer season in zone 2 and zone 3.

(c) An individual taking a deer under the terms and conditions of a disease control permit authorized under section 5.77 of this order may possess or carry a bow and arrow or crossbow, and a firearm, if applicable.

(6) An early antlerless firearm deer season shall be a two-day hunt starting the Saturday following September 15 upon privately owned lands within Alcona, Allegan, Alpena, Antrim, Arenac, Bay, Barry,

Benzie, Berrien, Branch, Calhoun, Cass, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford counties, upon privately owned lands within that portion of Charlevoix county within deer management unit 015, and upon privately owned lands within that portion of Leelanau county within deer management unit 045. Only an individual possessing a valid antlerless deer license, a mentored youth hunting license, a deer license, or a deer combination license may take a deer during this season. A deer kill tag issued under the mentored youth hunting license, deer license, or deer combination license shall be used to harvest an antlerless deer only.

(7) A late antlerless firearm deer season shall be from the Monday following the conclusion of the muzzle-loading and black-powder firearms deer season through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford counties, upon privately-owned lands within that portion of Charlevoix county within deer management unit 015, and upon privately owned lands within that portion of Leelanau county within deer management unit 045. Only an individual possessing a valid antlerless deer license, a mentored youth hunting license, a deer license, or a deer combination license may take a deer during this season. A deer kill tag issued under the mentored youth hunting license, deer license, or deer combination license shall be used to harvest an antlerless deer only.

(8) The deer management assistance firearm hunt period shall be from the first Monday following the third Saturday in December through January 1 upon lands owned by federal, state, county, or local units of government, non-profit organizations, and other urban or suburban properties in zone 3. Only those areas with a wildlife division approved deer population management plan will be considered for issuance of these special deer management assistance permits. Only an individual possessing a valid deer management assistance permit issued for this hunt period may take a deer with a firearm or a crossbow during this season.

(9) The season limit shall be 1 deer per deer license.

(10) Except as provided by subsection (12) and sections 3.101a, 3.101c, and 3.101i, the kind of deer which may be taken during the respective open seasons for each combination of season and deer license, except antlerless deer license, shall be as shown in table 2:

**TABLE 2
License, Season, Deer to be Taken**

Type of license	Season in which used	Kind of deer that may be taken
Deer license, deer combination regular license	Bow and arrow only seasons (zone 1)	Antlerless or an antlered deer, subject to the following: a) Antlerless deer shall only be taken in DMUs open to antlerless licenses. (b) Antlerless deer shall not be taken in DMUs 127, 066, 131, 042, 031, 007, and 048. (c) Antler point restrictions apply as provided in sections 3.101a and 3.101c.

Deer license, deer combination regular license	Bow and arrow only seasons (zones 2 and 3)	Antlerless or antlered deer. Antler point restrictions apply as provided in sections 3.101i.
Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season (zone 1)	Antlered deer. Antler point restrictions apply as provided in sections 3.101a and 3.101c.
Deer license, deer combination regular license	Liberty hunt and Independence hunt (zones 1, 2, and 3)	Antlerless or antlered deer.
Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season (zone 2 and 3)	Antlerless or antlered deer. Antler point restrictions apply as provided in sections 3.101i.
Deer combination restricted license	Bow and arrow only season (zone 1)	An antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length, subject to the following: (a) Antlerless deer shall only be taken in DMUs open to antlerless licenses. (b) Antlerless deer shall not be taken in DMUs 127, 066, 131, 042, 031, 007, and 048.
Deer combination restricted license	Bow and arrow only (zones 2 and 3)	An antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length.
Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season (zone 1)	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length.
Deer combination restricted license	Liberty hunt and Independence hunt (zones 1, 2, and 3)	Antlerless or antlered deer.
Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season (zones 2 and 3)	An antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length.
Mentored youth deer license	Bow and arrow only seasons, firearm deer season, muzzleloading and black-powder firearms only season, or Liberty hunt	Antlerless or antlered deer. Antler point restrictions do not apply.

(11) The director may authorize a disease management hunt lasting no longer than nine days between January 2 and March 31 where additional harvest is deemed necessary to meet disease management objectives.

(12) Individuals possessing a deer license, deer combination regular license, or deer combination restricted license are exempt from antler point restrictions during all deer seasons as listed in table 2 if one of the following applies:

(a) The individual is a youth 16 years of age and younger. Individuals under the age of 10 must be licensed through the mentored youth hunting program.

(b) The individual is licensed under a base apprentice license.

3.101e Liberty hunt, season established, limits defined, adult requirements, hunting hours.

Sec. 3.101e (1) The liberty hunt shall be a 2-day hunt starting the second Saturday in September.

(2) Individuals wishing to participate in the liberty hunt shall be eligible if one of the following applies:

(a) A youth 16 years of age or less may participate in the liberty hunt. Hunters under the age of 10 must be licensed through the mentored youth hunting program and accompanied by a qualified mentor.

(b) A veteran with 100 percent disability as defined by the United States department of veterans affairs may participate in the liberty hunt. Documentation from the United States department of veterans affairs indicating 100 percent disability shall be in the possession of a veteran participating in this hunt.

(c) A resident rated by the United States department of veterans affairs as individually unemployable may participate in the Liberty hunt. Documentation from the United States department of veterans affairs indicating this rating shall be in the possession of a veteran participating in this hunt.

(d) An individual is in possession of a permit issued by the department to hunt from a standing vehicle.

(e) An individual is in possession of a permit issued by the department to hunt using a laser sighting device.

(f) An individual is blind as defined by section 1 of 260 PA 1978, MCL 393.351.

(g) An individual is deaf as defined by section 2 of 72 PA 1978, MCL 408.202.

(3) The following rules shall apply to an individual taking deer on the liberty hunt:

(a) A parent or legal guardian shall not allow a youth hunter to go afield to hunt deer unless the youth hunter is accompanied by an adult subject to section 43517 of 1994 PA 451, as amended, MCL 324.43517. Subject to section 43510(2) and (3) of 1994 PA 451, as amended, MCL 324.43510 and section 43517 of 1994 PA 451, as amended, MCL 324.43517, an adult accompanying a youth firearm deer hunter shall not possess or carry a firearm, crossbow, or bow and arrow, except as a qualified mentored youth hunting program mentor or a veteran with 100 percent disability may possess a firearm, crossbow, or bow and arrow if hunting under the authority of section 3.101e(2b).

(b) The hunting hours shall be one-half hour before sunrise to one-half hour after sunset, local time.

(c) Except as otherwise specifically provided in this section, all regulations of state law and this order regarding the taking, possession, transportation, and storage of deer during a firearm deer season shall apply to an individual participating in the Liberty hunt.

(4) During the Liberty hunt, an individual may take antlerless or antlered deer, except an individual shall not take more than one antlered deer, provided they possess a deer license, deer combination license, an antlerless deer license valid for the unit in which they are hunting, or a deer license issued under the mentored youth license. Notwithstanding any other provisions of this order, licenses are valid for either an antlered or an antlerless deer during the Liberty hunt, except that an antlerless deer license is valid only for an antlerless deer.

3.103 Issuance of deer or elk kill tags; validation elk kill tag; reporting deer harvest; validation of deer kill tag; unlawful acts.

Sec. 3.103 (1) The director shall issue a kill tag as part of each deer or elk hunting license. A person who kills a deer or elk shall immediately validate the kill tag by notching out the appropriate information on

the tag and attach the kill tag to the antler, lower jaw, or gambrel of the deer or elk in a secure and permanent manner.

(2) Except as provided in this subsection for the removal of a kill tag, it shall be unlawful to possess or transport an elk without a validated kill tag attached. The kill tag shall remain attached to the carcass until any 1 of the following conditions are met:

(a) The carcass is processed or butchered for consumption by an individual for their personal use.

(b) The carcass is accepted for processing and recorded by a commercial processor. If the antlers or head is returned to the person submitting the animal to the commercial processor, the kill tag shall accompany the head or antlers.

(c) The carcass is accepted for processing and recorded by a taxidermist.

(3) A person shall report their deer harvest as instructed by the department within 72 hours after retrieval of a deer or before transfer of possession of a deer, whichever comes first. All persons reporting their deer harvest must retain the associated harvest confirmation number. A person who kills a deer may designate another person to report their deer harvest. "Transfer of possession" means 1 of the following:

(a) The entire deer carcass is transferred to another individual for consumption.

(b) The entire deer carcass, or head, has been accepted by a processor or taxidermist.

(c) The entire deer carcass, or head, has been submitted to the department.

(4) Except as provided in this subsection, it shall be unlawful to possess or transport a deer carcass without a validated kill tag attached. The kill tag shall remain attached to the carcass until any 1 of the following conditions are met:

(a) The carcass is processed and butchered for consumption by an individual for their personal use.

(b) The head is transferred to or transported by someone other than a processor or taxidermist. If the head is not attached to the carcass, the kill tag shall remain with the head.

(c) The carcass, including the head, has been accepted for processing and recorded by a commercial processor or taxidermist. The kill tag shall remain with the head.

(d) The carcass, not including the head, has been accepted for processing and recorded by a commercial processor or taxidermist. The kill tag shall remain with the head.

3.108 North Manitou island deer management unit, deer hunting regulations.

Sec. 3.108 (1) A special permit is required to hunt deer during the designated open firearms season within the North Manitou island deer management unit. The special permit shall be applied for by contacting the park superintendent, Sleeping Bear Dunes National Lakeshore. To establish hunting eligibility, a current State of Michigan deer hunting license must be purchased. Proof of hunting license purchase is required. In issuing these permits, the park superintendent shall serve as the agent of the department to implement the open firearms deer hunt on North Manitou island as designated in section 3.110 of this order.

(2) A current deer license for the appropriate season shall be required to hunt deer during the designated open bow and arrow only deer hunting season on North Manitou island as designated in section 3.110 of this order. No special permit is required during the open bow and arrow only deer hunting season.

(3) An individual shall not sell, lend, or allow another person to use their North Manitou island special permit, nor shall an individual use or attempt to use another person's North Manitou Island special permit.

(4) The park superintendent or his agents shall affix a validation tag to each legally taken deer during the open firearms season for the North Manitou island deer management unit.

(5) The use of bait is prohibited on North Manitou island

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.

(6) A permittee or authorized designee shall report their deer harvest as instructed by the department within 72 hours after retrieval of a deer or before transfer of possession of a deer, whichever comes first. All persons reporting their deer harvest must retain the associated harvest confirmation number, if applicable. A person who kills a deer may designate another person to report their deer harvest. "Transfer of possession" means 1 of the following:

(a) The entire deer carcass is transferred to another individual for consumption.

(b) The entire deer carcass, or head, has been accepted by a processor or taxidermist.

(c) The entire deer carcass, or head, has been submitted to the department.

5.77 Disease control permit (DCP); standards, conditions, records; unlawful acts.

Sec. 5.77 (1) A DCP may be issued to any owner of property in a county with a confirmed case of bovine tuberculosis, chronic wasting disease, or lands within a geographic area as determined by the department of a confirmed case of a disease, as defined in section 5.76 of this order.

(2) Property inspections may be conducted under the direction and at the discretion of the authorized department representative.

(3) A DCP shall not be valid except during the time period for which it is authorized, as printed on the tag.

(4) 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 other department representative.

(5) The permittee or authorized designee shall make a reasonable effort to retrieve all deer shot under the authority of a DCP.

(6) The permittee or authorized designee shall have a valid unused tag on their person when taking or attempting to take deer.

(7) A person killing a deer shall immediately attach the tag to the deer.

(8) All deer killed under a DCP shall be disposed of as instructed. If required, deer heads shall be submitted to the department by the permittee.

(9) The DCP shall be valid within the ownership boundaries of the permittee or as stated on the permit.

(10) A DCP shall be valid for taking deer of either sex as instructed.

(11) For failure to comply with this section or other requirements of the DCP, the department shall deny a permittee to be eligible to participate in the next calendar year.

(12) A permittee or authorized designee shall report their deer harvest as instructed by the department within 72 hours after retrieval of a deer or before transfer of possession of a deer, whichever comes first. All persons reporting their deer harvest must retain the associated harvest confirmation number, if applicable. A person who kills a deer may designate another person to report their deer harvest. "Transfer of possession" means 1 of the following:

(a) The entire deer carcass is transferred to another individual for consumption.

(b) The entire deer carcass, or head, has been accepted by a processor or taxidermist.

(c) The entire deer carcass, or head, has been submitted to the department.

5.80 Deer management assistance (DMA) hunting permits; definitions, criteria for issuance, validity of permits, application procedures, restrictions and requirements; exception; 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 an individual who has applied for and been authorized to purchase deer management assistance permits by the department.

(c) Authorized designee means one individual 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 an individual, 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) Except as otherwise provided in this section, permits may be issued statewide to owners of land, or their authorized designee, located in areas where current antlerless or antlered harvest methods are insufficient to achieve department deer management objectives or where one or more 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 caused by 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) Except as otherwise provided in this section, DMA permits are valid only for the taking of an antlerless deer. An individual 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) An individual owning land within a qualifying area as determined by the department, or their authorized designee, may apply for a DMA permit with the wildlife supervisor on a form provided by the department. This application shall include an estimate of desired antlerless or antlered harvest and the numbers of

hunters needed to meet the desired harvest objective. A DMA permit shall be signed by both the permittee and wildlife supervisor. The number of DMA permits will be determined by the wildlife supervisor. A minimum of 5 DMA permits shall be issued per permittee.

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

(7) DMA permits may be subsequently issued to hunters by the permittee or authorized designee. An individual shall not accept, carry afield, use or attempt to use a DMA permit unless in possession of a current base license and deer license. A permittee or authorized designee shall not sell, lend, barter, or trade a DMA permit. Permittees or authorized designees shall inform hunters about rules pertaining to the use of DMA permits.

(8) A hunter issued a DMA permit by a permittee or authorized designee shall not sell, lend, barter, trade, or allow another individual to use the DMA permit. Unused permits may be reissued to hunters only by the permittee or authorized designee.

(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, an individual issued a DMA permit shall comply with lawful hunting hours and all regulatory requirements for the taking of deer for the season in which they are hunting.

(a) A firearm shall not be used with a DMA permit during archery season except with permission. This exception may be authorized on a case-by-case basis by the wildlife supervisor and district law enforcement supervisor consistent with the exception criteria published in the DMA permit decision tree.

(i) A permittee shall observe a quiet period during the last three full weekends being Friday, Saturday, and Sunday prior to November 10, including the provisions of section 2.1(3) and shall not use firearms during this time.

(b) DMA permits may be valid for the taking of deer with antlers extending three inches or more above the skull with permission when active and acute horticultural damage is being caused by an antlered deer. The total number of DMA permits issued for the taking of antlered deer statewide shall be one DMA permit per permittee, except that the total number of DMA permits issued for the taking of antlered deer in the deer management units listed in section 3.101i shall be a minimum of one DMA permit per permittee but shall not exceed three DMA permits per permittee. This exception may be authorized on a case-by-case basis by the wildlife supervisor and district law enforcement supervisor if the department determines that taking only antlerless deer will not be sufficient to reduce active and acute horticultural damage.

(i) After attaching the kill tag, a permittee or permittee's agent shall transport any antlered deer head and antlers in an open manner to the nearest department office and surrender the head and antlers to the department within 72 hours of harvest.

(10) A permittee or authorized designee shall report their deer harvest as instructed by the department within 72 hours after retrieval of a deer or before transfer of possession of a deer, whichever comes first. All persons reporting their deer harvest must retain the associated harvest confirmation number, if applicable. A person who kills a deer may designate another person to report their deer harvest. "Transfer of possession" means 1 of the following:

(a) The entire deer carcass is transferred to another individual for consumption.

(b) The entire deer carcass, or head, has been accepted by a processor or taxidermist.

(c) The entire deer carcass, or head, has been submitted to the department.

(11) A permittee's first failure to comply with the terms and conditions of the permit will make the permittee ineligible to receive a DMA permit for 1 year. Any subsequent failure to comply with the terms and conditions of a permit will make the permittee ineligible to receive a DMA permit for up to 3 years as determined by the department.

(12) 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.

5.95 Permit to take game with a crossbow.

Sec. 5.95 (1) The department may issue a permit to an individual who is certified as being permanently or temporarily disabled by a licensed physician or physical/occupational therapist as provided in this section. That permit shall be issued without cost to the applicant and shall authorize that individual to take deer with a crossbow or modified bow per section 2.1 (16) of this order during the open season for that game if that individual possesses a current base license and deer license and complies with all other laws and rules for the taking of game.

(2) An applicant for a permit under this section shall submit to the department a signed certification from a licensed physician or physical/occupational therapist indicating the disability determined to be present in the permit applicant. The licensed physician or physical/occupational therapist may certify that the applicant is permanently or temporarily disabled as required by this section if the licensed physician or physical/occupational therapist finds that the permit applicant has a disability that renders them unable to use conventional archery equipment. In support of such a determination, the licensed physician or physical/occupational therapist shall utilize the following standards and criteria:

(a) A functional draw test to simulate the drawback posture and/or position with a weight equivalent to 35 pounds of resistance for a 4-second duration.

(b) Manual muscle testing: Shoulder flexion, shoulder extension, shoulder abduction (horizontal plane) elbow flexion and elbow extension are graded equal to or less than 3 of 5 using a standard manual muscle grading scale or an equivalent test.

(c) Impaired range of motion: Goniometric measurements using the "American medical association guide to evaluation and permanent impairment rating," or other guidelines accepted by the American medical association or an equivalent test. If shoulder flexion is equal to or less than 90 degrees or shoulder extension is equal to or less than 10 degrees or shoulder abduction is equal to or less than 70 degrees or elbow flexion is equal to or less than 90 degrees or elbow extension is equal to or less than negative 20 degrees, the permit may be granted.

(d) Amputations involving body extremities required for stable function to use conventional archery equipment do not require objective test findings. However, the applicant is required to present a physician's certification to be qualified for a permit.

(e) Any spinal cord injury resulting in permanent or temporary disability to the lower extremities, leaving the applicant permanently or temporarily non-ambulatory or other disability resulting in a permanent or temporary wheelchair (mobility device) restriction, as diagnosed by a physician, do not require objective test findings.

(f) Coordination assessment. Coordination is the ability to execute smooth, accurate, controlled movement. Incoordination or coordination deficit describes abnormal motor function characterized by awkward, extraneous, uneven, or inaccurate movements, caused by central nervous disorders, including, but not limited to, Parkinson's disease, cerebral palsy, hemiplegia, hemiparesis, and closed head trauma, or by progressive neuromuscular diseases, such as muscular dystrophy, multiple sclerosis, and amyotrophic lateral sclerosis. Purpose: to assess the ability of muscles or groups of muscles to work together to perform a task.

(3) Any other permanent or temporary disability that renders the applicant unable to use conventional archery equipment as diagnosed by a licensed physician shall be sufficient grounds for granting the permit. The licensed physician must note in general terms how the disability prevents the applicant from using conventional archery equipment other than a crossbow or modified bow.

(4) An individual shall not seek diagnosis from a licensed physician or physical/occupational therapist for purposes of meeting the requirements of this section on more than 2 occasions within a 6-month period.

(5) Crossbow and modified bow permits for permanent disabilities issued pursuant to this section are valid unless revoked pursuant to the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.

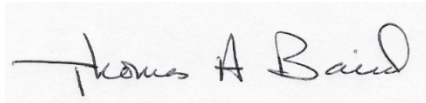
(6) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow or modified bow under a permit issued under this section or as provided in section 2.1 are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length.

12.902 Repealed. Am. 7 of 2023, Eff. June 8, 2023.

Publisher's note: The repealed section pertained to a Core CWD Surveillance Area in the Upper Peninsula.

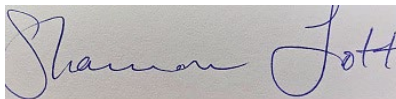
Issued on this 8th day of June, 2023.

Approved as to matters over which the Natural Resources Commission has authority.

A handwritten signature in blue ink that reads "Thomas A Baird". The signature is written in a cursive style with a horizontal line under the first name.

Thomas Baird, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

A handwritten signature in blue ink that reads "Shannon Lott". The signature is written in a cursive style.

Shannon Lott
Acting Director