



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: June 17, 2024

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Federal Duck Stamp Modernization Act of 2023
Wildlife Conservation Order Amendment No. 7 of 2024
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

The U.S. Fish and Wildlife Service (USFWS) is implementing the Duck Stamp Modernization Act (Act) of 2023, beginning July 1, 2024, through June 30, 2025.

The two major features of the Act provide that 1) an Electronic Duck Stamp shall remain valid from the day it is sold through the following June 30th, instead of being valid for 45 days from the date of sale; and 2) each individual who purchases an Electronic Duck Stamp will be issued an actual Duck Stamp following the March 10 after the Electronic Duck Stamp was purchased.

Therefore, beginning July 1, 2024, the Electronic Duck Stamp Program is valid until June 30, 2025. Instead of issuing an actual Duck Stamp within 45 days of the Electronic Duck Stamp sale, an actual Duck Stamp will be issued after March 10, 2025.

Currently regulations in the Wildlife Conservation Order (WCO) require individuals 16 years of age or older to carry an actual Duck Stamp while taking waterfowl, validated by the individual's signature written across the face thereof in ink. The Department recommends amending the WCO language to allow an individual to carry either a valid Electronic Duck Stamp, or a valid, actual Duck Stamp. The WCO language mirrors the language in the Federal Register, 16 U.S.C §718a.


The USFWS will provide guidance on implementation for the 2025-2026 season and beyond in the future.

Other Changes:

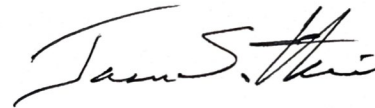
The Department also recommends updating the WCO language to reflect the legal name of the Duck Stamp, which is the Federal Migratory Bird Hunting and Conservation Stamp.

In addition, the Department recommends adding a definition of a fixed shotgun shell for legal and clarity purposes. The recommended definition is "a self-contained shotgun shell consisting of the case, primer, propellant charge, and projective or projectiles".

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's July 2, 2024 calendar and may be eligible for approval on August 8, 2024.



Sara Thompson, Chief
Wildlife Division



Jason S. Haines, Chief
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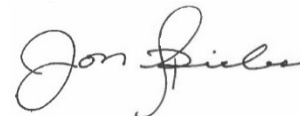
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WILDLIFE CONSERVATION ORDER

Amendment No. 7 of 2024

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 August 8, 2024, the following section(s) of the Wildlife Conservation Order shall read as follows:

1.2 Definitions.

Sec. 1.2 (1) Definitions in part 3 of 1994 PA 451, as amended, MCL 324.301; part 401, wildlife conservation, 1994 PA 451, as amended, MCL 324.40101 to 324.40119; and part 435, hunting and fishing licenses, 1994 PA 451, as amended, MCL 324.43501 to 324.43561, and in this order shall have the same meanings in this order. Additional definitions for terms used in this order are as defined in this section.

(2) "Advanced illness" means a medical or surgical condition with significant functional impairment that is not reversible by curative therapies and that is anticipated to progress toward death despite attempts at curative therapies or modulation, the time course of which may or may not be determinable through medical prognostication.

(3) "Antlered deer" means a deer having at least 1 antler that extends 3 inches or more above the skull. For the purposes of determining if an antler extends 3 or more inches above the skull, the measurement shall be taken on the longest antler beginning at the line where the antler and pedicel join, along the back of the antler, following the curve, if any, to the tip of the longest antler point. For the purposes of this section, "pedicel" means the bone of the skull to which the antler is attached.

(4) "Antlerless deer" means a deer without antlers or a deer with antlers where the longest antler extends less than 3 inches above the skull.

(5) "CWD management zone" means an area defined in chapter XII of this order subject to Michigan's surveillance and response plan for chronic wasting disease.

(6) "Core CWD area" means an area defined in chapter XII for the control and surveillance of chronic wasting disease.

(7) "Deer and elk feeding" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(8) "Feed" shall have the same meaning as defined by section 40102 of 1994 PA 451, MCL 324.40102.

(9) "Game" means any animal designated as game under the authority of section 40110 of 1994 PA 451, as amended, MCL 324.40110, and any of the following animals: badger, bear, beaver, bobcat, brant, coot, coyote, crow, deer, duck, elk, fisher, Florida gallinule, fox, geese, hare, Hungarian partridge, marten, mink, moose, muskrat, opossum, otter, pheasant, quail, rabbit, raccoon, ruffed grouse, sharptailed grouse, skunk, snipe, sora rail, squirrel, Virginia rail, weasel, wild turkey, wolf, woodchuck, and woodcock. "Game" does not include privately owned cervidae species located on a cervidae livestock facility registered under 2000 PA 190, MCL 287.951 to 287.969.

(10) "Migratory game bird" means a bird as defined by 50 C.F.R. §20.11 (1988).

(11) "Modified bow" means a bow, other than a crossbow, that has been physically altered so that the bow may be held, aimed, and shot with one arm.

(12) "New world camelids" means animals belonging to the genus llama and vicuna of the family camelidae of the order artiodactyla including, but not limited to, the llama, alpaca, vicuna, and guanaco.

(13) "Physical therapist" means the same as defined in article 15 of the public health code, 1978 PA 368, MCL 333.17801.

(14) "Physician" the same as defined in article 15 of the public health code, 1978 PA 368, MCL 333.17001.

(15) "Raptor" means any bird species of the orders strigiformes, accipitriformes, and falconiformes. (16) "Residence" shall have the same meaning as defined by section 40103 of 1994 PA 451, MCL 324.40103.

(17) "Limited firearms deer zone" means that area south of a line beginning at a point on the Wisconsin-Michigan boundary directly west of the west end of highway M-46; then east to M-46 and east along M-46 to its junction with freeway US-131; then south along freeway US-131 to M-57; then east along M-57 to its intersection with Montcalm road on the Kent-Montcalm county line; then south along that county line and the Ionia-Kent county line to its intersection with M-44; then east along M-44 to its intersection with M-66; then north along M-66 to its intersection with M-57; then east along M-57 to its intersection with M-52; then north along M-52 to its intersection with M-46; then east along M-46 to its intersection with M-47; then north along M-47 to its junction with US-10; then east along US-10 to its junction with I-75; then north along I-75 and US-23 to its junction with beaver road, Kawkawlin township, Bay county; then east along beaver road to Saginaw bay; then north 50 degrees east to the international boundary with Canada.

(18) "Waterfowl hunting north zone" or "north zone" means all of the Upper Peninsula.

(19) "Waterfowl hunting middle zone" or "middle zone" means that area of the Lower Peninsula located north of a line beginning at the Michigan-Wisconsin boundary line in Lake Michigan, directly due west of the mouth of Stoney creek in section 31, T14N R18W, Oceana county, then proceed easterly and southerly along the centerline of Stoney creek to its intersection with Scenic drive, southerly on Scenic drive to Stoney lake road in section 5, T13N R18W, Oceana county, easterly on Stoney lake road then both west and east Garfield roads (name change only; not an intersection) then crossing highway US-31 to state highway M-20 (north of the town of New Era; also locally named Hayes road) in section 33, T14N R17W, Oceana county, easterly on M-20 through Oceana, Newaygo, Mecosta, Isabella, and Midland counties to highway US-10 business route in the city of Midland, easterly on US-10-BR to highway US-10 at the Bay county line, easterly on US-10 then crossing US-75 to state highway M-25 (west of the town of Bay City), easterly along M-25 into Tuscola county then northeasterly and easterly on M-25 through Tuscola county into Huron county, turning southeasterly on M-25 (near the town of Huron city; also locally named north Shore road) to the centerline of Willow creek in section 4, T18N R14E, Huron county, then northerly along the centerline of Willow creek to the mouth of Willow creek into Lake Huron, then directly due east along a line from the mouth of Willow Creek heading east into Lake Huron to a point due east and on the Michigan/USA-Canadian border.

(20) "Waterfowl hunting south zone" or "south zone" means all of that area of the Lower Peninsula south of the line described in middle zone.

(21) "Zone 1" means all of the Upper Peninsula.

(22) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line due west of the Lake Michigan shoreline which is north of Muskegon lake and due west of the western terminus of memorial drive at Scenic drive in Muskegon county, then easterly to said western terminus of memorial drive at Scenic drive, easterly on memorial drive to Ruddiman drive, northeasterly on Ruddiman drive to lake avenue, northeasterly on lake avenue to highway M-120 (also known as Holton road) in North Muskegon, northeasterly and then northerly on highway M-120 to highway M-20, easterly on highway M-20 to highway business route US-10 in the city of Midland, easterly on combined highway M-20 and highway business route US-10 to highway US-10 at the Midland-Bay county line, easterly on highway US-10 to Garfield road in Bay county, northerly on Garfield road to Pinconning road, easterly on Pinconning road to seven mile road, northerly on seven mile road to the Bay-Arenac county line (where seven mile road changes name to Lincoln school road), northerly on Lincoln school road (also known as county road 25) in Arenac county to highway M-61,

easterly on highway M-61 to highway US-23, northeasterly then easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, easterly 90° east for 7 miles into Saginaw bay, then northerly 78° east (dividing Arenac county islands from Huron county islands) to the international boundary line between the United States and the dominion of Canada.

(23) "Zone 3" means all that part of the Lower Peninsula south of the line described in zone 2.

(24) "Skull cap" means any part of the skull that includes the pedicel and the antlers originating from the frontal bones, that has been removed from the rest of the skull of the animal.

(25) "Core CWD surveillance area" means an area defined in chapter XII for the surveillance of chronic wasting disease.

(26) "Fixed shotgun shell" means a self-contained shotgun shell consisting of the case, primer, propellant charge, and projective or projectiles.

3.402 Taking of migratory birds; federal migratory bird and conservation stamp, requirement, validation; decoys; unlawful acts; exceptions.

Sec. 3.402 In the taking of migratory birds, it shall be unlawful for any individual:

(1) To purchase a waterfowl license unless the individual holds a current base license, a seven-day limited nonresident small game license, or a three-day limited nonresident small game license.

~~(2) To take waterfowl without a current federal migratory bird hunting stamp, validated by the individual's signature written across the face thereof in ink. Youth under sixteen years of age are not required to possess a federal migratory bird hunting stamp.~~ **No individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of taking, the individual carries on the person of the individual a valid federal migratory bird hunting and conservation stamp, as an electronic stamp (as defined 16 U.S.C §718o) or validated by the signature of the individual written in ink across the face of the actual stamp (as defined 16 U.S.C §718o) prior to the time of taking by the individual of waterfowl.**

(3) To allow another person to use the individual's federal migratory bird hunting **and conservation** stamp or to borrow such stamp of another for the purpose of hunting, taking, or transporting migratory waterfowl.

(4) Except from 3 a.m. to 9 p.m. daily, to anchor, attach, or leave decoys attached:

(a) To the bottomlands of the Great Lakes and connecting waters, and lakes wholly enclosed by publicly-owned lands.

(b) To a blind or watercraft within waters of the Great Lakes and connecting waters, and lakes wholly enclosed by publicly-owned lands.

(5) To take any migratory game bird, including woodcock:

(a) With any firearm other than a 10 gauge or smaller shotgun capable of holding no more than three shells. Shotguns capable of holding more than 3 shells shall be plugged with a one-piece filler, incapable of removal without disassembling the gun, so that the total capacity of the shotgun does not exceed three shells.

(b) With the use of any single projectile shotshell, or more than 1 firearm for each person.

(c) From or by means of any motorboat, power boat, or other craft having a motor attached, or any sailboat, or any floating craft or device of any kind propelled or towed by power or sail, unless the motor has been completely shut off and/or the sails furled and its progress therefrom has ceased. A craft under

power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft while under power or until forward progress has ceased.

(d) By driving, rallying, or chasing birds with any motorized conveyance or any sailboat to put them in the range of hunters.

(e) By the use or aid of live decoys. All live, tame, or captive ducks and geese shall be removed for a period of 10 consecutive days prior to hunting and confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such tame birds from the sight of migratory waterfowl.

(f) By the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds.

(g) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. Hunters should be aware that a baited area is considered to be baited for 10 days after the removal of the bait. However, nothing in this paragraph prohibits the taking of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:

(i) Standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice.

(ii) From a blind or other place of concealment camouflaged with natural vegetation.

(iii) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed.

(iv) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

(h) Subdivision (h) shall not prohibit the taking of any migratory game bird, except waterfowl and coots, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

(i) By use of a raised platform when hunting with a firearm, except upon the submerged bottomlands of a lake, river, pond, stream, or other body of water for the hunting of migratory waterfowl when erected and used in compliance with section 3.401 of this order.

(j) For the purposes of this section, the following terms mean:

(i) "Normal agricultural planting, harvesting, or post-harvest manipulation" shall have the same meaning as defined in 50 C.F.R. 20.11.

(ii) "Normal agricultural operation" shall have the same meaning as defined in 50 C.F.R. 20.11.

(iii) "Normal soil stabilization practice" shall have the same meaning as defined in 50 C.F.R. 20.11.

(iv) "Baited area" shall have the same meaning as defined in 50 C.F.R. 20.11.

(v) "Baiting" shall have the same meaning as defined in 50 C.F.R. 20.11.

(vi) "Manipulation" shall have the same meaning as defined in 50 C.F.R. 20.11.

(vii) "Natural vegetation" shall have the same meaning as defined in 50 C.F.R. 20.11.

13.3 Fish Point wildlife area; Nayanquing Point wildlife area; Pointe Mouillee state game area; Shiawassee river state game area; St. Clair flats wildlife area (Harsens island unit); additional rules.

Sec. 13.3 On those portions of the Fish point wildlife area, Nayanquing point wildlife area, Pointe Mouillee state game area, Shiawassee river state game area, and St. Clair flats wildlife area (Harsens island unit) posted "state game area hunting by permit only," a permit is required to take any animal and the following rules shall apply:

(1) A person shall not take an animal without a permit for that species, location, and time period.

(2) Hunting shall be by reservation only on those days and units designated and published by the area manager. The area manager shall determine the number of reserved hunting permits to be issued. Applicants may not apply for more permits than authorized per hunter. The hunting reservation is not transferable from the original applicant to any other person.

(3) To hunt together as a party in a party permit area, all members of a group must register together prior to the drawing, except that up to 2 absentee hunters not present for the drawing may join a party of 2 or 3 if that hunter's registration information is completed on the party registration card is filed in the check station at the time of the drawing and the maximum party size is not exceeded. To register absentee hunters, the individuals complete waterfowl hunting license including the ~~Federal Duck Stamp~~ **federal migratory bird hunting and conservation stamp** or a copy of it is required. Party members must hunt together in their assigned permit area.

(4) During a day designated and published by the area manager as "youth day(s)," hunting parties made up of at least 1 youth, 16 years old or younger, shall be given first priority for hunting permits.

(a) A parent or legal guardian shall not allow a youth hunter 10 through 16 years of age to go afield to hunt waterfowl unless the youth hunter is accompanied by a licensed adult at least 18 years of age and in accordance with section 3.402 of this order

(b) Youth hunters under 10 years of age must be licensed through the mentored youth hunting program and accompanied by a qualified mentor as described in section 2.14 of this order.

(5) It is unlawful to use or possess any shot, whether loose or loaded in shotshells, of a material other than those specified in section 3.411, subsections (1) to (3) except single projectile loads.

Issued on this 8th day of August, 2024.

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

Thomas Baird, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

M. Scott Bowen
Director