Chapter V

Special Permit Regulations

5.1 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed section pertained to the definition of an importation permit.

5.2 Importation requirements.

Sec. 5.2 (1) A person shall not import live game or protected animals into the state of Michigan without first obtaining an official interstate health certificate or official interstate certificate of veterinary inspection prepared and signed by an accredited veterinarian in the state of origin, except that a veterinarian's certificate of health for raptors lawfully taken from the wild in another state for falconry purposes may be obtained up to 10 days after importation. The certificate shall include all of the following:

(a) Complete names and addresses of the recipient and supplier, if applicable, and the destination address if different from the recipient's address.

(b) A description of the wild game or protected animals by species or breed, sex, and age.

(c) The date of veterinary inspection of the animals either individually or as a flock or herd.

(d) The intended use of the wild game or protected animal.

(e) The accredited veterinarian shall certify that the animals are free of contagious, infectious, and toxicological diseases.

(2) A person shall not import a live deer, moose, or elk into this state unless the requirements of section 30a of the animal industry act, Act No. 466 of the Public Acts of 1988, being section 287.731 of the Michigan Compiled Laws, are met.

(3) A person shall not import a pheasant, quail, grouse, or partridge into this state unless the pheasant, quail, grouse or partridge is certified free of pullorum by an accredited veterinarian in the state or country where the animals will be obtained.

(4) Except as otherwise provided by subsection (1), the veterinarian's certificate of health shall accompany the animals while in transit to their new home and be available for inspection by a conservation officer while in transit and for a minimum of 1 year at the location where the animals are being held.

(5) If a game or protected animal is imported without the required tests, the director may require the required tests be performed or the animals returned to the place of origin within 10 days at the owner's expense.

(6) A person shall not import live game or protected animals from a foreign country until that person has secured the necessary federal permit, or permits, from the United States fish and wildlife service.

(7) As provided by section 31 of the animal industry act, Act No. 466 of the Public Acts of 1988, being section 287.731 of the Michigan Compiled Laws, the importation of an animal not regulated by the department or the fish and wildlife service of the United States department of interior must be in compliance with the importation requirements of the Michigan department of agriculture.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 2, 1992, Eff. Jul 1, 1992; Am. 1, 1997, Eff. May 1, 1997.

5.3 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed section pertained to the application for an importation permit.

5.4 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed section pertained to the expiration of an importation permit.

5.5 Importation restrictions; unlawful acts.

Sec. 5.5 (1) A person shall not import a live skunk, raccoon, wild rabbit, or wild hare into the state, except that the director is authorized to issue a permit for purposes of scientific research.

(2) A person shall not import live wild turkeys or wild turkey hybrids or their eggs into the state. This subsection shall not apply to authorized employees of the department working within the performance of their job.

(3) A person shall not import a live mute swan or the eggs of a mute swan into this state.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 3, 1993, Eff. Jun 15, 1993.

5.6 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed section pertained to the revocation of importation permits.

5.10 Repealed. Am. 16, 2014, Eff. December 12, 2014.

History: Eff. Mar 31, 1989; Am. 15, 1989, Eff. Sep 1, 1989; Am. 3, 1996, Eff. Apr 11, 1996; Am. 1, 2014, Eff. Jan. 10, 2014; Am. 16, 2014, Eff. Dec. 12, 2014.

Publisher's note: The repealed section pertained to Deer or bear killed by collision with a motor vehicle; permit, issuance

5.20 Scientific collector's permit, definitions.

Sec. 5.20 For the purpose of sections 5.21 to 5.23 of this order, "permit" means a scientific collector's permit.

History: Eff. Mar 31, 1989; Am. 1, 1996, Eff. Jan 11, 1996.

5.21 Scientific collector's permit, requirements.

Sec. 5.21 (1) A person shall not collect, possess, transport, or dispose of an animal, or parts thereof, for scientific or educational purposes, without first securing a permit from the wildlife permit specialist.

(2) An application for a permit shall be made on a form supplied by the department and shall be subject to department approval.

(3) A permit shall expire on the third March 31 after the date of issue unless the permit specifies a period of shorter duration.

(4) Department employees, in the course of performing official job responsibilities, shall be exempt from the requirement of obtaining a permit.

(a) Animals considered to be a disease risk may be collected by department employees performing official job responsibilities.

(5) A permit to collect a migratory bird or its eggs is valid only if the permittee has also obtained and has in their possession a similar permit issued by the United States fish and wildlife service.

(6) A permit shall be issued only to a qualified person who will use the specimens obtained for bona fide scientific or educational purposes. An applicant for a permit must be affiliated with one of the following institutions:

(a) A public or private school, such as a college, university, high school, junior high school, middle school, or elementary school. The school must be recognized as a legitimate educational institution by the Michigan department of education. The primary listed applicant, or the advisor named on the application, must hold at least a bachelor's degree in the biological sciences or an educational field.

(b) A public agency, such as a federal, state, city, or county unit of government associated with a wildlife or scientific area of study or research.

(c) A non-profit educational organization, which has obtained an exemption from federal income tax under the provisions of section 501 (c) (3) of the internal revenue code. The educational organization must be associated with a wildlife or scientific area of study or research. The primary listed applicant, or the advisor named on the application, must hold at least a bachelor's degree in the biological sciences or an educational field. The applicant must provide written documentation to the department certifying that 501 (c) (3) status has been achieved.

(d) A scientific research organization, working in cooperation with a college or university, whose primary listed applicant holds a post graduate degree in a science-related field.

(e) A scientific research organization licensed by the United States department of agriculture.

(f) A business entity researching post construction impact on wildlife.

(7) Applicants for a permit must submit a letter from an appropriate representative of the institution listed on the application. The letter shall include the applicant's and institutions permit qualifications, the need for the permit, and a description of the type of collection activity required. If the applicant requires more than the salvage of specimens found dead, the letter shall also include the species and number of specimens to be collected and the method of take. If live animals are to be held, the letter shall include the species and number of animals, the source of the animals, and the need for holding live animals.

(8) In addition to the requirements described in section 5.21 (7), applicants who are not directly affiliated with the institution listed on the application must include with their application a letter from an appropriate employee of the institution. The employee must be named as the applicant's advisor on the application. The institution must qualify for a permit. The letter must certify that:

(a) The institution requires the applicant to hold specimens for the institution off the premises of the institution.

(b) The institution has a need for the applicant to perform this activity.

(c) The applicant is qualified to perform this activity for the institution.

(d) The institution accepts responsibility for the safe keeping and welfare of all specimens held by the applicant.

(e) If applicable, the institution accepts responsibility for the educational content of programs presented by the applicant, utilizing specimens held by the applicant.

(9) Permits issued prior to January 1, 1993, which do not meet current issuance requirements, shall be renewed, provided the permittee and institution continues to be deemed qualified by the department.

(10) Institutions possessing animals under the authority of section 4.1 (5) of this order shall be exempt from the requirement of obtaining a permit. Persons possessing, transporting, or otherwise handling such animals off the premises of such institutions shall require a permit.

(11) A permit shall not be issued for the collection or handling of state- or federally-listed threatened or endangered species.

(12) Animals, or parts thereof, held under the authority of this permit shall not be sold.

(13) No private maintenance or disposition of any animal, or parts thereof, collected under the authority of this permit is allowed. This does not apply to the temporary holding of animals being prepared for permanent deposit into a collection.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 1, 1996, Eff. Jan 11, 1996; Am. 8, 1999, Eff. Sep 1, 1999; Am. 9, 2007, Eff. May

11, 2007; Am. 2, 2013, Eff. Apr 12, 2013.

5.22 Scientific collector's permit, reports.

Sec. 5.22 (1) Prior to a permit being renewed, each permittee shall submit a completed renewal application form supplied by the department.

(2) Prior to a permit being renewed, each permittee shall submit a completed renewal report form supplied by the department. The renewal report shall provide an accurate summary of activities conducted under the previous permit.

History: Eff. Mar 31, 1989; Am. 1, 1996, Eff. Jan 11, 1996.

5.23 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed section pertained to the revocation of scientific collector's permits.

5.30 Taxidermy permit, unlawful act.

Sec. 5.30 It shall be unlawful for any person to solicit for any taxidermy business or conduct a taxidermy business by preparing, possessing, or mounting any skins or dead bodies of any birds or animals, or any part thereof, for a fee, without first obtaining a taxidermy permit.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990.

5.31 Taxidermy permit, rules.

Sec. 5.31 (1) A taxidermy permit shall be valid for 3 years or through the third June 30 after issue, whichever comes first.

(2) A person issued a taxidermy permit shall keep a record, in addition to the specimen tag, of all animals and animal parts which are received or disposed. All records and plumage and skins in permittee’s possession shall be available for inspection by the director, a designee of the director, or conservation officer. Records, other than the specimen tag, shall be retained on the premises for six years and include the following:

(a) Name of specimen.

(b) Name and address of the person from whom received.

(c) Name and address of the person owning the specimen.

(d) County, state, province, and country where taken.

(e) Tag or seal number of game or protected animal.

(f) Date animal and animal parts received and date disposed.

(g) Name to whom product is delivered.

(3) A person issued a taxidermy permit shall only possess game, protected animals, or animal parts for the purpose of taxidermy at the location described in their taxidermy permit.

(4) For deer, elk, or moose, a person acting under the authority of a taxidermy permit shall:

(a) If live cervids are kept on the premises of the taxidermy business:

(i) Not allow any live animal to come into contact with any taxidermy materials and any waste generated from taxidermy, through the use of exclusionary structures such as gates and doors.

(ii) Employ personal protective clothing, such as but not limited to coveralls, boots and gloves, by visitors and workers in the area.

(iii) Employ trash receptacles within the work site for disposable protective clothing.

(iv) Employ cleaning facilities to ensure that materials taken from work site, including non-disposable personal protective equipment, are free of dirt, debris, and waste materials.

(v) Dispose of all animal waste products in a manner that ensures disposal to a type II landfill.

(vi) Not provide animal parts from deer, elk, or moose for use as bait for the purpose of attracting animals for hunting, trapping, or other recreational pursuits.

(vii) Not provide animal parts from deer, elk, or moose for use as a food for other animals.

(b) If no live cervids are kept on the premises of the taxidermy business:

(i) Dispose of all animal waste products in a manner that ensures disposal to a type II landfill.

(ii) Not provide animal parts from deer, elk, or moose for use as bait for the purpose of attracting animals for hunting, trapping, or other recreational pursuits.

(iii) Not provide animal parts from deer, elk, or moose for use as food for other animals, other than deboned meat.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 1, 2009, Eff. Apr 3, 2009.

5.32 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed section pertained to the suspension of taxidermy permits.

5.40 Deer damage shooting permit, definitions.

Sec. 5.40 For the purposes of sections 5.41 to 5.43 of this order, the terms in this section shall have the meaning ascribed to them in this section.

(1) "Permit" means a deer damage shooting permit.

(2) "Permittee" means a person who has applied for and been issued a deer damage shooting permit by the department.

(3) "Authorized designee" means a person who has been designated, in writing, by a permittee to implement the provisions of a deer damage shooting permit. The department reserves the right to deny a person, 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.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990.

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 or their authorized designee 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.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990; Am. 5, 1996 Eff. Sep 1, 1996; Am. 10, 2002, Eff. Jul 15, 2002; Am. 7, 2012, Eff. Jun 15, 2012; Am. 7 of 2023, Eff. June 8, 2023; Am. 8, 2025, Eff. May 8, 2025.

5.42 Deer damage shooting permit, prohibited acts; failure to comply.

Sec. 5.42 (1) It shall be unlawful for a permittee or an authorized designee to:

(a) Kill more than the number of deer authorized by the permit.

(b) Possess a deer killed under the authority of a permit without having a validated deer damage permit tag attached to the deer.

(c) Take or attempt to take a deer within the permit boundaries unless in possession of a valid unused deer damage permit tag. The tag shall be presented upon demand to a representative of the director.

(d) Use a firearm other than a centerfire rifle or shotgun with slugload, or as determined by a department representative.

(e) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess an uncased or loaded firearm in the vehicles authorized by the permit unless approved by the wildlife regional supervisor and district law enforcement supervisor. (f) Kill a deer with antlers extending three inches or more above the skull unless approved by the wildlife regional supervisor.

(g) Take or attempt to take a deer using an artificial light or from one-half hour after sunset to one-half hour before sunrise unless approved by the wildlife regional supervisor and district law enforcement supervisor.

(h) Take or attempt to take a deer in any area except that location described on the permit.

(2) It shall be unlawful for any person to buy or sell any deer killed under the authority of a deer damage control permit.

(3) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take deer under the authority of a valid permit.

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

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990.; Am. 5, 1996, Eff. Sep 1, 1996; Am. 10, 2002, Eff. Jul 15, 2002; Am. 2, 2005, Eff. Mar 11, 2005; Am. 7, 2012, Eff. Jun 15, 2012; Am. 18, 2013, Eff. Oct 11, 2013; Am. 7, 2016, Eff. May 13, 2016; Am. 4, 2017, Eff. June 9, 2017; Am. 8, 2020; Eff. Feb. 12, 2021; Am. 8, 2025, Eff. May 8, 2025.

5.43 Deer damage shooting permit, reservation of rights.

Sec. 5.43 Final disposition of animals killed under permit will be determined by the wildlife regional supervisor or representative. In all cases, efforts should be made to assure the carcass will be used for human consumption to the fullest extent possible.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990; Am. 5, 1996, Eff. Sep 1, 1996; Am. 10, 2002, Eff. Jul 15, 2002; Am. 4, 2017, Eff. June 9, 2017.

5.44 Repealed. Am 18, 2013, Eff. Oct 10, 2013.

Publisher's note: The repealed section pertained to Deer damage shooting permit; revocation, suspension.

5.45 Bear damage shooting permit, definitions.

Sec. 5.45 For the purposes of sections 5.46 and 5.47 of this order, the terms in this section shall have the meaning ascribed to them in this section.

(1) “Permit” means a bear damage shooting permit.

(2) “Permittee” means a person who has applied for and been issued a bear damage shooting permit by the department.

(3) “Authorized designee” means a person who has been designated, in writing, by a permittee to implement the provisions of a bear damage shooting permit. The department reserves the right to deny a person, 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.

History: Am. 4, 2015, Eff. May 8, 2015.

5.46 Bear damage shooting permit; standards, conditions, records; unlawful acts.

Sec. 5.46 (1) Bear damage shooting permits may be issued statewide to owners to specific lands with damage to emerging, standing, or harvested crops or to feed properly stored in accordance with normal agricultural practices documented by the department.

(2) A bear damage shooting permit shall not be valid:

(a) Except during the time period authorized by the permit.

(b) During an open season for bear.

(3) The permittee shall keep records as may be required by the department and present them for inspection at the request of a peace officer or wildlife biologist.

(4) An individual shall not accept, carry afield, use or attempt to use a bear damage shooting permit unless in possession of a current base license and bear license. A permittee shall not sell, lend, barter, or trade a bear damage shooting permit. The licensee must provide the kill tag and bear license for the Bear Management Unit to a peace officer upon request.

(5) The permittee or authorized designee shall meet the provisions of section 3.205 of this order when exercising a permit issued under this section. In addition, unless otherwise provided in this section, an individual issued a bear damage shooting permit shall comply with lawful hunting hours and all regulatory requirements for the lawful taking of bear, except as follows:

(a) It shall be unlawful to take a bear over bait under the authority of a bear damage shooting permit.

(b) It shall be unlawful to take a bear with the use of dogs under the authority of a bear damage shooting permit unless authorized by the wildlife regional supervisor and district law enforcement officer.

(c) It shall be unlawful to take a bear outside of the lawful hunting hours for bear under the authority of a bear damage shooting permit unless authorized by the wildlife regional supervisor and district law enforcement officer.

(d) It shall be unlawful to take a bear using an artificial light outside of lawful hunting hours unless approved by the wildlife regional supervisor and district law enforcement officer.

(6) The permittee or authorized designee killing the bear shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the lower jaw of the bear in a secure and permanent manner. The kill tag shall remain attached to the bear until the animal is registered and sealed by the department.

(7) Within 72 hours of killing a bear and before removing any bear from the Bear Management Unit open to bear hunting, a permittee or authorized designee shall call the official checking station to arrange an appointment to register the bear. The permittee or authorized designee shall take the animal to the official checking station where a confirming seal or seals shall be attached by the department and all provisions of section 3.207 of this order are met.

History: Am. 4, 2015, Eff. May 8, 2015; Am. 2 of 2023; Mar. 9, 2023.

5.47 Bear damage shooting permit, prohibited acts; failure to comply.

Sec. 5.47 (1) It shall be unlawful for a permittee under a bear damage shooting permit to allow more than one authorized shooter to implement the provisions of the permit.

(2) It shall be unlawful for a permittee or an authorized designee to:

(a) Take more than one bear under a bear hunting license issued during that calendar year.

(b) Kill more than one bear authorized by the permit.

(c) Use bait to take a bear under the permit.

(d) Take a bear without a valid bear license for the Bear Management Unit for which the bear damage shooting permit is given.

(e) Possess a bear killed under the authority of a permit without having a validated bear hunting license for that bear management unit and calendar year attached to the bear.

(f) Use dogs to take a bear under the permit unless authorized by the wildlife regional supervisor and district law enforcement officer.

(g) Take a bear outside of the lawful hunting hours for bear unless authorized by the wildlife regional supervisor and district law enforcement officer.

(h) Take a bear using an artificial light outside of lawful hunting hours unless approved by the wildlife regional supervisor and district law enforcement officer.

(3) It shall be unlawful for an individual to buy, offer to buy, sell, offer to sell, or exchange for anything of value any bear killed under the authority of a bear damage shooting permit unless meeting the provisions of section 4.3 of this order.

(4) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take a bear under the authority of a valid permit.

(5) For failure to comply with this section or other requirement of the bear damage shooting program, the department shall deny a permittee or authorized designee to be eligible to participate in the next calendar year.

History: Am. 4, 2015, Eff. May 8, 2015; Am. 2 of 2023; Mar. 9, 2023.

5.50 Damage and nuisance animal control permit definitions.

Sec. 5.50 For the purposes of sections 5.51 to 5.55 of this order, the terms in this section shall have the meaning ascribed to them in this section.

(1) "Permit" means any type of permit issued under the authority of sections 5.50 to 5.55 of this order for the control of damage or nuisance caused by wildlife.

(2) "Permittee" means a person who has applied for and been issued a permit.

(3) "Pesticide" shall have the same meaning as that ascribed by the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, as amended, Part 83 pesticide control, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws.

(4) "Restricted use pesticide" shall have the same meaning as that ascribed by the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, as amended, Part 83 pesticide control, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 3, 2008, Eff. Apr 11, 2008.

5.51 Damage and nuisance animal control permit, issuance, release requirements, reporting; exceptions.

Sec. 5.51 (1) Except as provided by subsections (4) and (8), a damage and nuisance animal control permit shall be required by anyone to prevent or control, by shooting, trapping or otherwise, the depredations of animals at a time or in a manner not otherwise permitted by law or order.

(2) A department conservation officer or wildlife biologist shall make an investigation upon complaint of any person allegedly suffering damage caused by wild birds or wild mammals and may issue a damage and nuisance animal control permit, unless the following conditions apply:

(a) The permit is issued under sections 5.51b, 5.51d, 5.52, 5.52b, 5.52d, and 5.53 of this order.

(b) A public safety issue exists as determined by a department wildlife management regional supervisor or district law enforcement supervisor or their designee and requires immediate permit issuance.

(3) At the time of such investigation, the complainant shall furnish the department investigator with a written statement, on forms provided for this purpose by the department, indicating the location, extent, kind, and approximate value of the property allegedly damaged, destroyed, or in danger of being damaged or destroyed, the kind and number of animals believed to be doing the damage and such other information as may be required.

(4) If results of the department’s investigation warrants control of the animal(s) involved, the department investigator may, except for horticultural or agricultural damage caused by deer, issue a permit to authorize control of the animal(s) by shooting, trapping, or other means as specified on the permit.

(a) A permit to control horticultural or agricultural damage caused by deer may be issued by the department’s investigator per section 5.41 of this order.

(b) A permit to control deer or other wildlife at an airport may be issued by a department wildlife management regional supervisor or district law enforcement supervisor or their designee without an investigation to address a public safety issue.

(5) A permit shall be issued only to bona fide landowners or lessees, or their designated agents, and shall not be transferable.

(6) Except for animals protected by part 365, endangered species protection, 1994 PA 451, nonlethal

means of harassment to deter or prevent damage to private property, such as noise makers or scare devices; exclusion devices, such as fences or screening; and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals shall not require a permit.

(7) All animals taken under the authority of a permit shall be reported to the department in the manner specified on the permit.

(8) All animals taken under the authority of a permit shall be properly cared for and disposed of as directed by the permit or this order.

(9) A live raccoon captured under a damage and nuisance animal control permit shall be possessed and released only as follows:

(a) A raccoon, if released, shall be released only in the same county where captured and, if held in captivity, shall be isolated in a manner to prevent physical contact with any animal not originating from the same county. Each cage shall be tagged by the permittee with the county of origin and date of capture.

(b) A cage and area used to hold raccoon(s) for release shall be constructed of materials that can be effectively disinfected.

(c) If a raccoon has come into physical contact with a raccoon originating from another or unknown county of origin, both raccoons shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of exposure.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 2, 1996, Eff. Apr 1, 1996; Am. 1, 2000, Eff. Feb 1, 2000; Am. 1, 2010, Eff. Jan 7, 2010; Am. 18, 2013, Eff. Oct 11, 2013; Am. 1, 2018, Eff. Feb. 9, 2018.

5.51a Damage and nuisance animal control permit, Canada goose site permit issuance; definitions.

(1) For the purposes of sections 5.51a and 5.51b of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) "Permit" means a site permit for Canada geese issued under the authority of the department's federal special
Canada goose permit.

(b) "Permittee" means a person who has applied for and been issued a site permit by the department.

History: Am. 1, 2010, Eff. Jan 7, 2010.

5.51b Damage and nuisance animal control permit; Canada goose, eggs, nests, site permit, requirement, issuance, reporting.

(1) To transport, capture, hold, and euthanize Canada geese, destroy Canada goose eggs and nests under the authority granted to the state of Michigan by the federal special Canada goose permit a permittee must:

(a) Successfully complete a department sponsored training to handle and/or destroy Canada goose eggs and nests.

(b) Provide the department with one of the following:

(i) A petition requesting transport, capture, hold, egg/nest destruction, and euthanasia of geese. This must be signed by a minimum of 70 percent of the riparian lake front landowners on the involved water body.

(ii) A signed resolution for transport, capture, hold, egg/nest destruction, and euthanasia of geese from a governmental agency representative of the riparian lake front landowners.

(iii) Proof of sole ownership of the site.

(c) Ensure all program related requirements are met.

(d) Make application for and be issued a Canada goose site permit on a form provided by the department at the fees noted in section 5.110 (3).

(e) Submit an annual report as required by section 5.54 of this order.

(2) An annual Canada goose site permit shall be valid for the period from March 11 through August 31 per federal regulation 50 CFR 21.120. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive a Canada goose control permit for a period of one year.

(3) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

(4) Permits shall be issued only to bona fide landowners or lessees, and shall not be transferable.
History: Am. 1, 2010, Eff. Jan 7, 2010; Am. 2, 2022; Eff. Mar. 11, 2022; Am. 9, 2024, Eff. Oct. 10, 2024.

5.51c Damage and nuisance animal control permit, common merganser site permit issuance; definitions.

(1) For the purposes of sections 5.51c and 5.51d of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) “Permit” means a site permit for common merganser issued under the authority of the department’s federal special purpose permit.

(b) “Permittee” means a person who has applied for and been issued a site permit by the department.
History: Am. 1, 2018, Eff. Feb. 9, 2018.

5.51d Damage and nuisance animal control permit; common merganser, eggs, nests, site permit, requirement, issuance, reporting.

(1) For permission to capture and relocate common merganser, destroy common merganser eggs and nests, or conduct harassment activities with lethal reinforcement under the authority granted to the state of Michigan by the federal special purpose permit a permittee must:

(a) Provide a letter of authority documenting the swimmer’s itch lifecycle present on the lake, as described in the department’s policy and procedures for common merganser control.

(b) Provide the name of a department permitted nuisance animal control businesses, public nuisance animal control agency, or non-profit nuisance animal control organization to conduct merganser control activities.

(c) Provide the department with one of the following:

(i) A petition requesting common merganser control signed by a minimum of 70 percent of the riparian landowners on the involved water body.

(ii) A resolution for common merganser control from a governmental agency representative of the riparian landowners.

(iii) Proof of sole riparian ownership of the body of water.

(c) Make application for and be issued a common merganser site permit by the wildlife permit specialist on a form provided by the department at the fees noted in section 5.110 (9).

(d) Submit an annual report as required by section 5.54 of this order.

(2) A common merganser site permit shall be valid for no more than three years or until the control needs are no longer applicable. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive a permit for a period of one year.

(3) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

(4) Permits shall be issued only to landowners, lessees, or lake representatives and shall not be transferable.

History: Am. 1, 2018, Eff. Feb. 9, 2018; Am. 9, 2024, Eff. Oct. 10, 2024.

5.52 Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations, permit issuance; requirements.

Sec. 5.52 The department's wildlife permit specialist may issue a permit to a reputable nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization for the purpose of taking certain animals causing damage to personal or real property. A person issued a permit under this section is subject to all of the following requirements:

(1) Permits shall expire on the third March 31 after the date of issue, except as noted in section 5.52b and 5.52d of this order.

(2) Permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms. In other areas of the state, permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures from April 1 to September 30. Notwithstanding the other provision of this subsection, permittees may, upon verifying a complaint of damage or nuisance, effect control measures at any time of year within the curtilage of the complainant. For the purposes of this subsection, "curtilage" means the dwelling house, associated buildings, and associated yard used for domestic purposes. Control measures in areas and at times not otherwise provided by this subsection shall only be initiated on those complaints referred to the permittee by a wildlife biologist or conservation officer.

(3) Permittees shall be authorized to undertake control measures on the premises of the complainant for the control of bats that are not threatened or endangered and the control of coyote, fox, weasels, mink, raccoon, skunk, opossum, woodchuck, badger, muskrat, squirrels, ground squirrels, rabbits, English sparrows, feral pigeons, starlings, and crows. Permittees shall also be authorized to undertake control measures on the premises of the complainant on beaver on private lands in zone 3 during the closed season; however, beaver shall not be live trapped and relocated or translocated without authorization of the wildlife management unit supervisor. Control of damage by other wildlife shall be undertaken only as authorized by a wildlife biologist or conservation officer. Control of damage caused by protected migratory birds shall require a federal permit, except as noted in section 5.52b and 5.52d of this order.

(4) To effect control measures, permittees may use foothold traps, body gripping or conibear type traps, live traps, firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws and colony or multiple-catch traps for species other than muskrat. Colony traps may be used for muskrat if used in compliance with subsection 3.600(5). To affect control measures, permittees may also use snares the entire year if one or more of the following conditions are met:

(a) Permitted species is within the curtilage of the complainant.

(b) Permitted species is trapped upon the premises of the complainant in completely submerged underwater sets.

(c) For the control of fox and coyote outside the curtilage upon the premises of the complainant in the Lower Peninsula if the snare meets the requirements of subsection 3.609(2), subdivisions (b) through (j).

(5) Permittees may sell live nuisance feral pigeons live trapped during legitimate nuisance control operations.

(6) A dead animal taken by means other than pesticides during the open season for that animal may be disposed in any manner provided by section 4.3 of this order if the person disposing of the animal is licensed to take the animal under part 435, hunting and fishing licensing, of the natural resources and environmental protection act, 1994 PA 451.

(7) Non-profit nuisance animal control organizations shall comply with all rules and regulations for permittees. The permit shall be issued in the name of an official of the organization. The person to whom the non-profit nuisance animal control permit is issued shall not authorize any employee or volunteer of the organization to undertake control measures without providing the employee or volunteer a copy of the permit countersigned by that person. An employee or volunteer undertaking nuisance animal control measures shall produce a copy of the countersigned permit upon demand of a police or peace officer.

(8) All live traps, foot-hold traps, and other catching devices designed and used in a manner to trap or capture animals alive shall be checked daily except as provided in subsection (8)(a). All traps and catching devices used under the authority of a permit issued under this section shall be marked as provided by section 3.600, subsections (2) and (3), except that the trap or catching device shall be marked "permit no." followed by the permittee’s permit number, and the business name, and business phone number of the permittee.

(a) Electronic trap monitors may be used under all the following conditions provided that the trap is physically checked in-person by the permittee at least once every 72 hours:

(i) The electronic trap monitor remains in continuous operation while in use and shall be able to provide trap status at least once every 24 hours.

(ii) The electronic trap monitor shall be checked electronically at least once every 24 hours.

(iii) The electronic trap monitor has notification alarms that report real-time trap information including trap door closed activity and trap door open activity within one hour after detection via email or text-based messaging systems.

(iv) The electronic trap monitor has notification alarms that report system health issues via email or text-based messaging.

(v) The electronic trap monitor has on-demand control unit testing capabilities for determining trap status, signal strength, and battery condition via remote system check-in.

(vi) If the electronic trap monitor notification alarm reports a trap closure, the permittee is required to physically visit the trap within 24 hours of the time the trap was reported closed.

(vii) If the electronic trap monitor reports a system health issue, the permittee is required to physically check the trap within 24 hours of the last time a notification alarm was received.

(viii) Electronic trap monitoring devices shall be marked with the permittee’s permit number, and the business name, and business phone number of the permittee.

(ix) Permittees shall maintain records as provided by section 5.54 of this order. This also includes alert notifications and trap status check via the centralized application database. All records shall be available for inspection at any reasonable time by a state or law enforcement agency, or its employees, or a tribal conservation officer.

(x) An individual who displays records using an electronic device is not presumed to have consented to a search of the electronic device. This state, a law enforcement agency, a tribal conservation officer, an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of viewing records.

(xi) This state, a law enforcement agency, a tribal conservation officer, an employee of this state or a law enforcement agency is not liable for damage to an electronic trap monitor or an electronic device used to inspect records that occurs as a result of inspecting the electronic trap monitor or electronic device.

(9) Captured animals shall not be released from or upon a public roadway or right of way. Captured animals shall not be released upon the lands of another person, whether private or public lands, without the consent of the landowner or land manager.

(10) All animals, which the permittee is authorized to take, shall be taken and disposed of in a manner to ensure humane handling or killing. Captured animals shall not be held longer than 24 hours unless requested by a department representative, or by a physician or public health official for public health reasons. Captured animals shall not be euthanized except by methods recommended and approved by the department.

(11) Any control measures undertaken by the permittee shall be considered a contractual agreement between the permittee and the complainant. The cost of control effected under the authority of a permit is the responsibility of the permittee.

(12) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 16, 1991, Eff. Jan 1, 1992; Am. 8, 1992, Eff. Aug 1, 1992; Am. 2, 1996, Eff. Apr 1, 1996; Am. 1, 2000, Eff. Feb 1, 2000; Am. 11, 2004, Eff. Jun 5, 2004; Am. 9, 2005, Eff. Jul 8, 2005; Am. 1, 2010, Eff. Jan 7, 2010; Am. 1, 2018, Eff. Feb. 9, 2018; Am. 2, 2020; Eff. Apr. 17, 2020; Am. 2, 2023; Eff. Mar. 9, 2023.

5.52a Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; Canada goose permit, definitions.

(1) For the purposes of sections 5.52a and 5.52b of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) "Permit" means a Canada goose permit issued under the authority of the department's federal special Canada goose permit.

(b) "Permittee" means a nuisance animal control business, public nuisance animal control agency, or non-profit animal control agency who has applied for and been issued a Canada goose permit by the department.

History: Am. 1, 2010, Eff. Jan 7, 2010.

5.52b Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; Canada goose permit, requirements, issuance, reporting.

(1) To capture, hold, and euthanize aggressive Canada geese, destroy Canada goose eggs and nests under the authority granted to the state of Michigan by the federal special Canada goose permit, a permittee must:

(a) Possess written certification of the successful completion of a department sponsored training to handle and/or destroy Canada goose eggs and nests.

(b) Make application for and be issued a Canada goose permit by the wildlife permit specialist on a form provided by the department at the fee noted in section 5.110 (4).

(c) Submit an annual report as required by section 5.54 of this order.

(2) An annual Canada goose permit shall be valid for the period from March 11 through August 31 per federal regulation 50 CFR 21.120. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive Canada goose control permits for a period of one year.

(3) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

(4) An annual Canada goose permit shall be valid for the period from March 11 through August 31 per federal regulation 50 CFR 21.120. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive Canada goose control permits for a period of one year.

History: Am. 1, 2010, Eff. Jan 7, 2010; Am. 2, 2022; Eff. Mar. 11, 2022; Am. 9, 2024, Eff. Oct. 10, 2024.

5.52c Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; common merganser control permit, definitions.

(1) For the purposes of sections 5.52c and 5.52d of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) “Permit” means a common merganser control permit issued under the authority of the department’s federal special purpose permit.

(b) “Permittee” means a nuisance animal control business, public nuisance animal control agency, or non-profit animal control agency who has applied for and been issued a common merganser control permit by the department.

History: Am. 1, 2018, Eff. Feb. 9, 2018.

5.52d Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; common merganser control permit, requirements, issuance, reporting.

(1) To capture and relocate common merganser or destroy common merganser eggs and nests under the authority granted to the state of Michigan by the federal special purpose permit, a permittee must:

(a) Make application for and be issued a common merganser control permit by the wildlife permit specialist as instructed by the department at the fee noted in section 5.110 (10).

(b) Submit an annual report as required by section 5.54 of this order.

(2) An annual common merganser control permit shall be valid for one year. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive common merganser control permits for a period of one year.

(3) To capture, transport, and relocate common merganser a permittee must:

(a) Ensure that the landowner, land lessee, or representative of the site from which common mergansers are to be removed holds a valid permit under section 5.51d of this order.

(b) Conduct all control activities in compliance with the department’s policy and procedures for common merganser control.

(4) To conduct egg and nest destruction out of natural cavities, the permittee must:

(a) Verify that the landowner, land lessee, or representative of the site from which eggs or nests are to be removed holds a valid permit under section 5.51d of this order.

(b) Adhere to recommended methods for destruction as provided by the department's policy and procedures for common merganser control.

(c) Refrain from any egg and nest disturbance or destruction of eggs and nests in artificial nest boxes.

(5) To conduct harassment activities with lethal reinforcement, the permittee must:

(a) Obtain a letter of authorization from the department to conduct a limited amount of take.

(b) Verify that the landowner, land lessee, or representative of the site from which common merganser will be harassed holds a valid permit under section 5.51d of this order.

(c) Adhere to recommended methods for harassment as provided by the department's policy and procedures for common merganser control.

(6) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

History: Am. 1, 2018, Eff. Feb. 9, 2018; Am. 9, 2024, Eff. Oct. 10, 2024.

5.53 Use of pesticides.

Sec. 5.53 Nuisance animal control operators may be issued a permit to use pesticides and may use pesticides to control the depredations of wild animals only in accordance with the following:

(1) As provided by Part 83, pesticide control, Act No. 451 of the Public Acts of 1994, as amended, permits authorizing the use of pesticides shall not be issued unless the applicant provides proof that either the applicant is currently licensed as a commercial pesticide applicator business in category 7a (general pest control) or category 7d (vertebrate pest control) or is in possession of a valid commercial pesticide applicator certification in category 7a (general pest control) or category 7d (vertebrate pest control) as provided by the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, as amended, Part 83 pesticide control, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws.

(2) Only pesticides registered with the United States environmental protection agency and the Michigan department of agriculture may be used, and then only in a manner and for the purposes for which registered and labeled.

(3) Pesticides may be used inside of buildings to control the depredations of those species designated in subsection 5.52(3).

(4) Pesticides other than restricted-use pesticides may be used outside of buildings and other structures to control the depredations of those species designated in subsection 5.52(3).

(5) Placement of restricted-use pesticides outside of buildings to control the depredations of those species designated in subsection 5.52(3) shall not be made except under a control permit issued for each project.

(a) Information which should be supplied with the request for a project control permit are: location, nature, and extent of damage, species committing the damage, and proposed control techniques. If a project control permit is issued, such permit shall specify: the person, the time, the toxicant and method which may be used, the method of disposing of dead animals, other conditions as may be appropriate, and that a report of the operation be submitted to the department on department provided forms at the conclusion of the permit.

(b) The placement of all bait-type pesticides outside of buildings shall be preceded by pre-baiting, and such pesticides shall not be left unattended. Prior to placement of contact-type pesticides outside of buildings, such period of surveillance shall be made as to ensure that minimal or no harm to protected species will occur, with periodic daily surveillance maintained during exposure. Contact poisons used in conjunction with bird perches for bird control shall not be used in grain elevators, feed mills, or other places where food or feed products may become contaminated from drippings.

(c) Failure of the permittee or an authorized designee to comply with the permit provisions will make the permittee ineligible to receive project control permits for a period of one year.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 3, 2008, Eff. Apr 11, 2008.

5.54 Damage and nuisance animal control permit; record keeping requirements.

Sec. 5.54 A person issued a damage and nuisance animal control permit shall keep records of all nuisance animal control operations, documenting the complainant's name, address, date of service, service technician, species of nuisance animal, number of each species taken, number of nests and eggs destroyed, county in which captured, disposition of all animals taken, and county of release. These records and any animals in the permittees possession shall be available for inspection by a conservation officer or other representative of the department at any reasonable time. Prior to the expiration of a permit, the permittee shall submit an accurate summary of permitted activities upon forms furnished by the department. Prior to a permit being renewed, the permittee shall also submit a completed renewal application.

History: Am. 21, 1990, Eff. Dec 15, 1990; Am. 2, 1996, Eff. Apr 1, 1996; Am. 1, 2000, Eff. Feb 1, 2000; Am. 1, 2010, Eff. Jan. 7, 2010.

5.55 Repealed. Am 18, 2013, Eff. Oct 10, 2013.

Publisher's note: The repealed section pertained to Damage and nuisance animal control permit; revocation, suspension, denial.

5.56 Definition of damage, taking certain species causing damage to private property, lawful methods of take, individual taking considered permittee, removal of beaver and beaver dams by road, drain, and railroad authorities, agency of authority considered permittee, requirements.

Section 5.56 (1) For the purposes of this section, "damage" means physical harm to forest products; roads; dams; buildings; orchards; apiaries; livestock; and horticultural or agricultural crops. Beaver or muskrat are only considered to be doing damage if their activities result in flooding or culvert blockages that cause damage as defined in this section.

(2) A property owner or their designee may take the following species all year on property owned by the individual if the wild animal is doing damage or physically present where it could imminently cause damage:

(a) Beaver, cottontail rabbit, coyote, fox squirrel, gray squirrel, ground squirrel, muskrat, opossum, raccoon, red squirrel, skunk, weasel, and woodchuck.

(3) An individual taking a species under the authority of this section shall be considered a permittee as defined by section 5.50 of this order. A written permit under section 5.50 and 5.51 is not required.

(4) An individual taking a species under the authority of this section is exempt from season date restrictions but must abide by all legal hunting and trapping methods and trap check requirements for those species as provided by this order or otherwise permitted by law, exception:

(a) Cottontail rabbits, fox squirrels, gray squirrels, and woodchucks may be taken by trapping only by the following methods:

(i) Live-restraining cage traps, other than a trap designed to catch more than 1 animal at 1 time, may be used in accordance with section 3.600(12)(b).

(ii) Body-gripping or conibear type traps no greater than 6- and one-half inches as measured inside the jaw hinges, may be used provided they are located inside of a building and:

(A) In a hole in the ground that is covered and inaccessible from the surface; or

(B) In a box or similar container with a maximum opening diameter of three inches.

(iii) Foothold traps may be used provided they are completely enclosed in a box or similar container with an opening diameter of no greater than 3 inches.

(5) Removal of beaver or beaver dams causing damage by road, drain, and railroad authorities.

(a) Public road authorities, county drain commissions or drainage boards, and railroad authorities may remove beavers, beaver dams, and other beaver caused obstructions which directly threaten public roads, public drains or railroad tracks year-round within the designated right of ways for those public roads, public drains, or railroad tracks.

(b) The taking of beaver under the authority of this subsection shall be conducted by an individual with a valid fur harvester license or a licensed animal damage and nuisance control company utilizing otherwise legal beaver trapping methods.

(c) An agency of authority removing beaver, beaver dams, and other beaver caused obstructions under the authority of this section shall be considered a permittee as defined by section 5.50 of this order. A written permit under section 5.50 and 5.51 is not required.

(6) Nothing in this order shall preclude the Department of Environment, Great Lakes, and Energy's authority to implement rules and regulations established by Michigan statute.

(7) All animals taken under this section shall be properly possessed or disposed of at the discretion of the permittee.

History: Am. 6, 2023; Eff. May 11, 2023.

5.60 Ferrets, protection of property.

Sec. 5.60 Under the provisions of section 1 of Act No. 277 of the Public Acts of 1927, as amended, being section 317.151 of the Michigan Compiled Laws, nurserymen and fruit growers may own and use ferrets in the protection of their property against rabbits.

History: Eff. Mar 31, 1989.

5.70 Rehabilitation permit, definitions.

Sec. 5.70 For the purposes of sections 5.71 to 5.75 of this order, the terms in these sections shall have the meaning ascribed to them in this section.

(1) "Bottle babies" means baby wild animals, not including migratory birds, that are being rehabilitated and depend on bottles for food, nutrition, and/or nourishment.

(2) "Continuing education" means classes approved by the department that are required for a wildlife rehabilitation permit renewal every five years.

(3) "Co-mingle" means possessing, housing, transporting, keeping, or otherwise allowing a wild animal to come into direct contact or indirect contact with any other wild animal, domestic animal or bird, livestock, or exotic animal or bird.

(4) "Direct contact" means physical contact between wild animals and domestic animals, including livestock, or physical contact between wild animals and any animals held under the authority of a permit issued by the department to hold game in captivity or a permit issued by the department for scientific collectors.

(5) “Domestic animal” means a species of animal that lives under the husbandry of humans. This includes livestock. This also includes those species of animals used for human food or fiber or those species of animals used for service to humans.

(6) “Donation to” means to give away a wild animal that cannot be released back into the wild to an approved facility as described in 5.74 (1).

(7) “Exotic animal or bird” means a species of animal or bird that is not native to the state of Michigan or the United States.

(8) “Federal permit” means a special purpose permit issued under 50 CFR Part 13 and 50 CFR 21.95 by the United States fish and wildlife service for rehabilitation of migratory birds and federally listed endangered or threatened species.

(9) “Habituated” means being accustomed to the presence or activities of humans, animals, or birds in a way that is inconsistent with the behavior expected of a wild animal of the same species in the wild. Examples include, but are not limited to, wild animals that do not exhibit a flight response or are dependent on humans to provide food for their survival.

(10) “Humane” means the housing, nutrition, hydration, medical care, pain relief, sanitary conditions, stress relief, enrichment, treatment, or individual care that address the needs of the animal in rehabilitation, including euthanasia when release is not possible.

(11) “Imprinted” means to come to recognize another animal, person, or thing as a parent or other trusted being, contrary to the way a wild animal of the same species in the wild would view the other animal, person, or thing.

(12) “Indirect contact” means any sensory (sight, sound, smell, taste, and/or touch) exposure that is more than what the wild animal would experience in its natural environment.

(13) “Migratory birds” are those birds that the United States fish and wildlife service identifies on a list it prepares pursuant to the Migratory Bird Treaty Act that is published in the Federal Register. Migratory birds are also subject to regulation by the department, including under this chapter.

(14) “Overwinter” means possession of a wild animal past December 31st of the year acquired.

(15) “Permit” means the written authorization to conduct wildlife rehabilitation issued by the department under this chapter at an identified facility or facilities.

(16) “Permittee” means an individual who has been issued a permit by the department under this chapter to conduct wildlife rehabilitation at the facility or facilities indicated on the permit.

(17) “Person” shall have the same meaning as defined by section 301 of 1994 PA 451, MCL 324.301.

(18) “Protected animal” means that definition as described in MCL 324.40103(7) as an animal or kind of animal that is designated by the department as an animal that shall not be taken. These include, but are not limited to bats, moose, wolverines, and all birds not defined as game, except house sparrows, feral pigeons, and starlings.

(19) “Members of the public” means any person, except a permittee, subpermittee, licensed veterinarian providing medical care to wild animals at a wildlife rehabilitation facility, employees or representatives of the department or any other governmental agency.

(20) “Public display” means visible to members of the public.

(21) “Rehabilitate” means the care and treatment of injured, sick, oiled, or orphaned wild animals including, but not limited to, capturing, transporting, treating, feeding, housing, and conditioning animals so they can be released back to the wild.

(22) “Rehabilitation” means providing care for injured, sick, or orphaned wild animals as permitted by the department.

(23) “Release” and “release into the wild” means to free a wild animal from confinement to an area where the wild animal is capable of survival. This does not allow for the immediate recapturing of the wild animal, transferring the wild animal to another permittee, or taking the wild animal back into rehabilitation.

(24) “Sanitary” means having adequate food, water, and facilities that are routinely cleaned and disinfected.

(25) “Soft release” means gradually reducing the support provided to a rehabilitated wild animal, such as shelter, food, or water for the specific purpose of improving its chance of survival in the wild. “Soft release” does not include any support or other activity that would violate this order or result in the wild animal becoming habituated.

(26) “Small wild mammals” are defined as follows:

(a) All Michigan mammals classified in the Procyonidae family, which includes northern raccoon (*Procyon lotor*);

(b) All Michigan mammals classified in the Didelphidae family, which includes Virginia opossum (*Didelphis virginiana*);

(c) All Michigan mammals classified in the Leporidae family, which includes eastern cottontail rabbit (*Sylvilagus floridanus*) and snowshoe hare (*Lepus americanus*); and

(d) All Michigan mammals classified in the Sciuridae family, which includes eastern chipmunk (*Tamias striatus*), eastern fox squirrel (*Sciurus niger*), eastern gray squirrel (*Sciurus carolinensis*), least chipmunk (*Tamias minimus*), northern flying squirrel (*Glaucomys sabrinus*), red squirrel (*Tamiasciurus hudsonicus*), southern flying squirrel (*Glaucomys volans*), thirteen-lined ground squirrel (*Spermophilus tridecemlineatus*), and woodchuck (*Marmota monax*).

(27) “Subpermit” means the written authorization issued by the department under this chapter to conduct wildlife rehabilitation under the supervision of a permitted wildlife rehabilitator at an identified facility or facilities.

(28) “Subpermittee” means an adult 18 years of age or older who has been issued a subpermit by the department under this chapter to assist with wildlife rehabilitation under a named permittee’s supervision at the facility or facilities listed in the subpermit. Any individual at the facility assisting in the rehabilitation of wild animals must be a permittee or subpermittee.

(29) “Threatened or endangered species” means any wild animal listed as a threatened or endangered species under state or federal law.

(30) “Transport” means the act of a permittee or subpermittee relocating wild animals to the premises of a licensed rehabilitator.

(31) “Wild” means living or growing in the natural environment; not domesticated or not habituated.

(32) “Wild animals” means all wild bird and wild mammal species native to Michigan.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 14, 2014, Eff. Oct 10, 2014; Am. 1, 2023; Eff. Jan. 1, 2023.

5.71 Rehabilitation permit, general wildlife rehabilitation provisions.

Sec. 5.71 (1) A person shall not possess a live wild animal for the purpose of wildlife rehabilitation without first securing a permit or subpermit from the department, except as provided in subsection 5.71(a).

(a) A licensed veterinarian is not subject to the permitting requirements of section 5.71(1) when the licensed veterinarian is treating a sick, injured, or orphaned wild animal at the veterinarian's facility for not more than 48 hours before releasing it to the wild, transferring it to a permittee, or administering humane euthanasia.

(2) A permittee or subpermittee shall not possess a wild bat, bear, elk, moose, mute swan or skunk. A subpermittee shall not possess a wild deer except when transporting wild fawns.

(3) Only one permittee shall be affiliated with a facility or facilities approved by the department indicated on a wildlife rehabilitation permit. Additional persons affiliated with the facility or facilities need to be subpermittees approved by the department, unless the following exception applies:

(a) The department may approve another person to temporarily care for wild animals at a facility or facilities provided that the permittee provides a written request to the department with the address of the facility, the reason for temporary care, the name of the person caring for the facility or facilities, and the approximate number of days the facility will be in temporary care.

(4) A person may be approved by the department as a subpermittee for the rehabilitation of bottle babies and wild animals except for those species listed in subsection (2), and the transport of wild animals except for those species listed in subsection (2). Subpermittees may transport wild fawns.

(a) An inspection is required for facilities listed on a subpermit for the rehabilitation of wild animals not considered bottle babies. An inspection is not required for subpermittees only transporting wild animals.

(b) If a subpermittee is assisting with wildlife rehabilitation activities at a facility that is not approved by the department, the subpermittee shall own the property where wildlife rehabilitation activities will occur or have a fully executed agreement in which the property owner gives written authorization to the subpermittee to conduct wildlife rehabilitation activities in a designated area of the property for a defined amount of time.

(5) A permittee or subpermittee shall not capture, receive, possess, transport, or transfer wild animals for any purpose other than wildlife rehabilitation. A permittee or subpermittee shall not transfer live or dead wild animals except to other permittees with appropriate facilities or as allowed by sections 5.74 (1) to 5.74 (4).

(6) A permittee or subpermittee shall not sell or barter live or dead wild animals in any manner.

(7) A permittee or subpermittee shall not transfer live wild animals for capture or release without first securing approval from the landowner where capture or release will occur.

(8) Permittees or subpermittees shall not rehabilitate wild animals in a manner contrary to local, state, or federal statutes, regulations, rules, ordinances, or orders, including other provisions of this order not in chapter V.

(9) The permittee or subpermittee shall provide a copy of their permit or subpermit to the department's agents or other law enforcement agents upon request.

(10) The permittee or subpermittee shall obtain a federal permit prior to obtaining or possessing migratory birds unless otherwise provided by the United States fish and wildlife service. When the limitations of a federal permit are more restrictive than the state permit, the federal limitations shall

prevail. It is the responsibility of the permittee or subpermittee to know which bird species are considered migratory.

(11) A person may capture and transport a sick, injured, or orphaned wild animal to a permitted wildlife rehabilitator, licensed veterinarian, or department employee, but only after contacting the facility, licensed veterinarian, or department employee to confirm the wild animal will be accepted. Prior to transport, no care may be provided to a wild animal, except as directed by a permitted wildlife rehabilitator, veterinarian, or department employee.

(a) A person has 24 hours Monday through Friday and 48 hours Saturday through Sunday to capture and transport the sick, injured, or orphaned wild animal to a wildlife rehabilitator, licensed veterinarian, or department employee.

(b) This subsection does not apply to the capture and transport of threatened or endangered species and wild bats, bears, cougars, elk, lynx, moose, mute swans, skunks, and wolves, including their offspring. An individual shall not capture and transport a deer unless it's a fawn.

(c) Any persons consistently and repeatedly transporting wild animals directly to another facility must have a permit or subpermit.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 17, 2008, Eff. Jan 9, 2009; Am. 14, 2014, Eff. Oct 10, 2014; Am. 1, 2023; Eff. Jan. 12, 2023.

5.72 Rehabilitation permit, application, issuance, amendment, renewal.

Sec. 5.72 (1) An application for a permit shall be submitted 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 documentation of all of the following:

(a) Training and experience in the care and handling of such animals, except if the applicant is a licensed veterinarian, shall be documented by 1 of the following:

(i) letter or affidavit, signed by a licensed veterinarian, indicating that the applicant has demonstrated, through at least 30 hours of paid or volunteer experience, adequate skills in handling injured and orphan animals.

(ii) A letter or affidavit, signed by a current permitted wildlife rehabilitator in Michigan, indicating that the applicant has demonstrated, through at least 30 hours of working as an approved subpermittee by the department and has adequate skills in handling injured and orphan animals.

(b) Adequate facilities as determined by the department based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "standards for wildlife rehabilitation." All facilities where animals are kept for longer than 48 hours shall be listed on the permit application and shall be subject to inspection prior to permit issuance and at any reasonable time thereafter by an agent of the department.

(c) A permit shall not be renewed, except if the rehabilitator is a licensed veterinarian, unless the application is accompanied by a certificate of completion for a continuing education class in the rehabilitation of wild animals for a class and at a frequency that has been approved by the department.

(d) In addition to the training and experience requirements of subsection (a), a person applying for a permit that is not a renewal, including applying for a new permit after a sanction other than a revocation under 5.250 or five years after the date a permit was revoked as described in 5.72b, shall furnish with their permit application proof of having completed a wildlife rehabilitation basic skills class that has been approved by the department.

(e) If the rehabilitation facility or facilities are on more than one parcel of land, all parcels shall be listed as part of the application process and inspected by the department.

(2) An applicant shall own the property where wildlife rehabilitation activities will occur or must submit a fully executed agreement in which the property owner gives written authorization to the applicant to conduct wildlife rehabilitation activities in a designated area of the property for a defined amount of time.

(3) An applicant shall certify that they have read and understand the statutes, rules, regulations, orders, and ordinances that apply to the wild animals being rehabilitated at the facility or facilities listed on the application and that they agree to comply with all provisions of those legal obligations.

(4) An applicant shall certify that rehabilitation activities and the facility or facilities are in compliance with statutes, rules, regulations, orders, and ordinances.

(5) Following an inspection to a new application or amendment to a current permit or subpermit, the department may deny the application or amendment if it doesn't meet the regulations described in this order.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 17, 2008, Eff. Jan 9, 2009; Am. 14, 2014, Eff. Oct 10, 2014; Am. 1, 2023; Eff. Jan. 12, 2023.

5.72a Rehabilitation permit, facility standards and inspections.

Sec. 5.72a (1) Following the standards set forth in the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation", all enclosures shall be structurally sound, of sufficient strength for species involved, and maintained in good repair to prevent escape or injury to the wild animals being rehabilitated. The department may approve alternative structures on a case-by-case basis provided they exceed current facility standards set forth in the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation." An appropriate enclosure for any wild animals that can fly shall include four walls, a bottom, and a top that does not permit the wild animal to fly outside of the enclosure. All enclosures shall be adequate to prevent the ingress or egress of animals, wild and domestic.

(2) All premises and facilities covered by a permit shall be open to inspection by an agent of the department or by an agent of the United States fish and wildlife service at any reasonable time. An inspection may include the determination that a wild animal shall be released, be taken into possession by the department or United States fish and wildlife service, transferred to another facility, or humanely euthanized as authorized by the department or United States fish and wildlife service.

History: Eff. Jan. 12, 2023.

5.72b Rehabilitation permit, amendment, expiration, revocation, applying after revocation or any other sanction under section 5.250.

Sec. 5.72b (1) A person may apply for a new permit five years after the date that their permit was revoked by the department. To apply for a new permit after a prior permit was revoked, a person must follow the instructions to submit a new application and provide evidence that the conditions or circumstances that resulted in the permit being revoked have been resolved and will not reoccur if the department issues a new permit. If the person does not follow the instructions or if the department determines that the person has not provided evidence that the conditions or circumstances that resulted in the permit being revoke have been resolved and will not reoccur, the department may deny the permit application.

(2) Post-revocation applicants shall apply for a wildlife rehabilitation permit for small wild mammals only. If approved by the department, the permit may be amended a year from issuance to include other animals provided there have been no violations.

(3) A person may apply for a new permit after the date that his or her permit is subject to a sanction under section 5.250 other than revocation without waiting five years. To apply for a new permit after a sanction under section 5.250 other than revocation, a person must follow the instructions to submit a new

application and provide evidence that the conditions or circumstances that resulted in the sanction have been resolved and will not reoccur if the department issues a new permit. If the person does not follow the instructions or if the department determines that the person has not provided evidence that the conditions or circumstances that resulted in the sanction have been resolved and will not reoccur, the department may deny the permit application or impose limits or conditions in the permit to require the person to comply with this order.

History: Eff. Jan. 12, 2023.

5.72b Rehabilitation permit, amendment, expiration, revocation, applying after revocation or any other sanction under section 5.250.

Sec. 5.72b (1) A person may apply for a new permit five years after the date that their permit was revoked by the department. To apply for a new permit after a prior permit was revoked, a person must follow the instructions to submit a new application and provide evidence that the conditions or circumstances that resulted in the permit being revoked have been resolved and will not reoccur if the department issues a new permit. If the person does not follow the instructions or if the department determines that the person has not provided evidence that the conditions or circumstances that resulted in the permit being revoke have been resolved and will not reoccur, the department may deny the permit application.

(2) Post-revocation applicants shall apply for a wildlife rehabilitation permit for small wild mammals only. If approved by the department, the permit may be amended a year from issuance to include other animals provided there have been no violations.

(3) A person may apply for a new permit after the date that his or her permit is subject to a sanction under section 5.250 other than revocation without waiting five years. To apply for a new permit after a sanction under section 5.250 other than revocation, a person must follow the instructions to submit a new application and provide evidence that the conditions or circumstances that resulted in the sanction have been resolved and will not reoccur if the department issues a new permit. If the person does not follow the instructions or if the department determines that the person has not provided evidence that the conditions or circumstances that resulted in the sanction have been resolved and will not reoccur, the department may deny the permit application or impose limits or conditions in the permit to require the person to comply with this order.

History: Eff. Jan. 12, 2023.

5.72c Rehabilitation permit, records, and reporting.

Sec. 5.72c (1) The permittee shall maintain an up-to-date record of all wild animals in their possession, except that federally protected and migratory birds may be recorded upon a form furnished by the United States fish and wildlife service. The record for each wild animal, including those held overwinter, shall list the species, the condition of the wild animal, the name and address of the donor or other source, and the method and date of disposition. In addition, the record for threatened or endangered species, those species of special concern described in section 5.74a, and wild animals held overwinter shall include the county of origin and the county of release. If the permittee or subpermittee has multiple facilities, each facility that keeps animals for 48 hours or longer shall maintain and keep up-to-date records on the premises. The permittee shall submit all state and federal permittee and subpermittee records on a form furnished by the department or on a form furnished by the United States fish and wildlife service for the calendar year to the department's wildlife rehabilitation permit specialist by January 31 of each year or within 15 days after termination of the permit. A copy of the records required by this section shall be maintained by the permittee for 2 years following the required date of submission.

History: Eff. Jan. 12, 2023.

5.73 Rehabilitation permit, expiration, and disposition of animals and the parts of animals following a violation.

Sec. 5.73 (1) A permit shall be valid for 5 years, and shall expire on March 31 of the fifth year following issuance, unless revoked, annulled, withdrawn, recalled, or canceled prior to that date.

(2) The department may revoke, or otherwise address a violation as described in section 5.250, a permittee's license if the permittee or a subpermittee of that permittee fails to comply with the conditions, limitations, and any other provisions in this order.

(3) If the department revokes or otherwise addresses a violation as described in section 5.250, the department may direct the permittee or subpermittee to dispose of any animal and the parts of any animal in his or her possession in a manner approved by the department.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 14, 2014, Eff. Oct 10, 2014; Am. 1, 2023; Eff. Jan. 12, 2023.

5.74 Rehabilitation permit, conditions, limitations, care and treatment of wild animals.

Sec. 5.74 In addition to the conditions and limitations already described in Chapter V, the following conditions and limitations shall apply to the possession of wild animals under the authority of a rehabilitation permit:

(1) Except for threatened or endangered species and animals of special concern, all wild animals which cannot be rehabilitated sufficiently to be released into the wild shall be disposed by one of the following ways:

(a) Donation to a public zoological park approved or accredited by the association of zoos and aquariums or a public sanctuary approved or accredited by the American sanctuary association.

(b) Donation to a research or educational institution that meets acceptance criteria for the issuance of a Michigan scientific collector's permit as provided by section 5.21 of this order.

(c) Humane and discreet euthanasia by methods recommended and approved by the American veterinary medical association. Refusal by a permittee or subpermittee to carry out or have another person carryout humane and discreet euthanasia of a non-releasable wild animal is inhumane treatment and is prohibited by this order. The carcasses of protected animals and game animals shall be turned over to the local conservation officer or disposed of as directed by the department, except as described in subsection (4).

(d) A permittee may possess a permanently injured, non-releasable migratory bird for the purpose of fostering orphaned young or juveniles undergoing rehabilitation. The permittee must have both the wildlife rehabilitation permit and scientific collector's permit and be in compliance with the United States fish and wildlife service requirements before possessing the permanently injured, non-releasable migratory bird.

(e) A permittee may possess a permanently injured raptor unable to survive in the wild for the purpose of fostering orphaned young or juveniles undergoing rehabilitation. The permittee must have both the wildlife rehabilitation permit and falconry permit and be in compliance with the United States fish and wildlife service requirements before possessing the permanently injured, non-releasable migratory bird.

(2) All wild animals on the federal endangered or threatened species list shall be turned over to an agent of the United States fish and wildlife service.

(3) All wild animals not included on the federal threatened or endangered species list but included on the state endangered or threatened species list that shall come into possession by a permittee shall be reported during the same business day, or subsequent first business day if acquired on a holiday or weekend, to the department. Such wild animals shall be handled and disposed of only as provided by the department and shall only be possessed for rehabilitation purposes under the authority of an endangered species permit as provided by Part 365 of the natural resources environmental protection act, 1994 PA 451.

(4) All wild animals exhibiting an illness, disease, or other abnormal behavior that shall come into possession of a permittee or subpermittee, and all wild animals that die of illness or disease while in the possession of the permittee or subpermittee, shall be reported during the same business day, or subsequent first business day if the wild animal shall die or be acquired on a holiday or weekend, to the

department wildlife disease laboratory as instructed by the department. Such wild animals shall be possessed, handled, and disposed of only as provided by the department. When necessary, the permittee or subpermittee shall initiate all disease-related protocols at their facility as instructed by the department's wildlife disease laboratory experts.

(5) As soon as a wild animal is capable of fending for itself and shows no signs of being habituated, it shall be released into the wild as directed by the permit and this order. Wild animals shall not be released upon the lands of another except with written permission of that property owner or the public land administrator.

(a) Soft release methods using supplemental food is prohibited except for migratory birds on the premise of the facility as described in the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation."

(b) Wild animals shall be released to a location that provides adequate habitat where they will not create a nuisance.

(6) Wild animals of special concern shall be possessed, transported, and disposed of only as provided in this order.

(7) It is the permittee's or subpermittee's obligation to ensure that the facility or facilities is operated and maintained in a manner that does not pose a threat to human or animal safety by following the standards set forth in the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation."

(8) All wild animals shall be kept under humane and sanitary conditions as defined in section 5.70 of this chapter at all times based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation" except as otherwise approved by the department under section 5.72a.

(9) All wild animals shall be cared and treated for as provided by the standards set forth in the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation."

(10) All wild animals being rehabilitated are subject to the following:

(a) Shall be kept separated from high-traffic human living quarters and activities.

(b) Shall be kept in appropriate enclosures at all times and have direct or indirect contact with the permittee or subpermittee only to the extent necessary to provide adequate care and treatment.

(c) Shall not be cared for by anyone other than an approved permittee or subpermittee.

(d) Shall not be housed so as to be visible to, or otherwise allowed to be viewed, by members of the public, unless otherwise authorized by the department.

(e) Shall not have direct or indirect contact with members of the public.

(f) Shall not co-mingle with, have direct or indirect contact with, or be able to see domestic animals, including livestock, or animals held under the authority of a permit issued by the department to hold wildlife in captivity or issued to scientific collectors.

(g) Shall not be tamed, kept as pets, held with domestic animals, or habituated.

(h) Shall be of compatible species, as described in the national wildlife rehabilitators association and international wildlife rehabilitation council's "standards for wildlife rehabilitation", when housed together,

and not pose a threat to health or well−being of other wild animals in the same enclosure. Prey and predator species shall be separated by visual and/or olfactory barriers.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 1, 2001, Eff. Mar 1, 2001; Am. 8, 2002, Eff. Jun 8, 2002; Am. 11, 2003, Eff. Jun 8, 2003; Am. 17, 2008, Eff. Jan 9, 2009; Am. 14, 2014, Eff. Oct 10, 2014; Am. 1, 2023; Eff. Jan. 12, 2023.

5.74a Wild animals of special concern, possession, transportation, and disposal.

Sec. 5.74a Wild animals of special concern are as follows:

(1) Deer of special concern, all wild free-ranging deer. Live wild deer shall not be possessed without a permit from the department, subject to the following:

(a) All wild deer, positively confirmed to be from Alcona, Alpena, Iosco, Montmorency, Oscoda, Otsego, Presque Isle, and Montcalm counties shall not be possessed unless:

(i) euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer.

(ii) obtained by a permittee located inside Alcona, Alpena, Iosco, Montmorency, Oscoda, Otsego, Presque Isle, and Montcalm counties who humanely euthanizes the deer within 24 hours of receipt.

(b) All wild deer, except fawns, positively confirmed to be from inside a county with a confirmed case of CWD, except for Montcalm county, shall not be possessed unless:

(i) euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer.

(ii) obtained by a permittee located in a county with a confirmed case of CWD who humanely euthanizes the deer within 24 hours of receipt.

(c) A licensed permittee located within a county with a confirmed case of CWD, except for Montcalm county, shall only possess a wild fawn from inside that same county if the capture point of the wild fawn is within a 10-mile radius of the licensed permittee’s facility. The licensed permittee shall release that same fawn within a 10-mile radius of their facility.

(d) All wild deer, except fawns, positively confirmed to be from outside of a county with a confirmed case of CWD shall not be possessed unless:

(i) euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer.

(ii) obtained by a permittee located outside of a county with a confirmed case of CWD who humanely euthanizes the deer within 24 hours of receipt.

(e) All wild fawns positively confirmed to be from outside of a county with a confirmed case of CWD shall:

(i) not be moved to a county with a confirmed case of CWD.

(ii) be released only in the county of origin. Each cage shall be tagged by the permittee with the county of origin and date of capture for each deer.

(f) If the capture point of a wild deer cannot be positively confirmed to be from a particular county, the deer shall be isolated in a manner to prevent direct, physical contact with other deer and humanely euthanized within 24 hours of receipt. If a deer has come into direct, physical contact with a deer originating from another or unknown county of origin, both deer shall be isolated in a manner to prevent physical contact with other deer and humanely euthanized within 24 hours of receipt.

(g) The permittee shall permanently mark all deer in possession with a clearly visible unique identification mark prior to release as required by the department.

(h) All wild deer, except fawns, cannot be possessed for wildlife rehabilitation.

(i) All wild fawns shall be released by October 1 of the year it was taken into possession for wildlife rehabilitation unless recommended, in a written request, by a Michigan licensed veterinarian and authorized by the department. The written request must be submitted to the department no later than 15 days prior to October 1.

(j) All wild fawns shall not be taken into possession for wildlife rehabilitation October 1 through March 1.

(2) Skunks and bats of special concern, all wild skunks and bats. Live skunks and bats shall not be possessed.

(3) Raccoons of special concern, all wild raccoons. Live raccoons may be possessed and released only as follows:

(a) Raccoons shall be released only in the same county where captured and shall be isolated in a manner to prevent direct, physical contact with wild animals not originating from the same county. Each cage shall be tagged by the permittee with the county of origin and date of capture.

(b) Cages and areas used to hold raccoons for release shall be constructed of materials that can be effectively disinfected.

(c) If the capture point of a raccoon cannot be positively confirmed to be from a particular county, the raccoon shall be isolated from direct, physical contact with other raccoons and humanely euthanized within 24 hours of receipt. If a raccoon has come into direct, physical contact with a raccoon originating from another or unknown county of origin, both raccoons shall be isolated from direct, physical contact with other raccoons and humanely euthanized within 24 hours of exposure.

(4) Elk of special concern, all wild free-ranging elk. Live wild elk shall not be possessed.

(5) Moose of special concern, all wild free-ranging moose. Live wild moose shall not be possessed.

(6) Mute swans of special concern, all wild mute swans. Live wild mute swans shall not be possessed.

(7) Subject to the provisions of this order, in the event a wild deer is humanely euthanized or dies as the result of disease symptoms consistent with chronic wasting disease, the carcass shall be sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer or a department employee.

History: Am. 11, 2003, Eff. Jun 8, 2003; Am. Interim Order 3, 2008, Eff. Aug 29, 2008; Am. 17, 2008, Eff. Jan 9, 2009; Am. 02, 2011, Eff. Feb 10, 2011; Am. 13, 2012, Eff. Aug 9, 2012; Am. 7, 2016, Eff. May 13, 2016; Am. 4, 2017, Eff. June 9, 2017; Am. 12, 2018, Eff. Aug. 10, 2018; Am. 7, 2019, Eff. July 12, 2019; Am. 1, 2023; Eff. Jan. 12, 2023.

5.75 Rehabilitation permit, kinds of wild animals held under permit.

Sec. 5.75 Permittees or subpermittees shall not possess wild animals other than those indicated on their approved permit or subpermit.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 1, 2023; Eff. Jan. 12, 2023.

5.76 Disease control permit (DCP), definitions.

Sec. 5.76 For the purposes of sections 5.77 to 5.79 of this order, the terms in this section shall have the meaning described to them in this section. (1) “Permit” means a disease control permit (DCP).

(2) “Permittee” means a person who has been issued a DCP by the department.

(3) “Authorized designee” means a person who has been designated by a permittee to implement the provisions of a DCP. The authorized designee must be eligible under Michigan law to purchase a hunting license. The department reserves the right to deny a person, 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.

(4) “Tag” means a DCP kill tag provided by the department.

(5) “Disease” means:

(a) Bovine tuberculosis.

(b) Chronic wasting disease.

(c) Other disease in deer as determined by the director.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 5, 2003, Eff. May 10, 2003; Am. 16, 2007, Eff. Nov 9, 2007; Am. 7, 2016, Eff. May 13, 2016; Am. 4, 2017, Eff. June 9, 2017.

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.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 2, 1999, Eff. Apr 1, 1999; Am. 5, 2003, Eff. May 10, 2003; Am. 16, 2007, Eff. Nov 9, 2007; Am. 18, 2013, Eff. Oct 11, 2013; Am. 7, 2016, Eff. May 13, 2016; Am. 4, 2017, Eff. June 9, 2017; Am. 12, 2018, Eff. Aug. 10, 2018; Am. 7 of 2023, Eff. June 8, 2023.

5.78 Disease control permit (DCP), prohibited acts.

Sec. 5.78 (1) It shall be unlawful for a permittee or an authorized designee to:

(a) Kill more than the number of deer authorized by the DCP.

(b) Possess a deer killed under the authority of a DCP without having a valid tag attached to the deer.

(c) Take or attempt to take a deer within the permit boundaries unless in possession of a valid tag. The tag shall be presented upon demand to a department representative of the director.

(d) Use a firearm other than a centerfire rifle or shotgun with slugload, or as determined by the department representative.

(e) Possess an uncased or loaded firearm in a vehicle.

(f) Take or attempt to take a deer using an artificial light or from 1/2 hour after sunset to 1/2 hour before sunrise unless approved by the wildlife regional and district law enforcement supervisors.

(g) Take or attempt to take a deer in any area except that location authorized by the department.

(h) Take or attempt to take a deer not authorized by the DCP.

(2) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take deer under the authority of a valid DCP.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 5, 2003, Eff. May 10, 2003; Am. 2, 2005, Eff. Mar 11, 2005; Am. 16, 2007, Eff. Nov 9, 2007; Am. 7, 2016, Eff. May 13, 2016; Am. 4, 2017, Eff. June 9, 2017.

5.79 Repealed. Am 18, 2013, Eff. Oct 10, 2013.

Publisher's note: The repealed section pertained to Disease control permit; revocation, suspension.

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-bycase 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.

History: Am. 15, 1998, Eff. Sep 10, 1998; Am. 6, 2001, Eff. Jun 1, 2001; Am. 10, 2002, Eff. Jul 15, 2002; Am. 8, 2003, Eff. Jun 7, 2003; Am. 18, 2005, Eff. Sep 9, 2005; Am. 16, 2006, Eff. Aug 11, 2006; Am. 7, 2012, Eff. Jun 15, 2012; Am. 3, 2013, Eff. May 10, 2013; Am. 2, 2014, Eff. Mar. 1, 2014; Am. 10, 2014, Eff. Sept.12, 2014; Am. 6, 2017, Eff. July 14, 2017; Am. 6, 2018, Eff. May 11, 2018; Am. 7 of 2023, Eff. June 8, 2023.

5.81 Managed deer hunting (MDH) permits; criteria for issuance, validity of permits, restrictions and requirements; unlawful acts.

Sec. 5.81 (1) The sale of managed deer hunting (MDH) permits may be authorized by the wildlife division chief for public lands requiring an access permit and open to deer hunting by lottery. Individuals wishing to participate in a managed deer hunt must apply for a MDH permit through a lottery system in accordance with instructions provided by the land manager. A successful applicant in the lottery may purchase a MDH permit.

(2) MDH permits are valid only during the dates specified and upon those public lands specified on the permit. MDH permits are valid only for the taking of an antlerless deer.

(3) It shall be unlawful for an individual issued a MDH permit to take or attempt to take an antlered deer during the open season upon these public lands specified on the permit. An individual hunting under the authority of a MDH permit shall carry the unused permit and shall exhibit the unused permit upon the request of a law enforcement officer.

(4) A MDH permit shall be authorized only to an individual who holds a current base license ~~or~~**,** a mentored youth license, or an inclusive mentored license. An individual shall not acquire, carry afield, use or attempt to use a MDH permit unless they hold a current base license. Managers shall inform hunters about rules pertaining to the use of MDH permits.

(5) An individual authorized to purchase a MDH permit shall not sell, lend, or allow another individual to use or attempt to use the individual's MDH permit.

(6) The provisions of section 3.103 shall apply to a permit and kill tag authorized under this section. In addition, unless otherwise provided in this section, an individual authorized to purchase a MDH permit shall comply with all rules and regulations for the taking of deer for the season in which they are hunting.

(7) Deer taken under the authority of a MDH 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 MDH permit.

History: Am. 12, 2004, Eff. Jun 5, 2004; Am. 17, 2006, Eff. Oct 6, 2006; Am. 2, 2014, Eff. Mar. 1, 2014; Am. 4, 2017, Eff. June 9, 2017; Am. 5, 2018, Eff. April 13, 2018; Am. 8, 2024, Eff. Sept. 12, 2024.

5.85 and 5.90 to 5.94 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.

Publisher's note: The repealed sections pertained to special permits.

5.81 to 5.84 and 5.86 to 5.89 Repealed. Am. 22, 1989, Eff. Jan 1, 1990.

Publisher's note: The repealed sections pertained to possession permits.

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.

History: Am. 10, 2001, Eff. Jul 1, 2001; Am. 10, 2007k, Eff. May 11, 2007; Am. 14, 2008, Eff. Aug 15, 2008; Am. 17, 2010, Eff. Aug 13, 2010; Am. 2, 2014, Eff. Mar. 1, 2014.

5.96 Permit to take game from a standing vehicle; authority; eligibility; application; diagnosis limit; revocation.

Sec. 5.96 (1) A permit to take game from a standing vehicle may be issued by the department by authority from MCL 324.40114.

(2) The department may issue a permit to take game from a standing vehicle to a person who is certified as being permanently disabled and unable to walk by a licensed physician or licensed physical/occupational therapist as provided in this section. The permit shall be issued without cost to the applicant and shall authorize that individual to take game during the open season for that game, including deer of either sex, from or upon any stationary motor vehicle or stationary motor-driven land conveyance if that individual holds the valid license issued pursuant to part 435 and complies with all other laws and rules for the taking of game.

(3) Application for a permit under this section shall be submitted on a form provided by the department. The application must be completed and signed by a licensed physician or licensed physical/occupational therapist as defined in this order, including but not limited to, documentation of the applicant's permanent disability, disease, or injury rendering the applicant unable to walk. The licensed physician or licensed physical/occupational therapist may certify that the applicant is permanently disabled as required by this section if the licensed physician or physical/occupational therapist finds that the permit applicant has a permanent disability that renders them unable to walk. In support of such a determination, the licensed physician or licensed physical/occupational therapist shall utilize the following standards and criteria:

(a) Amputation involving a lower body extremity required for stable function to walk does not require objective test findings. However, the applicant is required to provide a physician's certification to be qualified for a permit.

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

(c) 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 walk in a hunting situation.

(4) Any other permanent disability that renders the applicant unable to walk 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 walking.

(5) A person shall not seek diagnosis for purposes of meeting the requirements of this section on more than 2 occasions within a 6-month period.

(6) A permit to hunt from a standing vehicle for a permanent disability issued pursuant to this section is valid unless revoked pursuant to the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.

History: Am. 10, 2013, Eff. Jul 12, 2013.

5.100 Repealed. Am. 13, 1991, Eff. Sep 1, 1991.

Publisher's note: The repealed section pertained to nuisance bear trapping permit, issuance, and restrictions.

5.110 Special permits; fees; disposition.

Sec. 5.110 The following fees are established for permits issued by the director:

(1) A fee of $100 shall be collected for each taxidermy permit issued. Taxidermy specimen identification tags shall be $10 per fifty.

(2) A fee equivalent to the fee charged for a resident antlerless deer hunting license shall be collected for each managed deer hunting permit.

(3) An annual fee of $200 shall be collected for a site permit to participate in the capture and holding of Canada geese, as specified in section 5.51b of this order, except as follows:

(a) An annual fee for a single family residence shall be $100.

(4) An annual fee of $100 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the following, as specified in section 5.52b of this order:

(a) Capture, holding or euthanasia of aggressive Canada geese.

(b) Destruction of Canada goose nests and eggs.

(5) A fee of $100.00 shall be collected for each falconry permit issued as described in section 10.3(7) of this order.

(6) A fee of $10 shall be collected for each deer management assistance permit purchased by a permittee.

(7) All moneys received from the sale of permits and licenses as provided in this section shall be turned over to the state treasurer and credited to the game and fish protection fund.

(8) No fee shall be collected for any of the following permits:

(a) Highway killed deer/bear permit.

(b) Deer damage shooting permit.

(c) Damage and nuisance animal control permit, except as noted in section 5.110(3) and section 5.110(4) of this order, including disease control and disease control replacement permits.

(d) Rehabilitation permit.

(e) Permit to take game with a crossbow.

(f) Permit to hunt from a standing vehicle.

(g) Permit to hunt using a laser sighting device.

(9) A fee of $200 shall be collected for a common merganser site permit as specified in section 5.51c of this order, except as follows:

(a) A fee for a single-family residence shall be $100.

(10) An annual fee of $500 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the following, as specified in section 5.52d of this order, except as follows:

(a) An annual fee for the capture and transport only of common merganser shall be $300.

(b) An annual fee for the egg and nest destruction of common merganser shall be $200.

(c) An annual fee for the harassment of common merganser with lethal reinforcement shall be $200.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 15, 1998, Eff. Sep 10, 1998; Am. 4, 2001, Eff. Jun 1, 2001; Am. 12, 2004, Eff. Jun 5, 2004; Am. 12, 2005, Eff. Jul 8, 2005; Am. 1, 2009, Eff. Apr 3, 2009; Am. 1, 2010, Eff. Jan 7, 2010; Am. 15, 2010, Eff. Aug. 12, 2010; Am. 10, 2013, Eff. Jul 12, 2013; Am. 13, 2014, Eff. Sept 12, 2014; Am. 1, 2018, Eff. Feb. 9, 2018; Am. 9, 2024, Eff. Oct. 10, 2024.

5.120 Responsibility, liability, costs, damage; state held harmless.

Sec. 5.120 For any permit issued under this chapter, the permittee shall assume all responsibility, costs, damages, or expenses arising out of the death or injury of any person or damage to property caused or occasioned by any activity authorized by a permit, and shall protect and defend the state of Michigan and any of its authorized agents, against all claims or demands whatsoever, and shall hold the state of Michigan harmless from any loss or damage resulting therefrom.

History: Eff. Mar 31, 1989.

5.220 Disease control replacement permit, definitions.

Sec. 5.220 For the purposes of section 5.221 of this order, the terms in this section shall have the meaning described to them in this section.

(1) "Permit" means a disease control replacement permit.

(2) "Permittee" means a person issued a disease control replacement permit by the department.

(3) "Tag" means the replacement kill tag provided by the department.

History: Am. 12, 2005, Eff. Jul 8, 2005.

5.221 Disease control replacement permit; standards, conditions, records; unlawful acts.

Sec. 5.221 (1) A disease control replacement permit may be issued to a person who voluntarily surrenders the carcass of a legally harvested deer or elk if the deer or elk has one or more of the following conditions:

(a) Visible lesions department field staff suspect to be bovine tuberculosis (TB).

(b) A positive acid fast test for bovine TB.

(c) A positive Elisa test for CWD.

(d) With visible physical conditions, department field staff suspect to be consistent with CWD for a deer taken within a CWD management zone, defined in chapter XII of this order.

(2) A person may retain the antlers or antlers attached to a skull cap cleaned of all brain and muscle tissue from a surrendered animal.

(3) Department personnel shall record on the permit with indelible ink, the species, and management unit where the permit is valid.

(4) The permit shall be issued with a kill tag. A person killing an elk shall comply with the requirements of subsections 3.6(2) to 3.6(5). A person killing a deer shall comply with the requirements of section 3.103.

(5) The permittee shall have the permit on their person when taking or attempting to take game. The permit shall be presented upon the demand of a law enforcement officer.

(6) A disease control replacement permit shall not be valid:

(a) Except during the established hunting seasons for the species listed on the permit.

(b) To take a deer with antlers extending 3 inches or more above the skull.

(c) To take an elk with antlers.

(d) Except in the management unit designated on the tag.

(e) If the recorded information on the tag is altered.

(7) It shall be unlawful for any person to buy or sell any animal killed under the authority of a permit.

(8) It shall be unlawful for any person other than the permittee to take or attempt to take game under the authority of a permit.

(9) A deer or elk taken under the authority of a permit shall not count towards the bag or season limit.

History: Am. 12, 2005, Eff. Jul 8, 2005; Am. Interim Order 4, 2008, Eff. Sep 3, 2008; Am. 18, 2008, Eff. Oct 10, 2008; Am. 13, 2012, Eff. Aug 9, 2012.

5.250 Special permit regulations; violation.

Sec. 5.250 (1) A permit issued under authority of section 40114 of the NREPA, 1994 PA 451, as amended, may be summarily suspended, suspended, revoked, annulled, withdrawn, recalled, canceled, or amended pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) If the holder of a permit is convicted of violating the permit or section 40114, the permit or license may be revoked and any animal and the parts of any animal in his or her possession shall be disposed of in a manner approved by the department without conducting a proceeding under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 to summarily suspend, suspend, revoke, annul, withdraw, recall, cancel, or amend the permit.

History: Am. 18, 2013, Eff. Oct 11, 2013; Am. 1, 2023; Eff. Jan. 12, 2023.