



## **WILDLIFE DAMAGE AND NUISANCE CONTROL PERMITS**

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## PREFACE

This information circular is provided to inform permittees and interested applicants about the regulations concerning Wildlife Damage and Nuisance Control Permits. **This circular is designed specifically to address the regulations and the concerns of commercial businesses, public nuisance animal control agencies, and non-profit nuisance animal control organizations.** This circular is not intended to be a guide to wildlife damage control for individual landowners or other groups, nor does it cover aspects of wildlife damage control or wildlife management programs unrelated to the specific authority granted by the permits discussed herein.

Permittees will receive a current copy of this circular with permit renewal information. Updates will be provided if regulations change. Permittees are expected to know and understand the state regulations and any pertinent local regulations related to damage control methods (i.e., discharge of firearms, local building codes, etc.) and to act within those regulations. In addition, permittees are expected to conduct control operations in a professional manner so as to develop and foster public confidence in the integrity of wildlife damage and nuisance control.

Answers to questions not provided in this circular may be addressed to the Department of Natural Resources (DNR), Wildlife Division Permit Specialist at [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov), or by 517-284-6210.

## INTRODUCTION

The progressive loss of Michigan’s woodlands and farmlands to development is increasing the chance for conflicts between humans and wildlife. Social trends, such as increased urbanization, increased populations of certain wildlife species, and finite government resources have combined to provide the opportunity for more involvement from the private sector in the prevention and control of wildlife damage and nuisance situations.

As development occurs:

1. Less land is available to wildlife. Natural habitat, like older woodlots with hollow trees, may not be readily available for wild animals. The lack of traditional den sites may cause wild animals

to use chimneys and attics as alternate shelter or den sites (this is common for species such as squirrels and raccoons). Animals displaced from their habitat by new home or business construction may reestablish themselves in the new surroundings.

2. Reclusive species lose habitat, while opportunistic species, such as raccoons, build populations to unnaturally high densities.
3. Many people move from the city out into the country or a newly developed area, often bringing with them an unfamiliarity with wild animals and their habits.

These consequences of development can combine to make the problem of wildlife damage and nuisance control a major concern of urban and suburban dwellers.

## **WILDLIFE DAMAGE AND WILDLIFE “NUISANCE”**

The term “damage” is easily understood; however, “nuisance” means different things to different people. For some, the mere presence of a red fox in the woods behind their house constitutes an intolerable situation. For others, glimpsing the same animal would be a thrilling and rewarding experience. Obviously, education can play an important role in nuisance recognition and resolution. A wild animal that poses no real threat to the safety of the public, livestock, crops, or property should not be viewed as a nuisance simply because it exists. A public that is knowledgeable about the habits and life history of wild animals is better equipped to recognize and solve wildlife damage and nuisance situations. The role of the DNR is to ensure the wellbeing of the state’s wildlife populations while also assuring that individual wild animals are not posing a threat to human safety or creating unreasonable property, crop, or livestock damage. As long as man coexists with wild animals, conflicts (some real and some unfounded) will arise. The DNR attempts to resolve these conflicts through direct action, education, and technical assistance in cooperation with private businesses, the federal government, and other state agencies. Care must be taken to ensure that damage and nuisance control measures are necessary and warranted.

### **THE PRIVATE PROPERTY FACTOR**

Wild animals exhibit a number of predatory and competitive behaviors that can be misinterpreted as cruel or detrimental by the public. These behaviors are natural, necessary for species survival, and should not be viewed as harmful. All wild animals, except those owned by special wild animal breeders or private hunting preserves, are public property. Under permit regulations only damage to private property may be controlled. Thus, complaints of predatory animals (i.e., hawks at bird feeders) or strife between other wild species are not truly damage situations and any action to kill, harm, capture, trap, or collect the “offending” predator is unwarranted and strictly prohibited by the wildlife laws.

### **THE ROLE OF HUNTING AND TRAPPING IN NUISANCE CONTROL**

Many nuisance situations are the result of high populations of a particular species. An annual, regulated harvest during the hunting and trapping seasons is the preferred and most practical method of reducing populations to alleviate animal-caused damage. A sustained annual harvest of raccoon, beaver, muskrat, bear, and other species provides recreation and income for sportspersons and is the most important single factor in decreasing the potential for wildlife damage to occur. However, regular season hunting and trapping alone may not represent adequate solutions under the following circumstances:

1. If damage is extensive and occurs well outside of the normal hunting or trapping seasons.
2. If damage is the result of an individual animal rather than the overabundance of an entire population.
3. If problems are being caused by species that are normally not harvested during the hunting and trapping seasons, generally due to lack of harvest effort by sportspersons (i.e., red squirrel, skunk).
4. If problems are occurring in highly urbanized areas where hunting and/or trapping are not practical or permitted.

In such situations where regular season harvests are not successful or practical in controlling animal damage, a more structured approach to the problem is required.

## TYPES OF PERMITS

Under the authority of the Natural Resources and Environmental Protection Act and the Wildlife Conservation Order (WCO), the Department administers a permit system for damage and nuisance animal control when hunting and trapping cannot alleviate problems. The permit system allows nuisance wild animals and wild animals causing damage to property to be taken during times of the year and by methods not normally allowed under the regular hunting and trapping rules.

Under the damage and nuisance control system the following types of permits are issued:

### 1. **Damage and Nuisance Animal Control Permit**

This permit, issued by a Conservation Officer or Wildlife Biologist at one of the offices listed in the back of this circular, is provided to the landowner, lessee, or their designated agent and is not transferable. The permits are issued, following inspection, on a case-by-case basis. The regulations controlling these permits are found primarily in WCO, Section 5.51.

### 2. **Wildlife Damage and Nuisance Control Permit**

Wildlife Damage and Nuisance Control Permits are the main focus of this information circular. This permit is issued to private nuisance animal control businesses, public agencies, and other organizations. The regulations regarding these permits are found primarily in WCO, Section 5.52. However, Section 5.51 (9) dealing with the release of captured raccoons, also pertains to Wildlife Damage and Nuisance Control permittees. This permit is issued by the DNR, Wildlife Division Permit Specialist who can be contacted by at 517-284-6210 or DNR-PermitSpecialist@michigan.gov. Permittees in the "Restricted" classification are restricted from using pesticides. Permittees in the "General" classification are required to possess a Pesticide Applicator's License in the category 7A (General Pest Control) or 7D (Vertebrate Pest Control) from the Michigan Department of Agriculture.

### 3. **Pesticide Applicators**

Only Michigan Department of Agriculture licensed pesticide applicators (7a or 7d) are authorized to use restricted use pesticides for the control of certain nuisance animals. Businesses must report locations and dates restricted use pesticides are used at the time of renewal or when the permit expires. Typically, restricted use pesticides are used outside of buildings, normally for the control of feral pigeons, starlings, and English sparrows.

Only pesticides registered with the United States Environmental Protection Agency and the Michigan Department of Agriculture and Rural Development may be used, and then only in a manner and for the purposes for which registered and labeled.

A list of restricted use pesticides can be found at:

- Michigan Department of Agriculture and Rural Development:  
<https://www.michigan.gov/mdard/licensing/pesticide/rup>
- Environmental Protection Agency:  
<https://www.epa.gov/pesticide-worker-safety/restricted-use-products-rup-report>

Any person undertaking wild animal damage or nuisance control must have one of these permits. The similarity in title of the permits described within numbers one and two can cause some confusion. The major difference between permits issued to landowners (Damage and Nuisance Animal Control Permit) and those issued to businesses, agencies, and organizations (Wildlife Damage and Nuisance Control Permit) is that the latter group is pre-authorized to undertake control measures on specific species in certain areas and at certain times upon complaint of the person suffering damage without individual inspections and individual permits being issued by DNR personnel. In addition, control measures for some wildlife species may be authorized by a Conservation Officer or Wildlife Biologist when legitimate damage is occurring without the necessity of issuing a separate Damage and Nuisance Animal Control Permit to the holder of a Wildlife Damage and Nuisance Control Permit.

## **APPLICATION PROCESS FOR WILDLIFE DAMAGE AND NUISANCE CONTROL PERMITS NEW PERMITS**

All applicants should read and understand the following steps involved in the application and permitting process. This permit is issued free of charge.

1. Read this Information Circular (IC 9152) and the application/permit form (PR 2004) entirely. If you have questions, contact the Permit Specialist at 517-284-6210 or [reitzc@michigan.gov](mailto:reitzc@michigan.gov).
2. Complete the application form. Be sure to: indicate “new”, “restricted” or “general”, sign and date the application.
3. Obtain a Certificate of Persons Doing Business Under an Assumed Name (DBA) from the County Clerk of the county the business is located and attach a copy to the completed application. Or, attach other proof of an existing recognized business such as Articles of Incorporation or a Business License. This step is not required for public agencies.
4. If applying in the “general” classification, attach a copy of your current Pesticide Applicator’s License.
5. Submit your application and required attachments to: Permit Specialist, Wildlife Division, DNR, PO Box 30444, Lansing, MI 48909-7944 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov).
6. Allow 60 days to receive your approved permit. Employees of your business may work under your permit without the need for each employee receiving their own permit.
7. You will be required to maintain records throughout the duration of your permit and to report permit activities, per *Record Keeping Requirements* in this circular.
8. If changes are required to any of the information on your permit, you must submit an amended application, per *Amending a Permit* in this circular.
9. Your permit will expire on the third March 31 after the date of issue, per *Renewing a Permit* in this circular.

### **AMENDING A PERMIT**

If a change is required regarding any information on your permit, you must submit an amended application. For example, such changes may include a new business name, telephone number, or address. If changes are required, please follow these steps:

1. Contact the Permit Specialist (517-284-6210 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov)) and request an application so that you can amend your permit.
2. Complete the application with current information.
3. Indicate “amended” and your permit number in the appropriate area.
4. Indicate “restricted” or “general” and be sure to sign and date the application.
5. Attach a letter explaining the changes required.
6. Submit the application with letter attached to: Permit Specialist, Wildlife Division, DNR, PO Box 30444, Lansing, MI 48909-7944 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov).
7. Allow 60 days to receive your approved amended permit.

## **RENEWING A PERMIT**

Permits are valid from the date of issue to the third March 31 after issue. For example, a permit issued June 1, 2020 would be valid until March 31, 2023. You will be mailed renewal information, an application, and an Activity/Renewal Report form during the month of December immediately preceding the expiration date of your permit. Renewal applications and Activity/Renewal Reports are due by February 1 of the year your permit expires. Your Activity/Renewal Report is required regardless of whether or not you wish to renew your permit. If you do not wish to renew, submit your Activity/Renewal Report only, with a note attached indicating that you do not wish to renew. If you wish to renew your permit, please follow these steps:

1. Complete the application with current information.
2. Indicate "renewal" and your permit number in the appropriate area. Your permit number will be printed on the mailing label on the envelope containing your renewal materials.
3. Indicate "restricted" or "general" and be sure to sign and date the application.
4. Complete and attach your Activity/Renewal Report form (PR 2192-2). If renewing in the "general" classification, you must also attach a copy of your current Pesticide Applicator's License.
5. Mail your renewal application and attachments to: Permit Specialist, Wildlife Division, DNR, PO Box 30444, Lansing, MI 48909-7944 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov).
6. You should receive your renewed permit prior to the expiration date of your current permit.
- 7.

## **WILDLIFE DAMAGE CONTROL RULES AND REGULATIONS**

The rules and regulations concerning damage and nuisance animal control permits are contained in the following sections of the Wildlife Conservation Order (WCO).

### **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.

### **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, 5.52, 5.52b, 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.



## **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 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 textbased 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. 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.

9. 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.
10. 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.
11. 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.

### **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.

#### **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, county in which captured, disposition of all animals taken, and county of release. These records and any animals in the permittee's 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.

#### **5.250 Special permit regulations; violation.**

Sec. 5.250 A permit issued under authority of section 40114 of the NREPA, 1994 PA 451, as amended, may be 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. 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.

### **OTHER WILDLIFE CONSERVATION ORDER REGULATIONS REFERENCED**

#### **3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts (excerpt).**

Sec. 3.600 It shall be unlawful for any person:

1. Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number or DNR sportcard number of the user or individual possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.
2. To use, carry afield, or have in possession 1 or more snares or 1 or more cable restraints unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number of the user or individual possessing the catching device.
3. To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 8 inches in height, 8 inches in width, and 36 inches in depth. Mink

incidentally taken in a multiple catch trap or colony trap legally set for muskrat may be lawfully possessed. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

**3.609 Fox hunting and trapping and coyote trapping, seasons; use of snares, conditions; prohibited acts (excerpt).**

2. Notwithstanding other provisions of this order, a person may use a snare from January 1 to March 1 to take fox and coyote if, in addition to the other requirements of section 3.600, all of the following conditions are met:
  - a. Snares shall be made of 1/16 inch or larger cable, with a maximum length of 60 inches, not including a cable anchor extension. Up to a 36-inch cable anchor extension may be used.
  - b. The snare loop shall not exceed 15 inches in diameter.
  - c. The top of the snare loop shall not be set more than 24 inches above the ground, or when the ground is snow covered, shall not be set more than 24 inches above the compacted snow in the person's footprint which has been placed beneath the snare with the full body weight of the person.
  - d. All snares shall have a relaxing lock, defined as a snare lock that will allow the snare loop to loosen slightly to reduce the possibility of strangulation.
  - e. All snares shall have a stop to prevent the loop of a snare from closing to a diameter less than 4 1/4 inches.
  - f. All snares shall be equipped with a break-away lock system with a breaking point not greater than 285 pounds. Breakaway devices must be attached to the relaxing lock.
  - g. Snares shall not have any type of drag attached and shall be affixed to a stake or other object of sufficient strength to hold a fox or coyote at the point of capture. A snare shall not be attached to a fence or set in a manner that would allow an animal captured in the snare to become entangled with a fence. Snares may be anchored to woody vegetation provided that it is clear of branches or stubs up to a height of 5 feet above the ground or compacted snow. Stubs and branches must be cut flush with the outer bark of the main stem. Snares may not be set in a manner that would allow a snared animal to be suspended with two or more feet off the ground.
  - h. Snares shall be equipped with two swivels, one of which will be at the anchor point.
  - i. Snares shall not utilize any type of spring pole, counterbalanced weight, spring, or other device to assist in closing the snare.
  - j. Snares shall not utilize any type of spring pole, counterbalanced weight, spring, or other device to assist in closing the snare.

**4.3 Buying and selling (excerpt).**

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

1. The fur, hide, pelt, plumage, or skin of game, lawfully taken during the open season or raised under the authority of a permit to hold wildlife in captivity, may be sold or offered for sale by the person licensed to take the game or the person permitted to hold wildlife in captivity.
2. The carcass and parts thereof, of fur-bearing animals lawfully taken during their open season or lawfully imported from another state, territory, or country, may be bought or sold.

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

#### **4.5 Wild animal killed by motor vehicle; possession; permit; issuance, disposal.**

Sec. 4.5 An individual may possess a wild animal killed by collision with a motor vehicle, or so injured that it must be euthanized as allowed under law, only as provided for by the following:

1. For purposes of this section “nongame” means all wild birds and wild mammals not defined as game by Part 401, wildlife conservation, 1994 PA 451, MCL 324.40103(1).
2. Nongame mammals killed by collision with a motor vehicle, except for mammals protected by section 9.3 of this order and by Part 365 endangered species protection, 1994 PA 451, MCL 324.36503, may be possessed by an individual at any time without a permit. Mammals protected by the endangered species protection act may be possessed only in compliance with Part 365.
3. Nongame birds killed by collision with a motor vehicle, except for house (English) sparrows, European starlings, feral pigeons, or endangered or threatened species, may be possessed pursuant to section 5.21 of this order. House (English) sparrows, European starlings, or feral pigeons may be possessed by an individual at any time without a permit. Protected birds may be possessed only in compliance with Part 365, endangered species protection, 1994 PA 451.
4. An individual may possess game as defined MCL 324.40103, other than badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, and woodcock under the following conditions:
  - a. For the purposes of this section, the driver of the motor vehicle has first priority to take possession of a wild animal killed by a collision with a motor vehicle.
  - b. A spotted fawn, cub bear, migratory game bird, and all game animals listed in subsection (4) killed by a motor vehicle collision may only be possessed pursuant to section 5.21 of this order.
  - c. A deer may only be possessed under the following:
    - i. The individual obtains a permit from the department or by a police officer investigating the motor vehicle collision:
    - ii. The individual notifies the department or a local law enforcement agency of his or her intent to maintain possession of the deer under subsection (4); or,
    - iii. If the individual is the driver of the motor vehicle involved in the collision and as a result of that collision is calling 9-1-1 to report the collision, the individual must state his or her intent to maintain possession of the deer under subsection (4) pursuant to 2014 PA 255, MCL 324.40115; and,
    - iv. The individual shall not possess the carcass or parts thereof, of the animal outside of the county where the animal was killed by collision with a motor vehicle except for deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers, antlers attached to a skull or skull cap cleaned of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount as part of the department’s efforts to respond to and manage CWD in the state.
  - d. An individual in possession of beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, or small game under subsection (4) shall prepare and maintain a written

record as described by 2014 PA 255, MCL 324.40115 until the individual obtains a permit from the department or until the game and its parts are consumed, composted, or no longer possessed by any individual.

- e. Notwithstanding the provisions of subsection (4)(b) and (c), an individual in possession of a deer killed by collision with a motor vehicle under subsection (4), or so injured that it must be euthanized, shall do one of the following:
  - i. Obtain a permit from the department or by a police or peace officer investigating the motor vehicle collision.
  - ii. (ii) Notify the department or a local law enforcement agency of his or her intent to maintain possession of the deer under subsection (4); or
  - iii. (iii) If the individual is the driver of the motor vehicle involved in the collision and as a result of that collision is calling 9-1-1 to report the collision, the individual must state his or her intent to maintain possession of the deer under subsection (4) pursuant to 2014 PA 255, MCL 324.40115.
5. Notwithstanding the provisions of subsection (4)(b), an individual in possession of a bear killed by collision with a motor vehicle under subsection (4), or so injured that it must be euthanized, shall obtain a permit from the department for that bear.
6. The permit issued for the salvage of a deer or bear may be issued by a police or peace officer investigating the motor vehicle collision upon a form prescribed by the director and all of the following apply:
  - a. A person possessing a deer or bear killed by collision with a motor vehicle shall immediately produce the deer and bear permit upon the demand of a conservation officer or peace officer.
  - b. Immediately following the issuance of a deer and bear permit, a person possessing a deer or bear killed by collision with a motor vehicle carcass shall securely attach the permit to the carcass. The permit shall remain attached until the carcass is processed or butchered for consumption. If the carcass is used as bait, the permittee may remove the permit while the carcass is in use but shall produce the permit upon the request of a peace officer.
  - c. A permit authorized under this subsection may be issued by a department conservation officer to dispose of the carcass of a deer or bear which was otherwise accidentally or unlawfully taken, or unlawfully possessed.
7. A wild animal killed by collision with a motor vehicle from outside the state of Michigan may be kept only by an individual meeting the provisions of section 4.1 and 4.2 of this order.

#### **5.74a Animals of special concern, possession, transportation and disposal (excerpt).**

Sec. 5.74a Animals of special concern are as follows:

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 physical contact with 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 physical contact with other raccoons and humanely euthanized within 24 hours of receipt. 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.

## **OTHER STATUTES REFERENCED**

### **From Act No. 451 of 1994, Part 83 – section 324.8305 (4) (Definition of pesticide)**

“Pesticide” means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests or intended for use as a plant regulator, defoliant, or desiccant. Pesticide does not include liquid chemical sterilant products, including any sterilant or subordinate disinfectant claims on such products, for use on a critical or semi-critical device, as defined in section 201 of the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 321. As used in this subsection:

- a. “Critical device” includes any device that is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body.
- b. “Semi-critical device” includes any device that contacts intact mucous membranes but that does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.

### **From Act No. 451 of 1994, Part 83 – section 324.8306 (4) (Definition of restricted use pesticide)**

“Restricted use pesticide” means a pesticide classified for restricted use by the Environmental Protection Agency or the Michigan Department of Agriculture and Rural Development.

- Michigan Department of Agriculture and Rural Development:  
[https://www.michigan.gov/mdard/0,4610,7-125-1569\\_16988\\_44990-145083--,00.html](https://www.michigan.gov/mdard/0,4610,7-125-1569_16988_44990-145083--,00.html)
- Environmental Protection Agency:  
<https://www.epa.gov/pesticide-worker-safety/restricted-use-products-rup-report>

## **WILDLIFE KILLED BY A MOTOR VEHICLE**

Wildlife Conservation Order Section 4.5 allows an individual to possess a wild animal that is killed by a collision with a motor vehicle. Permittees shall be authorized to retrieve carcasses that have been killed by a motor vehicle, or so that it must be euthanized, as stated in WCO Section 4.5. This does not apply to badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, woodcock, or protected non-game wildlife. Permittees must call the local DNR Wildlife Office to report taking and removal of the carcass only if the animal is a deer or bear. Deer carcasses cannot be moved outside the county of pickup. The DNR Wildlife Division or Law Enforcement Division may issue a permit for the purpose of taking deer and bear as stated in WCO section 4.5, that have been killed by a collision with a motor vehicle. Questions regarding wildlife killed by a motor vehicle can be directed to the DNR Wildlife Division (telephone: 517-284-WILD).



## **SPECIES WHICH MAY NOT BE HANDLED WITHOUT A SPECIAL PERMIT OR AUTHORIZATION**

No protected wildlife species, other than those listed previously within Section 5.52 (3) in this circular, may be trapped or killed without first obtaining a special permit or special authorization from the Department. Special permits or authorization may be requested at the local DNR Law Enforcement District Office or Wildlife Region Office listed in this circular. The species requiring special permits cause relatively few damage or nuisance problems which cannot be addressed during the regular hunting and trapping seasons or are species of particular management interest. On the permit, the Department representative will specify which methods, if any, may be used to control damage caused by the offending animal. In some cases, the Department representative will require a visit to the site with the permittee before issuing a special permit. Standard permits cannot be issued for some species. Problems caused by certain species (i.e., black bear, bobcat, deer), endangered or threatened species, or migratory birds (i.e., ducks, Canada geese) will be handled on a case-by-case basis by Department personnel. Specific regulations are currently in place which govern the DNR's deer damage control policy.

## **ENDANGERED OR THREATENED SPECIES**

Some vertebrate species, which may be encountered in Michigan and are protected under state endangered species regulations. Because they are threatened with extinction, they are provided special protection under the law and may not be taken, harmed, pursued, or harassed. Although both federal and state laws make certain exceptions for the control of these species, rarely if ever, would issuance of a control permit be justified. Questions regarding federally protected species can be directed to the U.S. Fish and Wildlife Service, Endangered Species Section (telephone 612-713-5350). Questions regarding state-protected species can be directed to the DNR, Wildlife Division, Permit Specialist 517-284-6210 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov). Any type of harassment of these animals without a permit is unlawful.

## **MIGRATORY BIRDS**

Migratory birds are protected by both state and federal regulations. Thus, the control of migratory bird species requires a federal permit in addition to state authorization. Federal regulations do not protect feral pigeons, starlings, or English sparrows; thus, a federal permit is not required to control these species. In addition, the control of depredating blackbirds, cowbirds, grackles, crows, and magpies may be undertaken without a federal permit under certain circumstances. For more information regarding the federal regulations or the issuance of federal permits, please consult with the U.S. Fish and Wildlife Service (telephone 612-713-5489). A federal permit for the control of protected migratory birds must be obtained before state authorization will be given. State regulations protect all bird species regardless of whether resident or migratory, thus authorization is needed for any bird control work in Michigan.

## **CATS "FERAL"**

Domestic cats are not covered under this permit. Domestic cats are regulated by the Michigan Department of Agriculture and Rural Development. Nuisance domestic cat issues should be forwarded on to your local Animal Control Officer. Cats are one of the only domestic animals allowed to freely roam without a special permit or license. Because of this there is no true way of knowing whether or not a cat is feral or domestic.

## **BIRD CONTROL – PESTICIDE USE**

Extreme caution must be exercised when using pesticides for the control of feral pigeons, starlings, or English sparrows because of the possibility of 1) secondary poisoning to other bird species and mammals, or 2) direct poisoning of non-target bird species or mammals. Because of these risks the state regulations are very restrictive. A Wildlife Damage and Nuisance Control Permit must be current

for outside-of-building use of restricted use pesticides. Permittees must have a current Commercial Pesticide Applicator's License or Certification in the categories 7a (general pest control) or 7d (vertebrate pest control) issued by the Michigan Department of Agriculture and Rural Development. Bait-type pesticides used outside of buildings must be preceded by pre-baiting, and the treated bait cannot be left unattended. This requires a person to be on the site monitoring the bait to ensure non-target species are not killed. The incidental taking of migratory birds or mammals by poison bait ingestion, or the killing of hawks and owls or other predatory/scavenger bird species by secondary poisoning, is not treated lightly and can result, not only in the loss of valuable birds and mammals, but also severe fines for the unlawful killing. The prompt and proper disposal of target carcasses, to ensure that secondary poisoning does not occur, is a responsibility of the permittee. If secondary or non-target poisoning occurs, the permittee will be held responsible. It is possible that at some point in time certain locations may be restricted in Michigan. Permittees will be notified if sites are determined closed to pesticide application for the protection of certain species.

## **BATS**

Bats remove from human structures should use the one-way door exclusion method. Bat exclusion should be avoided between June 1<sup>st</sup> through August 15<sup>th</sup>, during the period the young of the year cannot fly and therefore cannot leave the roost. Bats captured during an exclusion should be released outside and not held for long periods of time. Detailed bat removal and exclusion information can be found on the Bat Conservation International website. [www.batcon.org](http://www.batcon.org).

## **LANDOWNER RELATIONS\***

When responding to a wildlife damage or nuisance complaint, the nuisance animal control industry recommends that the permittee give the person seeking services the following information:

- 1. An assessment of the nature of the nuisance problem**

For example, species identification, approximate number of animals involved, extent and type of damage.

- 2. The methods to be used to solve the problem**

The permittee should recommend methods of control to the landowner, the estimated costs, and the advantages and disadvantages of each method. The final decision should be made mutually by the landowner and the permittee.

- 3. The conditions which constitute a solution to the problem**

The permittee should explain to the landowner how much of the problem he expects to be able to resolve within the limits of his abilities and methods. The permittee and the landowner should agree upon a realistic solution.

- 4. An estimate of the fee or rate of payment to be charged**

The permittee and the landowner should determine and agree upon the fees to be charged, whether made on an hourly, per animal, or on a flat rate fee for the entire job. They should also decide how and when the payment will be made. The permittee should provide estimates of the total cost.

The regulations do not require written contracts, but for the protection of both parties, a written document is strongly recommended. Likewise, it is strongly recommended that the contract address liability issues. The permittee and the landowner should review the property boundaries and the permittee should be made aware of any domestic animals in the vicinity that may be caught inadvertently if trapping is to be used.

**NOTE:** The term landowner refers to renters, lessees, homeowners, legal occupants, or deeded landowners.

## METHODS OF CONTROL

When faced with a wildlife damage or nuisance situation, the permittee and the landowner must decide upon one of the following courses of action:

### 1. **Unfounded concerns**

Some calls come from people who regard certain animals as nuisances even though the “offending” animal has not caused any damage to property, poses no real threat of damage, and therefore cannot be controlled under the terms of a permit. The most common reason for these calls result from an unjustified concern over potential damage to property, crops, livestock, or an unrealistic perceived threat to the safety of humans and pets. In many situations, education and reassurance will alleviate unwarranted concerns. The natural predatory and competitive interactions of wild animals are not legitimate reasons for control measures.

### 2. **Managing the habitat**

Man’s activities often create habitat for animals that eventually become a problem. Piles of brush, wood, rocks, dense tall grassy areas and shrub areas provide cover for many species of wildlife. Better management of these areas often reduces their attractiveness to wildlife species creating the problem.

### 3. **Eliminate the attraction**

Refuse, garbage, and pet food when left outdoors, provides a strong attraction for a number of wildlife species, including bear, skunk, raccoon, and opossum. Such “dinner plates” can eventually entice animals into creating real damage to property if the lure of a free handout is not properly managed. Control measures, such as live trapping, are unwarranted until every effort is made to educate the landowner and proper trash handling is attained to more permanently eliminate problems.

### 4. **Alter the situation so that the potential for damage is reduced**

In many cases this option will provide the best long-term solution to a nuisance problem. Poor building design and/or poor maintenance, which provides easy and inviting access to wildlife, can be corrected. Exclusions, such as fencing, screening, and repairs to existing vents, woodwork, chimneys (screens and caps should meet building code standards) or foundations are very effective at keeping wild animals away from areas in which they are unwanted. Harassment measures may also prove effective for transient problems.

### 5. **Remove the offending animal**

For most of the species that can be handled with a DNR permit, box or cage live traps are the devices recommended for capture, particularly in urban and suburban areas. Traps must be checked daily. The holder of a Wildlife Damage and Nuisance Control Permit may live trap and release or destroy nuisance animals.

## RELOCATING ANIMALS

In addition to requirements listed under Sections 5.50 through 5.55 of the Wildlife Conservation Order, the following should be followed when relocating captured animals:

- Animals should be relocated in suitable habitat at least 10 miles from the original capture site, but still within the county of capture. Raccoons that are to be relocated must be released within the county of capture.
- Animals should not be liberated in an area close to human dwellings, which would result in a transfer of, rather than a solution to, the nuisance problem.
- Skunks must be euthanized and cannot be possessed or relocated.

Permittees cannot hold wild animals for more than 24 hours. During that time all animals should be released or destroyed. Unless a species of special interest, captured wildlife which are unfit for relocation due to injury or other reason should be destroyed. In addition, where the captured animal is a persistent offender or an individual of a species that is overabundant throughout an entire region, the permittee should destroy, rather than release, the captured animal.

## **EUTHANASIA OF ANIMALS**

Wildlife Conservation Order Section 5.52 prohibits the euthanasia of animals except by methods recommended and approved by the Department. When euthanasia is needed, the Department prescribes to the American Veterinary Medical Association (AVMA) recommended euthanasia methods found at: <https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals>.

Any procedure recommended by the AVMA is approved and recommended by the Department of Natural Resources. Circumstances will dictate the methods available to the operator; however, the method employed should be the safest, quickest, and most painless available. Listed below are four methods of euthanasia approved by the AVMA:

## **ANIMALS THAT HAVE BITTEN A PERSON**

Any person that is bitten by a wild animal should seek medical advice from their health care provider or physician. Under such conditions the animal should be maintained in confinement until instructions are provided for disposal by the health care professional. This same precaution applies if a person has handled an obviously sick animal that may be harboring a contagious disease. Children are particularly inclined to handle lethargic small mammals. If the animal cannot be restrained safely, it should be destroyed, and the carcass temporarily kept for possible testing. **Under no circumstances should an animal that has bitten someone, or is needed for rabies examination, be shot in the head or subject to head trauma.**

## **HANDLING OF SICK ANIMALS**

Many wildlife diseases are readily transmissible to a wide range of species, including humans and their pets. Because different diseases may exhibit similar symptoms, it is usually not possible to diagnose a disease simply by observing an animal's condition or behavior. Common symptoms of disease may include: 1) lack of coordination; 2) lack of aggressiveness; 3) secretions from the nose, eyes or mouth; 4) weak, rapid or uneven respiration; 5) malnourishment; 6) local or general loss of muscle control; or 7) loss of large patches of hair. Potential causes of these symptoms could include viral infections (i.e., distemper, rabies, tularemia), bacterial toxins (i.e., botulism) or parasite infestations (i.e., mange, roundworms). Poisoning or starvation may also cause animals to behave abnormally. Because the permittee often will know little more than that the animal is sick, the animal should be handled as little as possible, and then only with elbow-length rubber or disposable plastic gloves and equipment to protect against bites.

## **DISPOSITION OF SICK ANIMALS**

Animals which are obviously sick, but have not bitten or been handled by humans, should be euthanized. Above ground disposal of the carcasses of sick animals is not recommended. Specimens that are diseased, ill, or of special interest should be sent or taken to the DNR, Wildlife Disease Laboratory, 4125 Beaumont Road, Room 250, Lansing, MI 48910-8106. Arrangements for delivery may be made through the local Department office listed in this circular, or directly with laboratory personnel by calling 517-336-5030.

## DISPOSAL OF CARCASSES

The carcasses of all dead nuisance animals must be disposed of properly. Proper disposal methods include: 1) above ground; 2) below ground; 3) incineration; 4) disposal in a licensed landfill, or 5) disposal with a dead animal dealer. Ecologically, above ground disposal, burial or disposal via a licensed dead animal dealer are preferred and encouraged over incineration or landfill disposal methods. Lawful disposal is assured providing the following conditions are met by the permittee:

**1. Above ground** - All of these conditions must be met:

- a. The carcass is placed in a remote area that is at least 1,000 feet from any neighboring resident or at a greater distance as necessary to prevent a nuisance odor condition that may cause an unreasonable interference with the comfortable enjoyment of life and property for neighboring residents.
- b. The carcass is not placed within 20 feet of another carcass.
- c. The owner of the land has authorized placement of the carcass.
- d. The carcass does not come into contact with surface or groundwater.

**2. Below ground, individual grave** - All of these conditions must be met:

- a. The carcass is covered with 2 feet of soil within 24 hours of burial.
- b. The carcass does not come into contact with surface or groundwater.
- c. The number of individual graves does not exceed 100 graves per acre.
- d. The grave is located at least 200 feet from any groundwater well that is used to supply potable drinking water.

**3. Below ground, common grave** - All of these conditions must be met:

- a. The number of carcasses in a common grave does not exceed 250.
- b. Each individual carcass is covered with 12 inches of soil within 24 hours of burial.
- c. The common grave does not remain open for more than 30 days and receives at least 4 feet of soil as final cover.
- d. The number of common graves does not exceed 5 graves per acre.
- e. The carcasses do not come into contact with surface or groundwater or are not disposed in a 100-year flood plain or wetland area as defined by the Solid Waste Management Act.
- f. The common grave is located at least 200 feet from any groundwater well that is used to supply potable drinking water.

**4. Incineration** - The incinerator must be approved by state and local authorities to burn pathological waste.

**5. Landfill** - The carcass must be securely enclosed in a plastic bag or other suitable air-tight container to prevent noxious odors and disposed at a Type Two licensed solid waste disposal facility (standard landfill) or at an out-of-state facility in accordance with that state's solid waste disposal regulations.

**6. Dead animal dealer** - The carcass may be taken with or without fee, but generally not sold to (per *Sale of Animals* in this circular), a dealer licensed pursuant to the Bodies of Dead Animal Act, 1982 PA 239. Dead animal dealers are licensed by the Michigan Department of Agriculture.

## **LIABILITIES**

Through the wildlife damage and nuisance control permit system, the Department provides a mechanism with which landowners can address wildlife damage problems. However, the Department is not liable for any action, or lack of action, taken by the permittee or the landowner, nor is the Department liable for any damages or injuries caused or suffered by either party. Any control measure undertaken by a nuisance animal control operator is considered a contractual matter between the permittee and the complainant.

## **RECORD KEEPING REQUIREMENTS**

Each permittee must keep records of their nuisance animal control activities. Such records shall be summarized on the Department provided report form and sent to the DNR's Wildlife Division Office by February 1 of the year the permit expires. Submission of the report is a condition for permit renewal. Detailed up-to-date records documenting the landowner's name, address, phone number, dates of service, service technician, species of nuisance animal, and control methods used shall be kept on file at the business location specified on the permit. Permittees shall allow, at any reasonable time, a Department official to examine and inspect such records and animals in their possession.

## **LIVE ANIMALS AND SALE OF ANIMALS**

The statewide wildlife regulations clearly prohibit any person from removing game or protected animals alive from the wild. Exceptions include: 1) a licensed wildlife rehabilitator may hold wild animals specifically for rehabilitation and release, and 2) a person issued a Wildlife Damage and Nuisance Control Permit may hold an animal in captivity for no more than 24 hours specifically for release or disposal. Under the authority of a physician's request for legitimate public health concerns, or Department request, captured animals may be temporarily held for a longer period of time. The sale of wild animals, dead or alive, and their parts is also strictly regulated in Michigan. Except for the specific provisions applying to live trapped feral pigeons and dead animals taken during the open season by a person licensed under the hunting and trapping laws to take that game in areas closed to hunting and trapping, no animals or their parts may be bought, sold, given away or bartered by a permittee. In addition, these animals, whether dead or alive, cannot be retained by a permittee and converted for their personal use.

## **COMPLAINTS**

All complaints regarding violations of the wildlife damage and nuisance control regulations by permittees should be forwarded to the DNR Law Enforcement Division by email [DNR-LawEnforcement@michigan.gov](mailto:DNR-LawEnforcement@michigan.gov) or phone 517-284-6000. You may also contact the Wildlife Division Permit Specialist at 517-284-6210 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov). If immediate action is required, call the nearest Department Office, Conservation Officer, or the toll-free RAP Hotline 1-800-292-7800. The Hotline number is exclusively for reporting violations and is not a general information number.

## **PERMIT SUSPENSION/REVOCAION PROCEDURES**

Statutory law, quoted in WCO Section 5.250, provides the legal basis for permit suspension or revocation. Permittees should be aware that any conviction for a violation of the Natural Resources and Environmental Protection Act or Wildlife Conservation Order, including a violation of a condition of the permit, shall result in the revocation of the permit upon action by the Department of Natural Resources. Permit suspensions or revocations are conducted by an Administrative Hearing Officer under the procedures of the Administrative Procedures Act. Persons under a hunting, trapping, or fur dealer license revocation are ineligible to obtain a commercial nuisance animal control permit for the period of their revocation.

## PERMIT CONDITIONS

The applicant/permittee's signature on a Wildlife Damage and Nuisance Control Application and Permit form (PR 2004) certifies that the applicant/permittee:

1. Has read and understands this Information Circular (IC 2004) and the application/permit form (PR 2004) and agrees to abide by all requirements therein.
2. Understands that questions regarding the rules and regulations governing this permit should be directed to the DNR, Wildlife Division Permit Specialist, PO Box 30444, Lansing, MI 48909-7944, 517-284-6210 or [DNR-PermitSpecialist@michigan.gov](mailto:DNR-PermitSpecialist@michigan.gov).
3. Understands that making a false statement on the application/permit form; or failure to comply with the provisions of this permit, is a violation of state law and may result in the revocation of this permit, and criminal penalties.
4. Understands that this permit does not provide any authorization to circumvent any federal, state, local laws, or any other local zoning and ordinances, and that it is the applicant/permittee's responsibility to know and comply with federal, state, and local laws.
5. Understands that this permit does not provide any authorization to discharge a firearm in a location where the discharging of a firearm is prohibited.
6. Understands that persons under a hunting, trapping, or fur dealers license revocation are ineligible to obtain this permit for the period of their revocation.
7. Understands that any conviction for a violation of the Natural Resources and Environmental Protection Act or Wildlife Conservation Order, including a violation of a condition of this permit, shall result in the revocation of the permit upon action by the DNR.
8. Understands that this permit expires on the third March 31 after the date of issue and that an Activity/Renewal Report is required prior to the expiration of the permit.
9. Understands that this permit is held by one primary permit holder for the business named on the permit, and that additional people may work for that business under the authority of this permit without the need for acquiring a separate permit for each person.
10. Understands that this permit authorizes permitted activities anywhere in the state of Michigan, but not outside of the state of Michigan.
11. Understands that all permitted activities shall be for legitimate wildlife damage or nuisance complaint purposes.
12. Understands that this permit allows wildlife damage and nuisance control activities only on the animals listed within WCO Section 5.52 (3) in this circular.
13. Understands that pesticides may not be used unless permitted in the general classification, and a Pesticide Applicator's License is possessed from the Michigan Department of Agriculture and Rural Development.
14. Understands that restricted use pesticides cannot be used outside of buildings to control animals listed within WCO Section 5.52 (3) unless permitted with a Wildlife Damage and Nuisance Control Permit and Project Control Permit for each location. Pesticide application is normally issued only for the control of feral pigeons, starlings, or English sparrows. The Permit holder must be a licensed pesticide applicator with a valid Wildlife Damage and Nuisance Control Business permit.
15. Understands that records must be kept per WCO 5.54 in this circular.

- 16. Understands that this permit allows wildlife damage and nuisance control activities at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms; and between April 1 to September 30 in other areas; and any time of year within the curtilage of the complainant, per WCO 5.52(2) in this circular.**
- 17. Understands that live traps must be checked daily.**
- 18. Understands that all traps must be labeled per WCO 5.52 (8).**
- 19. Understands that animals captured under the authority of this permit may be released or euthanized.**
- 20. Understands that raccoons released under the authority of this permit must be released within the county of capture.**
- 21. Understands that skunks cannot be relocated or possessed.**
- 22. Understands that animals cannot be released from or upon public roadways.**
- 23. Understands that this permit does not authorize the release of animals on public or private property without the permission of the landowner or land administrator, and that such permission is generally not granted on state land.**
- 24. Understands that animals captured under the authority of this permit shall be destroyed only per *Euthanasia of Animals* in this circular.**
- 25. Understands that under no circumstances should an animal that has bitten someone, or is needed for rabies examination, be shot in the head or subject to head trauma.**
- 26. Understands that live animals cannot be held under the authority of this permit for more than 24 hours unless special approval has been granted to do so.**
- 27. Understands that animals, or parts thereof, held under the authority of this permit shall not be sold unless in compliance with WCO Section 5.52 (5) and (6) and per *Live Animals and Sale of Animals* in this circular.**
- 28. Understands that carcasses obtained under the authority of this permit must be disposed of per *Disposal of Carcasses* in this circular.**
- 29. Understands the difference between this permit (a Wildlife Damage and Nuisance Control Permit) and a Damage and Nuisance Animal Control Permit per *Types of Permits* in this circular.**
- 30. Hereby releases, waives, discharges and covenants not to sue the State of Michigan, its departments, officers, employees and agents, from any and all liability to permittee, its officers, employees and agents, for all losses, injury, death or damage, and any claims or demands thereto, on account of injury to person or property, or resulting in death of permittee, its officers, employees or agents, in reference to the activities authorized by this permit.**
- 31. Hereby covenants and agrees to indemnify and save harmless, the State of Michigan, its departments, officers, employees and agents, from any and all claims and demands, for all loss, injury, death or damage, that any person or entity may have or make, in any manner, arising out of any occurrence related to (1) issuance of this permit; (2) the activities authorized by this permit; and (3) the use or occupancy of the premises which are the subject of this permit by the permittee, its employees, contractors, or its authorized representatives.**