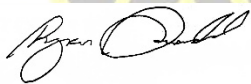


Thank you for your interest in deer farming in Michigan. You will need to mail in the following in order to start the registration process:

1. New Application
2. Drawing of your proposed facility, including acreage and dimensions
3. Proof of Ownership of the property (deed, contract, tax info)
4. Associated fees
5. Other items we encourage you to send in, but are optional:
 - a. Aerial photo depicting proposed area
 - b. Brief write-up/business plan

In all cases, we strongly encourage you to call with any questions prior to mailing out the packet, to ensure that everything is included and to make sure all of your questions are answered!

Ryan Soulard



Wildlife Biologist
Privately Owned Cervidae Program Coordinator DNR

Wildlife Division

517-284-6184

SoulardR@mi.gov



RICK
SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



Dear Sir or Madam:

Thank you for your request for information regarding the application process for the registration of privately-owned cervidae in Michigan. Cervidae means all members of the deer family, including, but not limited to, white-tailed deer, elk, moose, reindeer, caribou, fallow deer, sika deer, red deer, and mule deer. Purchasing cervidae for your facility should be done with careful consideration. If you need a list of cervidae breeders in the state of Michigan, please contact the Privately Owned Cervidae Program Coordinator at the number listed below. The Department also suggests that you contact the United Deer Farmers of Michigan to learn more about the Privately-Owned Cervidae industry in Michigan and the best management practices for starting and maintaining a facility.

When acquiring Cervidae species, animal movement must be done in compliance with health testing requirements for privately-owned cervidae within Michigan. Michigan Department of Agriculture and Rural Development (MDARD) is responsible for all health testing regulations and compliance with Act 466 of 1988, the Animal Industry Act and the United States Department of Agriculture (USDA) Uniform Methods and Rules for Bovine Tuberculosis Eradication. For more information regarding health testing requirements, please note step number 5 of the application process listed on page 2 of this letter.

Please find enclosed the following materials:

1. Act 190 of 2000, the Privately-Owned Cervidae Producers Marketing Act
2. Operational Standards for Registered Privately-Owned Cervidae Facilities, December 2005
3. Privately-Owned Cervidae Facility Registration Application and Business Plan (form PR2606, revised 4/3/2007)
4. Privately-Owned Cervidae Facility Annual Herd Inventory Report (form PR2606-1, revised 12/05/2006)
5. Privately-Owned Cervidae Facility Weekly Fence Inspection (form PR2606-2, revised 12/04/2006)

If you wish to submit an application and business plan for a privately-owned cervidae facility, please read and be aware of the following steps:

1. Read and understand items 1 through 5 above. If you have questions, please discuss them with a contact person listed on this letter.
2. Complete the application in accordance with the instructions on the form (PR2606). Submit the application, fee, and all required attachments to the DNR Cashier's office, as instructed.
3. The Cashier will cash your check or money order and validate your application for the amount submitted. The Cashier will then forward your application package to the Privately Owned Cervidae Program Coordinator, DNR, Wildlife Division.
4. The Privately Owned Cervidae Program Coordinator will review your application package to assure that all required information is included. If properly submitted, the Privately Owned Cervidae Program Coordinator will mail you a letter indicating that we have received your properly completed application. This letter will also detail further steps in the application process. If not properly submitted, your application package will be returned to you requesting corrections. Allow 30 days to receive this response from the Privately Owned Cervidae Program Coordinator.
5. The Privately Owned Cervidae Program Coordinator will forward a copy of your application package to the MDARD. MDARD will send you information pertaining to the health testing requirements and movement of cervidae within Michigan. Allow 45 days from the date you submit your application to receive these materials. If you would like to review these materials prior to applying for a Registration, please contact Melanie Hart, MDARD, Animal Industry Division, P.O. Box 30017, Lansing, MI 48909-7517, or telephone number 517-284-5679.
6. The POC Program Coordinator will forward a copy of your application package to the Michigan Department of Environmental Quality (DEQ). The DEQ will evaluate your application for potential impacts on inland lakes, streams, wetlands, and/or flood plain areas. The DEQ will respond to you in writing regarding whether or not your facility may require DEQ permits. Please allow 45 days from the date you submit your application to receive this response from the DEQ.
7. If your application indicates zoning other than agricultural, the POC Program Coordinator will forward a copy of your application package to your local unit of government for review regarding possible fencing ordinances. The POC Program Coordinator will allow 30 days for a response from the local unit of government. If this step is applicable to you, please allow 60 days from the date you submit your application to receive a response from the POC Program Coordinator.
8. The POC Program Coordinator will forward a copy of your application package to your local DNR, Wildlife Division, wildlife biologist. The wildlife biologist will:
 - a. Evaluate the proposed method of flushing free-ranging cervidae from the facility.
 - b. Determine the method of verification that all free-ranging cervidae have been removed from the facility. Depending on the size of your facility and cover types

within your facility, snow cover may be required to make this determination.

- c. Determine if the facility will place an unreasonable stress on wildlife habitat or migration corridors.
9. If approved, the wildlife biologist will notify the POC Program Coordinator via email. The wildlife biologist will:
 - a. Indicate that the proposed method of flushing free-ranging cervidae from the facility is acceptable.
 - b. Indicate the method of verification that all free-ranging cervidae have been removed from the facility and whether or not snow cover may be required in order to make this determination.
 - c. Indicate that the facility will not place an unreasonable stress on wildlife habitat or migration corridors.
10. The POC Program Coordinator will send you a letter stating that if you are in compliance with DEQ land/water interface permitting regulations (and local fencing ordinances, if zoned other than agriculture), you may begin construction of your facility. Allow 60 days from the date you submit your application to receive this response from the POC Program Coordinator.
11. Construct your enclosure.
12. After construction is completed, you are required to send written notification to the POC Program Coordinator. This notification must document that:
 - a. The pen is completed in accordance with required specifications.
 - b. There are no cervidae species within the completed pen.
 - c. You have complied with any DEQ requirements and any local fencing ordinances that may apply.
13. The POC Program Coordinator will notify the local wildlife biologist via email that you are ready for an inspection of your completed facility. If snow cover is not required, allow 30 days after completing step 12 to receive this inspection. If snow is required, this inspection will be dependent on a fresh snowfall.
14. The wildlife biologist will:
 - a. Inspect your enclosure for proper construction specifications.
 - b. Map the boundary of your enclosure using a Global Positioning System (GPS).
 - c. If approved for building specifications, the wildlife biologist will inspect the pen to verify that there are no cervidae species within the enclosure.
15. The wildlife biologist will notify the POC Program Coordinator via email regarding the findings of the inspection of your complete pen.

16. If the inspection is approved, the POC Program Coordinator will issue you a Privately-Owned Cervidae Registration certificate. Allow 30 days after the completion of step 14. Only after receiving this Registration may you take possession of cervidae, and then only in accordance with requirements for health testing and movement of privately-owned cervidae within Michigan. These requirements are administered by the MDARD.
**Contact MDARD in order to determine if the cervids you are buying are accredited and/or certified or if they have simply been tested for movement.

Following is a list of program areas and contact people:

Health testing requirements and movement of cervidae within Michigan: Contact Melanie Hart, MDARD, Animal Industry Division, P.O. Box 30017, Lansing, MI 48909-7517, osmanw@michigan.gov, telephone number 517-284-5679.

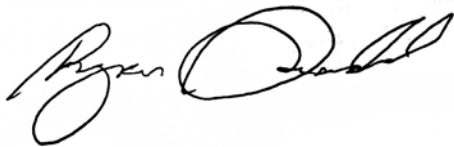
Current regulations and the application process: Contact Ryan Soulard, DNR, Wildlife Division, P.O. Box 30444, Lansing, MI 48909-7944, SoulardR@michigan.gov, telephone number 517-284-6184.

DEQ regulations: Contact Ms. Amy Berry, DEQ, Water Resources Division, P.O. Box 30458, Lansing, MI 48909-7958, berrya2@mi.gov, telephone number 517-2436547.

United Deer Farmers of Michigan: (website: <http://www.UDFOM.com>).

Thank you for your interest in the Privately-Owned Cervidae Registration Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Soulard". The signature is fluid and cursive, with a large initial "R" and "S".

Ryan Soulard
517-284-6184
POC Program Coordinator
Wildlife Division

Enclosures



PRIVATELY OWNED CERVIDAE FACILITY
INITIAL (NEW) REGISTRATION AND BUSINESS PLAN

APPLICATION

Issued under the authority of Executive Order No. 2004-3 and Act 190 of P.A. 2000.
Failure to comply with the requirements of Act 190 may result in fines, imprisonment, or both.

NOTE: Application must be legible and completed in its entirety to be processed.

REGISTRATION FEE (REQUIRED)

- CLASS II (EXHIBITION) \$450
CLASS III (RANCH) \$750
CLASS IV (FULL REGISTRATION) \$750
NON-REFUNDABLE APPLICATION FEE \$250

INITIAL INSPECTION FEE (REQUIRED)

- FOR FACILITIES CONTAINING 40 ACRES OR LESS - \$250
FOR FACILITIES GREATER THAN 40 ACRES - \$500
**TOTAL AMOUNT ENCLOSED \$ **

Form with fields for Applicant Full Name, Business/Facility Name, Mailing Address, Facility Address, City, State, ZIP, Telephone, E-Mail Address, Business Telephone, Business FAX, Size of Property, County, Township, Section(s), Legal Description, Proposed Cervidae Species, Proposed Method of Fencing, and completion instructions.

I certify that the information contained in this application and all attachments are true and correct to the best of my knowledge.

Applicant Signature Date

Make check or money order payable to "State of Michigan."
Return application with appropriate registration fee to:
CASHIER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30451
LANSING MI 48909-7951

** FOR DNR CASHIER'S USE ONLY - DO NOT WRITE BELOW **

Privately Owned Cervidae Facility
Initial (new) Registration Application and Business Plan
Instructions

Issued under the authority of Executive Order No. 2004-3 and Act 190 of P.A. 2000.

Failure to comply with the requirements of Act 190 may result in fines, imprisonment, or both.

This application is for a new facility which has not yet been registered. A Herd Number will be assigned when the application is processed. Registrations expire three (3) years from the date of issuance. Renewal applications require a separate form and must be submitted 60 days prior to the expiration of a registration.

Fees: Fees will include a nonrefundable \$250 application fee, registration fee, and initial inspection fee. Please enclose a check or money order payable to the "State of Michigan" and mail to Cashier, Michigan Department of Natural Resources, PO Box 30451, Lansing, MI 48909-7951.

Registration Class: Indicate the appropriate registration class for the intended purpose of the facility. See Operational Standards for Registered Privately Owned Cervidae Facilities, December 2005, for additional facility class descriptions. No new Hobby registrations will be approved. Only renewals for existing Hobby facilities will be issued.

- Class II (Exhibition) – Cervidae are shown live for exhibition purposes only.
- Class III (Ranch) – Hunting preserves or ranches, no live Cervidae are allowed to leave premises.
- Class IV (Full Registration) – Breeding, buying, selling, and movement of live Cervidae.

Legal Description of Property: Refers to the full description commonly found on deeds or title insurance documents (i.e. North ½ of south ½ of southwest ¼ of northwest ¼ of section 16 township 5 north range 2 west Clinton County, Michigan).

Cervidae Species: Indicate all species to be held when the facility is completed and the population goal numbers for each species.

Method of Fencing: Indicate the proposed height and type of fencing. Please refer to the Operational Standards, Facility Standards, New Construction: "The industry standard wire is referred to as fixed-knot 20-96-6-12.5 and is required for the lower 8 feet in new construction. All new construction shall utilize at least 10 foot continuous or 8 foot and 2 foot top panel vertical woven wire or structurally stronger material securely connected at minimum 3 foot intervals using metal wire. The wire shall not have openings greater than 6 inches by 6 inches..."

Proposed Method of Removal of Free-Ranging Cervidae: List planned methods and techniques to remove free-ranging Cervidae from the facility. This includes flushing techniques and removal by other methods, such as hunting. Indicate the method of verification that all free-ranging Cervidae have been removed. Include additional sheets if necessary.

Proposed Record Keeping System/Animal Identification: Describe the record keeping system and animal identification (if applicable to registration class) that will be used in accordance with Act No. 190, Public Acts of 2000. Include additional sheets if necessary.

Two forms of animal identification are required for each animal. Facilities that cannot tag animals added to the herd via natural reproduction must implement additional biosecurity measures. See the enclosed Michigan Department of Agriculture (MDA) information Cervid Identification Options.

Zoning: Indicate the current zoning of the property, and indicate whether or not the proposed facility conforms to any local fencing ordinances.

Disease Herd Plan: A disease herd plan is required. See the enclosed MDA information Disease Herd Plan Options.

Signature: Sign and date the application. Your signature certifies that you are aware of and will abide by:

- [registration requirements as described within Act 190, Public Acts of 2000;](http://www.legislature.mi.gov)
<http://www.legislature.mi.gov>
- [Executive Order No. 2004-3](http://www.michigan.gov/gov/)
<http://www.michigan.gov/gov/>
- [Operational Standards For Registered Privately Owned Cervidae Facilities, December 2005.](http://www.michigan.gov/dnr)
<http://www.michigan.gov/dnr>, select Wildlife & Habitat, then select Privately-owned Cervidae.

Submit Application: Mail the application to the Michigan DNR Cashier at the address on the front of the application.

Questions? Contact:

POC Program Coordinator

517-284-6184

Wildlife Division

Michigan Department of Natural Resources

PO Box 30444

Lansing, Michigan 48909-7944

PR2606 (Rev. 04/03/2007)

Operational Standards for Registered Privately Owned Cervidae Facilities

Revised December, 2005

Adopted by the Michigan Commission of Agriculture, January 9, 2006 Adopted by the Natural Resources Commission, January 12, 2006

Registration Guidelines

The Director of the Michigan Department of Natural Resources (MDNR) may grant registration for privately owned cervidae facilities. Limited registrations may provide for modified record-keeping or individual cervidae identification requirements, fee requirements, and limitations on movements of cervidae or cervidae products. The following are current registration classes:

1. Registration Class I (Hobby)

- must meet all requirements of PA 190 of 2000, as amended, for record-keeping and individual cervidae identification.
- prior MDA approval is required for addition of cervidae to the herd, other than through natural reproduction.
- no live privately owned cervidae are allowed to be removed from the herd.
- no new Class I registration will be issued after the effective date of amendments to Act 190

2. Registration Class II (Exhibition)

- must meet all requirements of PA 190 of 2000, as amended, for record-keeping and individual cervidae identification.
- prior MDA approval is required for addition or movement of cervidae to or from the herd, other than through natural reproduction.
- live privately owned cervidae are allowed to be moved from the herd for a period not to exceed 60 consecutive days without approval of the department, and can have no direct physical contact with any other livestock during that time.

3. Registration Class III (Ranch)

- exempt from record keeping requirements of PA 190 of 2000, as amended, for cervidae added to the herd through natural reproduction.
- exempt from individual cervidae identification requirements of PA 190 of 2000, as amended, for cervidae added to the herd through natural reproduction. Class III facilities that cannot tag cervidae added to the herd through natural reproduction must submit a disease testing plan to be jointly approved by the MDA and MDNR. Additionally, double gating in perimeter fence, or MDNR approved method to assure automatic closure of perimeter gates, is required.
- no live privately owned cervidae are to be removed from the herd.
- individual cervidae identification and record keeping requirements will apply to any cervidae added to the herd through any method other than natural reproduction.

- records must be kept including date, gender, and age for any cervidae which are removed from the herd.
 - records must be kept including name and address of the destination of any cervidae products removed from the herd.
4. Full Registration
- must meet all requirements of PA 190 of 2000, as amended.

The MDNR may approve a change in registration classification upon receipt of a modified and completed application and fee. A registered cervidae livestock facility shall apply for a modification of the cervidae livestock facility registration before any change in the registration class of activities for which the registration is issued.

Facility Standards

All registered privately owned cervidae facilities must have continuous perimeter fencing and perimeter gates constructed of woven wire or other material if deemed appropriate by the MDNR to meet or exceed the standard of continuous woven wire for the entire vertical height, and be constructed and maintained in a condition as specified in these standards.

New Construction

The industry standard wire is referred to as fixed-knot 20-96-6-12.5 and is required for the lower 8 feet in new construction. All new construction shall utilize at least 10 foot continuous or 8 foot and 2 foot top panel vertical woven wire or structurally stronger material securely connected at minimum 3 foot intervals using metal wire. The wire shall not have openings greater than 6 inches by 6 inches. Posts shall not be placed greater than 20 feet apart. Posts shall be constructed of 2 inch minimum diameter (inside diameter) metal or round wood posts not less than 4 inches at the smallest end. If square or rectangular wooden posts are used, the dimension shall not be less than 3 1/2 inches.

Posts shall be at least 14 feet in length with a minimum 42 inches below the ground. All corner and gate posts shall be at least 15 feet long and be at least 5 feet below the ground. Deviations from these standards will require department approval before installation. The following fence heights shall apply for species within the registered facilities:

1. White tailed deer, elk, red deer, sika deer, fallow deer, mule deer species - the minimum vertical fence height shall be 10 feet from the ground level and be sufficient to prevent the ingress and egress of cervidae.
2. Reindeer and Caribou - the minimum vertical fence height shall be 4 ½ feet from the ground level. Fences for reindeer and caribou shall be continuous woven wire and use either steel T-posts, 2 inch minimum diameter (inside diameter) metal, or wooden posts greater than 3 ½ inches in diameter.

Existing Facilities

All fences constructed by piecing together woven wire shall be securely connected at minimum 3 foot intervals using metal wire. Posts shall not be more than 25 feet apart. Posts shall be constructed of 2 inch minimum diameter (inside diameter) metal or round wood posts not less than 4 inches at the smallest end. If square or rectangular wooden posts are used, the dimension shall not be less than 3 1/2 inches. Posts shall be at least 14 feet in length.

Deviations from these standards will require department approval.

Facilities with single strands of wire for the top two feet will be required to replace the stands with 2 feet of continuous woven wire securely connected at minimum 3 foot intervals using metal wire. The following fence heights shall apply for species within the registered facilities:

1. White tailed deer, elk, red deer, sika deer, fallow deer, mule deer species - the minimum vertical fence height shall be 10 feet from the ground level and be sufficient to prevent the ingress and egress of cervidae.
2. Reindeer and Caribou - the minimum vertical fence height shall be 4 ½ feet from the ground level. Fences for reindeer and caribou shall be continuous woven wire and use either steel T-posts, 2 inch minimum diameter (inside diameter) metal, or wooden posts greater than 3 ½ inches in diameter.

All existing fences shall comply with these standards by July 1, 2008.

All Facilities

The integrity of all perimeter fencing shall be monitored by the owner, or their authorized representative, for integrity on not less than a weekly basis and following any possible physical damage. The date and name of the person conducting the inspection must be contained within the farm records. The ground edge of the fencing shall remain at or below ground level at all times. Openings not to exceed 6 inches square may be present at ground level to facilitate the movement of small mammals and reptiles, if determined necessary by the MDNR in consultation with the MDA.

Fence height for any other cervidae species not listed above may be approved under a limited registration set by the MDNR Director . For any registered facilities that are to be approved for multiple commingled species, the fence height requirement for the applicable species that requires the highest minimum vertical height shall apply to the facility.

Any additions to the facility, gate or corner post replacements, or fence replacements that are greater than or equal to 40 feet in length, shall utilize new construction fencing standards indicated above.

Gates must be constructed of continuous woven wire or structurally stronger materials and meet or exceed facility fencing heights. Gates must be adjusted seasonally, or more often if necessary, to ensure that the bottom of the gate extends no higher than 6 inches from the ground along the entire length. Gaps between the gate and adjacent fence shall be no more than 4 inches on both sides.

Records

Farm records must be kept on site for all cervidae included within the herd, regardless of species. Any cervidae contained within the perimeter fence are considered to be within the herd. Availability of a record-keeping system on farm must be demonstrated during a preregistration inspection prior to approval of registration. Farm records must include the following for each individual cervidae within the herd.

1. Official identification number.
2. Species and gender.
3. Age upon entry into the herd.
4. Date and method of entry into the herd including purchase or natural reproduction.
5. For any purchased cervidae, the complete name, address, and phone number of the person from whom the cervidae was acquired.
6. Copies of any test certificates, herd status letters, or official interstate or international health certificates, required to show compliance with any state or federal law, for cervidae entering the herd.
7. Date and method of disposition for any cervidae which are removed from the herd, including sale, transfer, and mortality. For all mortalities, records must contain whether the mortality was intentional or non-intentional, and method and site of disposal, consistent with PA 239 of 1982.
8. For any cervidae sold or transferred live, the complete name, address, farm name, registration number, and phone number of the person who received the cervidae at the destination.
9. Any cervidae from within the perimeter fence which become located outside the perimeter fence, not under the direct control of the owner, the type of escape/release, duration of time outside the perimeter fence, and the manner of recovery or disposition. For any cervidae outside of the perimeter fence for more than 12 hours, the operator must notify the MDNR at 1-800-292-7800 and the MDA at 1-800-292-3939.
10. Copies of any required test certificates, herd status letters, or official interstate or international health certificates required to show compliance with any state or federal laws, for cervidae removed from the herd.

Copies of these records must be kept and be available for inspection for a period of 7 years following the removal of each individual cervidae from the herd. All records from 2003 forward shall be retained consistent with the reporting requirements for each year.

Individual Animal Identification

It is the expressed intent that privately owned cervidae should be visibly identified as privately owned. In Class III facilities where owners are unable to visibly identify cervidae, the owner must work with the MDNR, to adequately address biosecurity issues and have a MDA-MDNR jointly approved plan to conduct disease surveillance.

All cervidae species within the enclosure occupied by the privately owned cervidae must be officially identified by 2 forms of identification with at least one visible (minimum tag diameter of 1 1/8 inches) from the following methods:

1. Official alpha-numeric ear tag.
2. Registration tattoo for cervidae registered with an official breed registry only.
3. Electronic identification placed at the base of the left ear. This type of official identification may only be used to meet registration requirements if an electronic identification reader capable of being used to identify the cervidae is present at the registered facility. It is the responsibility of the owner at the registered facility to ensure that the appropriate electronic reader is present at the facility.
4. Any other official identification approved by the MDA Director.

For cervidae located on Class I (Hobby), Class II (Exhibition), or Class IV (Full) registered facilities, official identification must be present upon entry into the herd for all cervidae acquired other than through natural reproduction. For cervidae that are added to the herd through natural reproduction, official identification must be applied prior to the cervidae reaching one year of age.

For cervidae located on Class III (Ranch) registered facilities, official identification must be present upon entry into the herd for all cervidae acquired other than through natural reproduction or for cervidae when individually handled. Class III facilities that cannot tag cervidae added to the herd through natural reproduction must submit a disease testing plan to be jointly approved by the MDA and MDNR. Double gating in perimeter fence or a MDNR approved method to assure automatic closure of perimeter gates is required.

Recovery Protocol For Any Cervidae Which Become Released

Any cervidae from within the perimeter fence which become located outside the perimeter fence, not under the direct control of the owner that is recovered within 12 hours, must be recorded in the farm records. In the event that cervidae meet the criteria of released, the owner must contact MDNR at 1-800-292-7800 and the MDA at 1-800- 292-3939 within 24 hours of discovery of the release. Any cervidae that becomes released from a registered facility and is recovered within 48 hours of the discovery of the release must immediately be placed in an isolation facility that maintains the cervidae no less than 30 feet from all other livestock on the registered facility at all times, as specified by the MDNR Director, in consultation with the MDA. In the event that the cervidae is not recovered within 48 hours from the time the cervidae is discovered as released, the cervidae is to be culled and, at the discretion of the MDARD, tested

for disease.

MDNR will evaluate the cause of the release, and may require modifications of fencing or management practices to prevent reoccurrence of release.

Tagged cervidae that become released are not exempted from legal taking under a permit issued by MDNR (hunting license, deer damage permit, or disease control permit).

Oversight Responsibilities and Reporting

The Michigan Department of Natural Resources will have primary inspection and oversight responsibilities for compliance with requirements of the act following acceptance into the registration program. The Michigan Department of Agriculture, under the authority of the Animal Industry Act, has oversight responsibility for compliance with cervidae health testing and cervidae movement. Execution of these responsibilities includes, but is not limited to: access to the registered premises and related cervidae records; reportable disease sample collection, submission and testing authority; and the authority to place, enforce, and release quarantines.

Each owner of any registered privately owned cervidae facility must submit an annual report to MDNR that indicates completed inspection of perimeter fencing for integrity and maintenance. This report must contain the date and time of inspection, name of person completing inspection, any noted deficiencies, and method of repair.

An annual report of inventory must be sent to MDNR by January 15 of each calendar year that specifies the total number of each species present within the registered facility, and number of each species added or removed from the herd during the previous 12 months (January – December), including all escapes/releases more than 12 hours in duration. Farm records must be provided to MDNR and MDA representatives upon request at any reasonable hour, and must be kept for a minimum period of 7 years following removal of cervidae from the facility. MDNR will conduct inspection of each registered privately owned cervidae facility at least once every 3 years.

Inspection intervals for individual registered facilities may be determined on a risk basis, utilizing criteria which may include type of registration approved, difficulty of complying with registration requirements, risk of cervidae becoming released, size of facility, number of cervidae movements reported, risk of occurrence of a reportable disease, and complaint, inspection or compliance history. MDNR inspection intervals may be modified based upon the presence or absence of any industry-sponsored private inspection or education programs.

Decommissioning Facilities

The owner of a privately owned cervidae facility shall not abandon, or discontinue the operation of a facility, unless the following steps are adhered to:

1. The owner shall notify the MDNR and MDA in writing of his/her intent to decommission the facility.
2. The owner shall harvest, sell, transfer, depopulate, or otherwise remove all cervidae

from the facility by means authorized by PA 190 of 2000, as amended.

3. The owner shall submit all records required to be kept on site by the Operational Standards to the MDNR and MDA for review.
4. Upon satisfactory review of submitted records, the MDNR shall confirm that there are no cervidae species remaining within the enclosure.
5. The MDNR shall notify the owner in writing that the facility removal or modification process may begin. Such notice shall include a time limit for this activity.
6. The owner shall remove the facility or bring the facility into compliance with the Wildlife Conservation Order (WCO), Section 2.11 and notify the MDNR in writing within the time limit established by the MDNR.
7. The MDNR shall confirm that the facility conforms to the WCO, Section 2.11 and shall notify the owner in writing that the facility is officially decommissioned.

Violations

A person who violates the requirements set forth in the operational standards for registered privately owned cervid facilities is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or more than \$1,000.00 or imprisonment for not less than 30 days or more than 90 days, or both.

A person intentionally or knowingly causing the ingress of free-ranging cervidae species into a registered cervidae livestock facility is guilty of a felony.

A person abandoning a registered cervidae livestock facility without first notifying the MDNR and MDA in compliance with these standards, or intentionally or knowingly releasing or allowing the release of any cervidae species from a cervidae livestock facility is guilty of a felony.

Additionally,

1. A court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation.
2. The director, upon finding that a person has violated any provisions of this act, an order issued by the director as a result of an informal or administrative hearing, or a rule promulgated under this act, may do any of the following:
 - a. Issue a warning.
 - b. Impose an administrative fine of not more than \$1,000.00, plus the costs of investigation, for each violation after notice and an opportunity for a hearing. A person aggrieved by an administrative fine issued under this section may request a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
 - c. Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

3. The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine. Civil penalties collected shall be paid to the general fund.
4. Notwithstanding any other provisions of this act, the director may bring an action to do either or both of the following:
 - a. Obtain a declaratory judgment that a method, activity, or practice is a violation of this act.
 - b. Obtain an injunction against a person who is engaging in a method, activity, or practice that violates this act.
5. The remedies under this act are cumulative and use of 1 remedy does not bar the use of another unless otherwise prohibited by law.

For further information contact:
Michigan Department of Natural Resources
Wildlife Division
PO Box 30444
Lansing, Michigan 48909
(517) 284-6184
(517) 373-6604 (fax)
www.michigan.gov/dnr

Privately Owned Cervidae Producers Marketing Act
Act 190 of 2000

An act to define, develop, and regulate privately owned cervidae as an agricultural enterprise in this state; to provide power and duties of certain state agencies and departments; and to provide for certain penalties and remedies.

History: 2000, Act 190, Eff. June 1, 2001.

The People of the State of Michigan enact:

Short title.

Sec. 1. This act shall be known and may be cited as the "privately owned cervidae producers marketing act".

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Definitions.

Sec. 2. As used in this act:

- a. "Business plan" means a written document of intent that a person submits to the department that defines the methods, protocols, or procedures that the person intends on implementing to be in compliance with this act.
- b. "Biosecurity" means measures, actions, or precautions taken to prevent the transmission of disease in, among, or between free-ranging and privately owned cervidae species.
- c. "Cervidae livestock facility" means a privately owned cervidae livestock operation on privately controlled lands capable of holding cervidae species.
- d. "Cervidae livestock operation" means an operation that contains 1 or more privately owned cervidae species involving the producing, growing, propagating, using, harvesting, transporting, exporting, importing, or marketing of cervidae species or cervidae products under an appropriate registration.
- e. "Cervidae products" means any products, co-products, or by-products of cervidae, including antler, antler velvet, meat, or any part of the animal.
- f. "Cervidae species" means members of the cervidae family including, but not limited to, deer, elk, moose, reindeer, and caribou.
- g. "Department" means the Michigan department of natural resources.
- h. "Director" means the director of the Michigan department of natural resources or his or her designee.
- i. "Farm" or "farm operation" means those terms as defined in the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.
- j. "Flush" or "flushed" means to move or chase from a cervidae livestock facility.
- k. "Identify" means any documentable system or process that allows a person to recognize as separate or different an individual animal.
- l. "Law enforcement officer" means a person appointed by the state or a local governmental unit who is responsible for the enforcement of the criminal laws of this state.

- m. "Owner" means the person who owns or is responsible for a cervidae livestock operation.
- n. "Person" means an individual, corporation, limited liability corporation, partnership, association, joint venture, or other legal entity.
- o. "Release" means to cause or allow an animal to become located outside the perimeter fence of a cervidae livestock facility not under the direct control of the owner.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Administration of act; conduct of activities.

Sec. 3.

1. The department shall administer this act. The departments of agriculture and environmental quality shall provide consultation.
2. The department of agriculture may conduct activities designed to develop and assist the cervidae industry in the manner provided for by law.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Cervidae livestock operation as agricultural enterprise.

Sec. 4.

1. A cervidae livestock operation is an agricultural enterprise and is considered to be part of the farming and agricultural industry of this state. The director of the department of agriculture shall assure that cervidae livestock operations are afforded all rights, privileges, opportunities, and responsibilities of other agricultural enterprises.
2. Cervidae livestock operations are a form of agriculture. Cervidae livestock facilities and their equipment are considered to be agricultural facilities and equipment. Uses related to the farming of cervidae are considered agricultural uses.
3. Cervidae products and cervidae species lawfully produced, purchased, possessed, or acquired from within this state or imported into this state are the exclusive and private property of the owner.
4. An owner harvesting privately owned cervidae species from a registered cervidae livestock facility is exempt from possession limits and closed seasons involving cervidae imposed in parts 401, 411, and 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40120, 324.41101 to 324.41105, and 324.42701 to 324.42714. This act does not give a cervidae livestock operation authority to take free-ranging animals in violation of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, unless under a permit issued by the department.
5. Any movement, importing, or exporting of cervidae species or cervidae products shall be in compliance with the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.

History: 2000, Act 190, Eff. June 1, 2001; Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Cervidae livestock operation; registration; records; compliance with facility standards.

Sec. 5.

1. A person shall not possess cervidae or engage in a cervidae livestock operation unless he or she obtains from the department a cervidae livestock facility registration or unless otherwise exempt by rule or law. If the activity in which the cervidae livestock facility is engaged is required to be regulated under any other act, registration under this act does not exempt the person or cervidae livestock facility from requirements imposed under any local, state, or federal regulation. Zoos accredited under the American zoological association or other accreditations or standards determined appropriate by and acceptable to the department are exempt from this act.
2. A person registered under this act shall keep and maintain records of production, purchases, or imports in order to establish proof of ownership and shall keep any other records required under standards incorporated by reference under section 6. A person transporting cervidae species shall produce documentation that contains the origin of shipment, registration or permit copies or documentation, documentation demonstrating shipping destination, and any other proof that may be required under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, upon demand of the director or a law enforcement officer.
3. Until July 1, 2008, a cervidae livestock facility registered prior to the effective date of the amendatory act that added this subsection must comply with the facility standards contained in "Operational Standards for Registered Privately Owned Cervid Facilities", published by the Michigan department of agriculture, (May 2000). A cervidae livestock facility in existence on or before the effective date of the amendatory act that added this subsection shall be in compliance with the facility standards by July 1, 2008, which are contained in "Operational Standards for Registered Privately Owned Cervidae Facilities" published by the Michigan department of natural resources, (revised December 2005), adopted by the Michigan commission of agriculture on January 9, 2006, and adopted by the natural resources commission on January 12, 2006, and are incorporated by reference.

History: 2000, Act 190, Eff. June 1, 2001; Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Application; fee; standards; business plan; forwarding copies of application; notice to local governmental units; issuance; renewal; determination of completed application; denial; review; "completed application" defined.

Sec. 6.

1. The initial application to construct a cervidae livestock facility shall be accompanied by the application fee described in section 8. The department shall approve, deny, or propose a modification to the completed application within 60 days. The department shall utilize the standards contained in "Operational Standards for Registered Privately Owned Cervidae Facilities", published by the Michigan department of natural resources, (revised December 2005), adopted by the Michigan commission of agriculture on January 9, 2006, and adopted by the natural resources commission on January 12, 2006, and incorporated by reference, to evaluate the issuance, construction, maintenance, administration, and renewal of a registration issued under this act. The department after consultation with the department of agriculture and with concurrence of the commissions of natural resources and agriculture may, by amendment of this act, amend or update the standards adopted in this subsection. Before issuing any registration under this act, the director shall verify, through written confirmation, both of the following:
 - a. The department has approved the method used to flush any free-ranging cervidae species from the facility, if applicable, and all free-ranging cervidae species have actually been flushed.
 - b. The department has determined that the size and location of the facility will not place unreasonable stress on wildlife habitat or migration corridors.
2. As part of the initial application or the application to modify a cervidae livestock facility, the applicant for registration shall submit a business plan complying with the standards established under this section that includes all of the following:
 - a. The complete address of the proposed cervidae livestock facility and the size of, the location of, and a legal description of the lands on which the cervidae livestock operation will be conducted.
 - b. The number of each cervidae species included in the proposed facility.
 - c. Biosecurity measures to be utilized, including, but not limited to, methods of fencing and appropriate animal identification.
 - d. The proposed method of flushing wild cervidae species from the enclosure, if applicable.
 - e. A record-keeping system in compliance with this act and the operational standards incorporated by reference in subsection (1).
 - f. The method of verification that all free-ranging cervidae species have been removed.
 - g. The current zoning of the property proposed as a cervidae livestock facility and whether the local unit or units of government within which the cervidae livestock facility will be located has an ordinance regarding fences.
 - h. A disease herd plan in compliance with the operational standards incorporated by reference in subsection (1) to be approved by the state veterinarian under the animal industry act, 1988 PA 466, MCL 287.701 to 287.745.
 - i. Any other information considered necessary by the department.
3. Upon receipt of an application, the director shall forward 1 copy each to the departments of agriculture and environmental quality. Upon receipt of an application, the department shall send a written notice to the local unit or units of government within which the proposed cervidae livestock facility will be located unless the

department determines, from information provided in the application, that the local unit of government has a zoning ordinance under which the land is zoned agricultural. The local unit or units of government may respond, within 30 days of receipt of the written notice, indicating whether the applicant's cervidae livestock facility would be in violation of any ordinance.

4. The department shall not issue an initial cervidae livestock facility registration or modification unless the application demonstrates all of the following:
 - a. The cervidae livestock facility has been inspected by the director and he or she has determined that the cervidae livestock facility meets the standards and requirements prescribed by and adopted under this act, complies with the business plan submitted to the department, and determines that there are barriers in place to prevent the escape of cervidae species and prevent the entry of wild cervidae species. A renewal or initial applicant must provide a perimeter fence in compliance with the operational standards incorporated by reference under subsection (1).
 - b. The method for individual animal identification complies with the standards incorporated by reference under this section.
 - c. The applicant has all necessary permits that are required under part 31 regarding water resources protection, part 301 regarding inland lakes and streams, and part 303 regarding wetland protection of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, 324.30101 to 324.30113, and 324.30301 to 324.30323, and any other permits or authorizations that may be required by law.
5. Beginning the effective date of the amendatory act that added this subsection, the department shall issue an initial registration or modification registration allowing an expansion of an existing facility not later than 120 days after the applicant files a completed application. Renewal applications shall be issued not later than 60 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by the department. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The determination of the completeness of an application does not operate as an approval of the application for the registration and does not confer eligibility upon an applicant determined otherwise ineligible for issuance of a registration. The 120-day period is tolled under any of the following circumstances:
 - a. Notice sent by the department of a deficiency in the application until the date all of the requested information is received by the department.
 - b. The time period during which required actions are completed that include, but are not limited to, completion of construction or renovation of the facility; mandated reinspections if by the department; other inspections if required by any state, local, or federal agency; approval by the legislative body of a local unit of government; or other actions mandated by this act or as otherwise mandated by law or local ordinance.
6. If the department fails to issue or deny a registration within the time required by this

subsection, the department shall return the registration fee and shall reduce the registration fee for the applicant's next renewal application, if any, by 15%. The failure to issue a registration within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the registration fee was refunded or discounted under this subsection.

7. Upon receipt of a denial under this section and without filing a second application, the applicant may request in writing and, if requested, the department shall provide an informal review of the application. The review shall include the applicant, the department, and the departments of agriculture and environmental quality, if applicable. After the informal review, if the director determines that the proposed cervidae livestock facility or cervidae livestock operation complies with the requirements of this act, the director shall issue a registration within 30 days after the applicant notifies the department of completion of the facility. After the informal review, if the director determines that the proposed cervidae livestock facility or cervidae livestock operation does not comply with the requirements of this act, the director shall affirm the denial of the application in writing and specify the deficiencies needed to be addressed or corrected in order for a registration to be issued. The applicant may waive the informal review of the application.
8. As used in this subsection, "completed application" means an application complete on its face and submitted with any applicable registration fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Completion of facility construction; notice; inspection; issuance of registration; determination of noncompliance; notice of registration denial; request for second inspection; review upon second denial; hearing; return of registration fee.

Sec. 7.

1. At the time the construction of the cervidae livestock facility is completed, the applicant shall notify the department in writing. That written notice shall certify that, to the best of the applicant's knowledge, the cervidae livestock facility has been constructed in compliance with the requirements of this act and in compliance with the standards for cervidae livestock facilities. Within 30 days after notification of the completion of the cervidae livestock facility, the director shall inspect the cervidae livestock facility. If the director determines that the proposed cervidae livestock facility conforms to standards prescribed by and adopted under this act, the director shall issue a registration within 30 days after completion of an inspection finding that the cervidae livestock facility

conforms to this act. The time periods described in this subsection may be extended by the department only if the department is unable to verify the removal of wild cervidae species, for an act of God, or in accordance with section 6(5)(a) or (b).

2. If the director determines that a proposed cervidae livestock facility does not comply with the requirements of this act, the director shall deny the application for registration. The department shall notify in writing an applicant of the reasons for a registration denial within 60 days after receipt of the completed application. The notice shall specify in writing the deficiencies to be corrected in order for a registration to be issued.
3. Without filing a second application under this section, an applicant may request a second inspection after the specified deficiencies have been corrected. The department is not required to make more than 2 preregistration inspections of the same proposed cervidae livestock facility per application.
4. Upon receipt of a second denial under this section and without filing a second application, the applicant may request in writing and, if requested, the department shall provide an informal review of the application. The review shall include the applicant, the department, and the departments of agriculture and environmental quality, if applicable. After the informal review, if the director determines that the proposed cervidae livestock facility complies with the requirements of this act, the director shall issue a registration within 30 days after the informal review. After the informal review, if the director determines that the proposed facility does not comply with the requirements of this act, the director shall affirm the denial of the application in writing and specify the deficiencies needed to be addressed or corrected in order for a registration to be issued. The applicant may waive the informal review of the application.
5. The applicant may request a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, on a denial of a registration or upon any limitations placed upon the issuance of a registration.
6. The department shall not return a registration fee or a portion of a registration fee to an applicant if a registration is denied.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Registration; duration; information; fees; renewal.

Sec. 8.

1. A registration issued by the department is issued for 3 years and shall contain the following information:
 - a. The registration number, class, date of issuance, and expiration date.
 - b. The cervidae species involved in the cervidae livestock facility.
 - c. The complete name, business name, business address, and telephone number of the cervidae livestock facility registration holder.
 - d. The complete address of the cervidae livestock facility location, including the county, township, and section, and shall also include the size of the facility.
 - e. The complete name, address, and telephone number of the department of natural resources contact person regarding cervidae livestock operations.

- f. Any other information provided in the application.
2. The department shall issue to a person meeting the requirements of this act a registration to operate a cervidae livestock facility. The department may provide limited registration classes. Beginning the effective date of the amendatory act that added this sentence, the department shall not issue an initial registration for a class I (hobby) but may renew the registration of any class I (hobby) that is in existence on the effective date of that amendatory act.
3. The department shall charge a nonrefundable application fee of \$250.00 for an initial application and the following initial inspection fees:
 - a. For facilities containing 40 acres or less: \$250.00.
 - b. For facilities greater than 40 acres: \$500.00.
4. The fee for a second inspection of a cervidae livestock facility conducted under section 7(3) is \$100.00.
5. The department shall charge the following fees for initial and renewal applications for cervidae facilities:
 - a. Class I (hobby) renewal: \$450.00.
 - b. Class II (exhibition): \$450.00.
 - c. Class III (ranch): \$750.00.
 - d. Full registration: \$750.00.
6. Application for renewal of a registration shall be submitted not later than 60 days before expiration of the current registration. Each renewal registration shall be issued for a period of 3 years from the expiration date of the previous registration.
7. Failure of the department to process a renewal application that was submitted in a timely and complete manner operates to extend the current registration until such time as the department completes the processing.
8. Unless otherwise indicated in writing by the department at the time the department sends a registered facility its renewal application, there is a presumption that the department shall renew the registration upon timely submission of the completed renewal application and registration fee.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Registration; modification; application; decommission.

Sec. 9.

1. A registered cervidae livestock facility shall apply for a modification of the cervidae livestock facility registration if any changes to the information on the registration have occurred or will occur. Except for registrations approved under subsection (2)(a), expiration dates shall not change for approved modifications.
2. A completed modification application shall be submitted and approved by the department before any of the following changes occur:
 - a. A change in registration class.

- b. A modification to the size of a cervidae livestock facility.
3. A modification application submitted under subsection (2)(a) shall include the appropriate fee for the new class. If approved by the department, the registration expires 3 years from the new date of issuance.
4. A modification application submitted under subsection (2)(b) shall include the submission of a modification application fee of \$100.00.
5. A modification application shall be submitted within 30 days after any of the following changes have occurred:
 - a. A change to the complete name, business name, business address, or telephone number of the current cervidae livestock facility registration holder.
 - b. A change to the complete address of the cervidae livestock facility location.
 - c. A sale or transfer of ownership of a cervidae livestock facility. The modification application shall include a written statement signed by the new and previous owner verifying the sale or transfer of ownership.
 - d. The introduction of new species into a cervidae livestock facility.
6. A registrant may request decommissioning of a cervidae livestock facility. The decommissioning of a cervidae livestock facility shall be in compliance with the operational standards incorporated by reference under section 6(1) and upon approval by the department, unless there is a risk to the environment and to the health of other free-ranging animals in the area in the removal of fencing and other barriers.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Memorandum of understanding with department of agriculture.

Sec. 10.

The director shall enter into a memorandum of understanding with the department of agriculture for approving disease herd plans and determining compliance by persons engaged in cervidae livestock operations, applicants, and registered cervidae livestock facilities with this act and investigation of violations of this act.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Killing cervidae species; permit; reimbursement.

Sec. 11.

After flushing cervidae species in an approved manner, any cervidae species remaining in the cervidae livestock facility must be killed by or under the authority of the registrant pursuant to an appropriate permit issued by the department. A person shall reimburse the state of Michigan \$250.00 per individual cervid that must be killed under the appropriately issued permit to meet the requirements of this section.

History: 2000, Act 190, Eff. June 1, 2001;—Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Inspection of facility by department.

Sec. 12.

1. The department or its duly authorized agent shall have access at all reasonable hours to any cervidae livestock facility to inspect and to determine if this act is being violated and to secure samples or specimens of any cervidae species. An inspection shall be conducted under practices designed not to jeopardize the health of the cervidae species.
2. The director may periodically inspect a registered cervidae livestock facility for confirmation that there are in place procedures or barriers designed to prevent the escape of cervidae species, for confirmation that all specimens are accounted for, and for confirmation of compliance with other requirements as set forth in this act or as required by law.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Prohibited conduct.

Sec. 13.

A person shall not knowingly provide false information in a matter pertaining to this act and shall not resist, impede, or hinder the director in the discharge of his or her duties under this act.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

Noncompliance with act, standards, or orders; denial, suspension, or revocation of registration; determination of unreasonable or adverse effect; hearing.

Sec. 14.

1. After an opportunity for an administrative hearing, the department may deny, suspend, revoke, or limit a registration if the applicant or registrant fails to comply with this act, standards adopted or established under this act, or orders issued by the director as a result of an administrative action or informal departmental review conducted under this act.
2. In addition to the provisions contained in subsection (1), the department may deny the issuance of a registration, modification, or an application for decommission or may suspend or revoke a registration if the department, in consultation with the department of agriculture or the department of environmental quality, or both, determines that

based upon substantial scientific evidence, the issuance of a registration or approval of decommission will cause, or is likely to cause, an unreasonable or adverse effect upon the environment or upon wildlife which cannot be remedied by, or is not addressed by, the existing standards under this act.

3. Except in the case of an informal departmental review, the department shall conduct an administrative proceeding under this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2000, Act 190, Eff. June 1, 2001; Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.965 Repealed. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: The repealed section pertained to rules.

287.966 Violation as misdemeanor; penalty.

Sec. 16.

Except as otherwise provided in section 17, a person who violates this act or the operational standards incorporated by reference under this act is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or more than \$1,000.00 or imprisonment for not less than 30 days or more than 90 days, or both.

History: 2000, Act 190, Eff. June 1, 2001; Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.967 Prohibited conduct; violation; penalty.

Sec. 17.

1. A person shall not release or allow the release of any cervidae species from a cervidae livestock facility. This section does not prohibit the sale, breeding, marketing, exhibition, or other approved uses of cervidae species in the manner provided for by law. An animal that escapes from a facility is considered to be public property if the operator of a cervidae livestock facility does not notify the department in compliance with the standards established under this act.
2. An owner shall not abandon a registered cervidae livestock facility without first notifying the department and the Michigan department of agriculture in compliance with the standards established under this act.
3. A person shall not intentionally or knowingly do either or both of the following:
 - a. Cause the ingress of free-ranging cervidae species into a registered cervidae livestock facility.
 - b. Release or allow the release of any cervidae species from a cervidae livestock facility.
4. A person violating subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$300.00 or imprisonment of not more than 90 days, or both, for a first offense and is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 1 year, or both, for a second or subsequent offense.
5. A person intentionally or knowingly violating subsection (3) or violating subsection (2) is

guilty of a felony.

History: 2000, Act 190, Eff. June 1, 2001; Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.968 Conviction; costs and attorney fees; findings of violations; remedies.

Sec. 18.

1. A court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of section 16 or 17.
2. The director, upon finding that a person has violated any provisions of this act or an order issued by the director as a result of an informal or administrative hearing may do any of the following:
 - a. Issue a warning.
 - b. Impose an administrative fine of not more than \$1,000.00, plus the costs of investigation, for each violation after notice and an opportunity for a hearing. A person aggrieved by an administrative fine issued under this section may request a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
 - c. Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.
3. The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine. Civil penalties collected shall be paid to the general fund.
4. Notwithstanding any other provisions of this act, the director may bring an action to do either or both of the following:
 - a. Obtain a declaratory judgment that a method, activity, or practice is a violation of this act.
 - b. Obtain an injunction against a person who is engaging in a method, activity, or practice that violates this act.
5. The remedies under this act are cumulative and use of 1 remedy does not bar the use of another unless otherwise prohibited by law.

History: 2000, Act 190, Eff. June 1, 2001; Am. 2006, Act 561, Imd. Eff. Dec. 29, 2006.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

287.969 Effective date.

Sec. 19. This act takes effect June 1, 2001.

History: 2000, Act 190, Eff. June 1, 2001.

Compiler's note: For transfer of certain powers and duties under the cervidae act from the department of agriculture, or its director, to the department of natural resources by type II transfer, see E.R.O. No. 2004-2, compiled at MCL 287.981.

For more information about the United Deer Farmers of Michigan, including contact info, how to join, and upcoming events, please visit:
www.udfom.com



Contact Info

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DNR coverage area:

Fencing questions

Registration info

New facility licensing

Expansions, Decommissioning, Modifications

Record keeping questions

Law Enforcement questions



MDARD Contacts:

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MDARD coverage area:

CWD and TB Testing

Herd Certification Programs

Animal Movement Requirements

Tagging Requirements and Ear Tags

Brokering

