



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: June 6, 2018

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Chronic Wasting Disease Regulations
Wildlife Conservation Order Amendment No. 12 of 2018
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Since the finding of chronic wasting disease (CWD) in a free-ranging white-tailed deer in Michigan on May 20, 2015, CWD-positive deer have been found in Clinton, Ingham, Ionia, Kent, and Montcalm counties. As of mid-January 2018, after testing approximately 30,600 free-ranging deer, 57 were positively confirmed with CWD, with 48 occurring during the 2017 deer hunting season. In addition, two Privately-Owned Cervid (POC) facilities in Mecosta County were positively confirmed with CWD in 2017.

The Natural Resources Commission (NRC) and the Department are taking aggressive action based on the *Michigan's Surveillance and Response Plan for Chronic Wasting Disease of Free-Ranging and Privately-Owned Cervids*, herein referred to as "the Plan", and the recommendations from the Chronic Wasting Disease Working Group – a panel established by the NRC to develop recommendations on further steps and actions to substantially mitigate or eliminate CWD in Michigan – to address CWD in Michigan's deer population and to maintain healthy wildlife for current and future generations. In addition, the Department and the NRC hosted a series of public engagement meetings on CWD that provided an opportunity for the NRC and the Department to hear suggestions and observations from hunters and residents interested in the health of the state's deer herd. The Department and the NRC are focused on achieving specific CWD management goals that include slowing the spread of the disease, reducing or maintaining low prevalence rates, preventing the disease from reaching new areas, and preserving Michigan's rich hunting history for future generations to enjoy.

Based on the current available state of the science, recommendations from the Chronic Wasting Disease Working Group, suggestions from the public engagement meetings, and the specific CWD management goals, the Department recommends amending the protocols and control measures in the Wildlife Conservation Order to address CWD in Michigan's deer population.

Statewide Regulations:

Restrictions on The Possession and Use of Natural Cervid Urine-Based Lures and Attractants

Chronic wasting disease is a fatal disease caused by the transmission of infectious, self-mutating proteins (prions) contained in the body and fluids of infected cervids that causes degeneration of the central nervous system of those same species. Although nervous system tissue and lymphatic tissues have the highest infectivity, these prions are also found in blood, feces and urine of infected cervids. Susceptible cervids can acquire CWD by direct exposure to these fluids or from environments contaminated with these fluids. Deer urine is used by hunters and sportspersons as an attractant and cover scent, with most commercially made products originating from POC facilities. This market is unregulated, and thus to take a pro-active approach to reduce the risk of spread or introduction of CWD to a new area, the Department recommends restricting the possession and use of non-synthetic cervid urine-based lures and attractants while hunting or trapping game species. Only synthetic cervid urine-based lures or attractants or natural cervid urine-based lures or attractants that are labeled with the official ATA (Archery Trade Association) Seal of Participation will be legal.

Issues Pros and Cons

The ATA is the organization for manufacturers, retailers, distributors, sales representatives, and others working in the archery and bowhunting industry. The ATA developed a Deer Protection Program, which seeks to ensure that ATA-member scent manufacturers, and their product suppliers do everything possible to prevent the spread of CWD in wild deer, elk, and moose herds in the United States. Manufacturers and their product suppliers voluntarily join the program and agree to take measures to meet or exceed state and federal CWD requirements and ensure that their products come from healthy deer herds. Manufacturers guarantee through their participation in the program, that the cervid urine utilized in their products comes only from facilities that are also participating in the ATA Deer Protection Program, and that strictly comply with the following measures:

- Participate in a federally-approved CWD program
- Have documented all cervid movement in/out of herd
- Continually monitor their herd for CWD
- Allow additional facility inspections
- Physically inspect 100 percent of the herd every three years
- Commit to advancement of sound science related to CWD
- Remain aware of CWD instances within 30 miles, and maintain minimum fence requirements

Most urine used for lures and attractants is produced and collected from captive cervid facilities at both large commercial and small-scale operations. Although Michigan POC facilities participate in the state's CWD monitoring program, products used may come from large interstate operations. There are a variety of unregulated processes used to collect urine, and they often result in the accumulation of a mixture of secretions, therefore providing concurrent contamination risks. There are currently no standard regulations to ensure that urine collected for lures and attractants are disease-free.

Other States

Alaska, Arizona, Arkansas, Pennsylvania (within CWD areas), Vermont, and Virginia have banned the use of urine-based lures or attractants.

Biological

Urine-based lures and attractants are used in several different ways, many which involve direct contact between the scent and the environment. Use of urine-based lures and attractants has the potential to spread CWD to areas where it has previously not been detected. Infectious prions present in urine can contaminate the environment, where the prions can bind to the soil and be taken up by plants and are likely to remain infectious for many years. For example, research studies indicate that as little as 10 milliliters of contaminated urine can contain enough infectious prions to risk lethal infection in 50 percent of exposed deer. Though urine is considered less infectious than saliva or feces, collection methods for many of these facilities are unlikely to exclude these materials from the final product. Though facilities approved through the ATA are enrolled in the United States Department of Agriculture (USDA) Herd Certification Program (HCP), 28 breeder facilities nationally have tested positive for CWD since 2012, with 15 of these facilities enrolled in the USDA-HCP.

Social

Regulating the use of urine-based lures and attractants may affect the business of the captive cervid industry, however, approximately 90 to 95 percent of manufacturers are certified through the ATA Deer Protection Program.

Economic

It's still legal to buy and sell products with cervid urine and other bodily fluids, however some businesses may see a decrease in sales.

Lower Peninsula Regulations:

Baiting and Feeding Ban – Effective January 31, 2019

Baiting is a popular practice among Michigan hunters, and its popularity has risen over the last few decades. However, research suggests that the relationships between baiting, feeding, and CWD transmission is in the risks associated with congregating animals. While natural food sources also congregate wildlife, human activities such as baiting or feeding do so at rates above natural sources, therefore the risk of transmitting CWD increases. The risks of congregating animals around bait and feed increases the probability of direct contact between infected and noninfected animals, and it also increases the risks of contaminating the food source or the surrounding environment. Therefore, the Department recommends instituting a baiting and feeding ban effective January 31, 2019, for the Lower Peninsula. A delayed implementation provides opportunity for those with economic interests to shift business models for next year.

Issues Pros and Cons

With the presence of CWD in the Southwest Lower Peninsula and Bovine Tuberculosis (TB) in the Northeast Lower Peninsula, the range of these two diseases now covers much of the Lower Peninsula. A proactive approach by banning baiting and feeding, with the uncertainty of the distribution of these diseases, is warranted to reduce the risk on the landscape. In addition, given

that CWD is often present in areas long before it is discovered, elimination of baiting and feeding may be a strategy to lessen the spread of the disease should it be introduced in new areas.

There are both biological and social considerations to make regarding baiting and feeding. Baiting is a highly popular activity among Michigan hunters. Baiting and feeding also have economic value as a market for agricultural products. Studies suggest there may be public support for baiting regulations if they are perceived to effectively reduce transmission of a disease and if the public has been involved in the decision-making process, however studies also suggest that hunter activity may shift in response to those regulations.

Other States and Provinces

The Department sent out a survey to CWD-positive states and received responses from Alberta, Arkansas, Illinois, Iowa, Kansas, Maryland, Missouri, Mississippi, New York, North Dakota, Utah, Virginia, West Virginia, and Wisconsin. The results were the following:

- Alberta: Baiting and feeding is illegal throughout the province.
- Arkansas: It is illegal to feed deer within CWD affected areas, however there are certain baiting restrictions within CWD affected areas.
- Illinois: Baiting and feeding is illegal statewide.
- Iowa: Baiting is illegal, but feeding is allowed statewide.
- Kansas: Baiting and feeding is legal statewide.
- Maryland: Baiting and feeding is legal statewide.
- Missouri: Baiting and feeding is illegal in the CWD affected areas.
- Mississippi: Baiting and feeding is illegal in the CWD affected areas.
- New York: Baiting and feeding is illegal statewide.
- North Dakota: Baiting and feeding is illegal in the CWD affected areas.
- Utah: Baiting and feeding is legal statewide.
- Virginia: Baiting is legal, and feeding is allowed only in areas other than CWD affected areas.
- West Virginia: Baiting and feeding is illegal in the CWD affected areas.
- Wisconsin: Baiting and feeding is legal in counties 36 months since the last CWD confirmation or 24 months in an adjacent county; currently 48 of 72 “affected” counties remain under a baiting and feeding ban.

Biological

Chronic wasting disease can be transmitted directly (e.g., saliva, urine, and feces) and indirectly (contaminated environment) among deer. Evidence suggests that baiting and feeding increases both the congregation of deer and the risk of disease transmission through increasing the probability of contact, food source contamination, and environmental contamination. In a review of 29 studies investigating the relationship between supplemental feeding and disease transmitted through close or direct contact of animals, 95 percent reported that supplemental feeding increased the risk of disease transmission. In addition, the longer the food is on the landscape, the greater the likelihood of increasing disease transmission.

Social

In Michigan, while approval (71 percent) of baiting as a practice among hunters has steadily risen since the mid-1980s, most hunters do support baiting restrictions when the health of the deer herd is in jeopardy. Studies have found that hunter support for management actions to address CWD, including baiting bans, is based on the perceived efficacy of those actions. Studies have also found that hunter acceptance of management activities increases as prevalence increases and as perception of risk increases. In addition, studies have also examined hunter behavior changes in response to baiting bans. In Michigan, after the implementation of baiting regulations in the northeast Lower Peninsula due to Bovine Tuberculosis (TB), 50 percent of bowhunters and 31 percent of firearm hunters in the area reported hunting less because of the baiting ban, and 22 percent stopped hunting in the area all together. However, declines in antlerless harvest and firearm season participation in the northeast Lower Peninsula following the ban were very similar to declines statewide.

Economic

Baiting and feeding have economic value as a market for agricultural products. Instituting a baiting and feeding ban effective for 2019 will allow time for those with economic interests to shift business models for next year.

Baiting Exception for Hunters with Disabilities

According to the Michigan Deer Harvest Survey Report, hunters with disabilities are, generally, some of the least satisfied hunters in Michigan. Although efforts have been made over the last decade to establish special hunt dates, equipment permits, and accessibility provisions, the success rate for hunters with disabilities continues to remain low compared to other hunters. The NRC and the Department received public input from hunters with disabilities regarding the use of bait. Hunters with disabilities rely on bait for the purposes of successfully harvesting a deer. The Department recommends granting a baiting exception for qualified hunters with disabilities outside of the 13-County CWD Management Zone and Bovine Tuberculosis (TB) Management Zone (Alcona, Alpena, Montmorency, and Oscoda counties) during the Liberty and Independence Hunts. Baiting would be limited to current regulations, allowing only two gallons of bait per site, distributed across a 10'x10' area, and baiting may only occur from the first day of the season to the last day of the season. All bait must be removed from the area prior to any additional hunting during the rest of the season.

Issues Pros and Cons

The Liberty Hunt is a two-day season in mid-September that takes place on private or public lands. The Independence Hunt is a four-day season in mid-October that takes place on private lands. During these hunts, individuals with qualifying disabilities may participate and may hunt antlered (antler point restrictions do not apply) or antlerless deer with a firearm. These hunts provide hunters with disabilities the opportunity to deer hunt under less crowded conditions when weather conditions are more likely to be favorable.

Even though granting a baiting exception during these two hunts for individuals with qualifying disabilities will offer a service to some of our constituents, baiting causes unnatural concentrations of deer and this activity increases the risk of disease infection and spread, and

repeated use of baiting areas poses a long-term risk of disease transmission. Allowing this exception may not help reduce risk of disease spread and transmission.

Other States

The Department is not aware of other CWD-positive states granting a baiting exception for hunters with disabilities.

Biological

Chronic wasting disease transmission occurs when disease prions are shed by infected animals through saliva, urine and feces, and through contact between deer and contaminated environments. Research suggests that the relationships between baiting, feeding, and CWD transmission is in the risks associated with congregating animals. While natural food sources also congregate wildlife, human activities such as baiting or feeding do so at rates above natural sources, therefore the risk of transmitting CWD increases.

Social

Granting a baiting exception for qualified hunters during these hunts may result in some social conflict. The Liberty Hunt is for both qualified hunters with disabilities and youths 16 years of age and younger. In addition, the Liberty Hunt coincides with the early antlerless firearm season, which may result in conflicts between hunters during the concurring seasons. The proposed regulations are to allow those individuals with disabilities who are eligible to hunt during the Liberty Hunt the opportunity to use bait, not youth hunters without qualifying disabilities who are hunting during the Liberty hunt or those hunting during the early antlerless season.

The Independence Hunt has limited participation statewide; there were approximately 1,900 hunters in 2016 with a harvest of approximately 400 deer. The Liberty Hunt (both hunters with disabilities and youth hunters) has higher participation statewide, with approximately 22,000 hunters participating in 2016 with a harvest of approximately 6,400 deer.

Economic

There may be some local benefit to surrounding businesses that sell bait.

CWD Management Zone

Define 13-County CWD Management Zone

Chronic wasting disease has been found in a total of 57 free-ranging deer within Clinton, Ingham, Ionia, Kent, and Montcalm counties. One of the control measures outlined in the Plan is to establish a CWD Management Zone that includes, at a minimum, any county with a boundary that is intersected by a 10-mile radius around each of the documented cases where the infected animals were located. In addition, the Plan states that if results of a local population survey or credible scientific evidence suggests that cervids from within the radius are likely to move beyond these Management Zone boundaries, those boundaries should be expanded. Accordingly, the Department recommends establishing a 13-County CWD Management Zone that includes Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Ottawa, and Shiawassee counties.

In addition, the Department recommends eliminating the CWD Management Zone defined as Clinton, Eaton, Ingham, Ionia, and Shiawassee counties, also known as Deer Management Unit (DMU) 419. These counties will be included in the newly defined CWD Management Zone.

Issues Pros and Cons

The newly defined 13-County CWD Management Zone will allow the Department and the NRC to establish impactful regulations related to CWD and emphasizes those areas that will be impacted by CWD. In addition, it allows for continued management and surveillance as the development of the current state of the science related to CWD control continues. The Department and the NRC continue to support an aggressive approach and an adaptive management strategy. The Department will need continued support from the hunters and public related to CWD management. The Department will continue effective communications and customer service related to the regulatory changes.

Biological

The Department has tested approximately 31,000 free-ranging deer for CWD since May of 2015. Ten have tested positive for CWD in Clinton, Ingham, and Ionia counties and 47 have tested positive for CWD in Kent and Montcalm counties. Establishing the CWD Management Zone will allow the Department to continue aggressive surveillance and management outlined in the Plan.

Social

There has been expressed support for the CWD Plan and the Department's implementation of the plan measures and protocols.

Economic

The Department does not expect an economic impact.

Baiting and Feeding Ban Effective Immediately

Of the 57 free-ranging deer that have been positively confirmed with CWD, 36 have been found in Montcalm County. Chronic wasting disease appears to be widespread in Montcalm county, and sampling in the surrounding areas (Kent, Mecosta, Gratiot, Isabella, and Newaygo) has been generally poor to identify the true scope of the disease. With CWD also identified in Clinton, Kent, Ionia, and Ingham counties, a response that bans baiting and feeding in the immediate area is a responsible endeavor to reduce the immediate risk of transmission in and near affected areas. Currently, there are baiting bans in Clinton, Eaton, Ingham, Ionia, and Shiawassee counties, and there was a baiting ban in Mecosta and Kent counties through an Interim Order of the Director that expired on March 29, 2018. The Department recommends instituting a baiting and feeding ban effective immediately for the 13-County CWD Management Zone defined as Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Ottawa, and Shiawassee counties.

See above for the Issues Pros and Cons, Other States, Biological, Social, and Economic matters regarding baiting and feeding.

New Private Land License at a Reduced Cost; Expires First Sunday in November

In 2015, the Department issued discounted antlerless licenses by 40 percent (from \$20 to \$12) in CWD-affected areas to increase samples of free-ranging deer and to increase antlerless harvest. To keep a consistent approach with the management actions the Department has taken with CWD, the Department recommends creating a new private land antlerless license at a reduced cost that expires the first Sunday in November, valid for private-land in all 13 counties in the CWD Management Zone. This will be approved through a Director's Letter of Authorization.

Issues Pros and Cons

This unique approach allows hunters to purchase licenses prior to the beginning of the season, that expire part way through the season, shifting antlerless harvest earlier in the season. Data supports that having a reduced cost, limited use antlerless license incentivizes hunters to increase antlerless harvest.

There may be some confusion regarding the purchase of the new license, as the license will be valid throughout all 13 counties in the CWD Management Zone. In addition, even though hunters may have more incentive to purchase a license at a reduced cost, hunters may forget to use the license before the expiration date. The Department is optimistic that hunters will appreciate the flexibility of having both a reduced cost license as well as a regular, season long license for each county that offers them the ability to hunt nearly anywhere on private land with either license.

Other States

Ohio created a time sensitive antlerless license that was purchased prior to the season beginning, and expired part way through the season, thus shifting antlerless harvest earlier in the season and increasing total antlerless harvest (though bag limits were also increased by providing this option). According to Ohio, "the reduced price resulted in the hunter choosing to purchase the license and the expiration date resulted in the hunter choosing to harvest a deer earlier." Ohio tracks their harvest throughout the season, and typically sees primarily antlerless deer harvest early in the year, followed by a shift to taking bucks in late October through mid-November, before ultimately finishing with a focus on antlerless deer to end the season. From Michigan's check station data, antlerless deer do not seem to exceed antlered deer in the harvest until late November. With expiring licenses, the increased focus on antlerless deer earlier in the year, and the window of focusing on bucks was reduced in magnitude and duration. Ohio increased their antlerless harvest by 38 percent the following year. Though additional changes were made, much of this was attributed to these expiring licenses.

Biological

Although reducing deer densities does not directly translate into CWD management success, many of the areas within the 13-County CWD Management Zone have an abundance of deer and reducing the population throughout most of this range is likely to support CWD management with little downside. With hunters harvesting deer early in the season, they are more likely to continue hunting later in the year, which may increase overall harvest.

Check station data from 2016 shows that hunters in Michigan tend to focus on bucks at the beginning of the year, with that focus intensifying during early and mid-November. It is not until about the second week of firearms season when antlerless deer overtake bucks in terms of total harvest, at which point 85 percent of the harvest is finished. Although not a direct comparison to

Ohio (harvest estimate vs. checked deer), our harvest estimates and proportions tend to validate these comparisons.

Social

Expanding harvest to the early season may help with barriers associated with the firearms season and subsequently reduce return time on deer test results during this peak season. In addition, this will provide hunters with more opportunities to hunt on private lands throughout the CWD Management Zone.

Economic

There are no administrative costs to the Department, however the Department may expect an increase in license sales with an option of a reduced cost license. It is unknown at this time how hunters will respond with subsequent license purchases (deer license, deer combination license, etc.) to determine what the overall impact to license sales will be by providing this option.

Public and Private Land Licenses for County Specific DMUs

Wildlife Conservation Order Amendment No. 9 of 2018, Open/Closed Deer Management Units, made administrative changes to define DMUs that will be open or closed for the 2018 hunting season. This order did not change the status of the DMUs, but instead reverted multi-county DMUs where CWD has been identified to individual county DMUs. This order provides flexibility for the Department to issue public and private land antlerless licenses for individual county DMUs with the 13-County CWD Management Zone.

The Department recommends providing public and private land antlerless licenses for individual DMUs located in the 13-County CWD Management Zone that will be valid for the entire season.

Issues Pros and Cons

This license will provide an alternate to the new private-land reduced cost antlerless license that expires on the first Sunday in November, valid for all 13 counties in the CWD Management Zone. This will allow hunters who wish to have more time to hunt the option to purchase a private land license good for individual county DMUs. In addition, hunters may purchase a public land license to hunt on public land in the individual DMUs located in the 13-County CWD Management Zone. This also aligns with private and public antlerless licenses throughout most of the state.

There may be some confusion between the reduced cost private land antlerless license with an expiration date that is valid throughout all private land within the 13-County CWD Management Zone and a private land antlerless license that is valid in individual DMUs located in the 13-County CWD Management Zone, valid throughout the entire season. The Department will continue to provide effective communication and critical customer service to hunters.

Biological

The Department does not expect a biological impact. Many of the private land licenses within the DMUs/Counties identified do not sell out currently, so increasing quotas to unlimited levels is unlikely to have an impact. It's possible by increasing public land antlerless licenses, deer

numbers are reduced on public lands in the 13-County CWD Management Zone. The Department recognizes that deer utilize both private and public land where that interface of land ownership exists and added pressure on public land could result in limited viewing or harvest opportunities over time on those properties as either the deer population is reduced or pressure influences movement away from public land.

Social

Providing the opportunity for hunters to purchase a public or private land antlerless license within individual DMUs located in the 13-County CWD Management Zone will give hunters the flexibility to hunt throughout the entire season in individual DMUs.

Economic

The Department does not expect an economic impact.

Early Antlerless Firearm Opportunity

To provide an early firearm opportunity to harvest antlerless deer, the Department recommends an early antlerless season for all hunters for antlerless deer on private land in the 13-County CWD Management Zone for a total of four days starting the Thursday prior to the second Saturday in October and for three days thereafter. The season will occur October 11 through October 14 for the 2018 hunting season. Eligible licenses would include the proposed expiring CWD Management Zone antlerless license, regular antlerless licenses, as well as a deer license and a deer combination license good for any antlerless deer. All regulations for the firearm season apply.

Issues Pros and Cons

Providing a new early firearm opportunity to harvest antlerless deer will provide hunters with additional opportunities to use the new reduced cost private land antlerless license with an early expiration date in the 13-County CWD Management Zone. This recommendation will not impact the Deer Management Assistance Permit firearm exception quiet period dates. However, sharing this season and opening hunting pressure to the archery hunters may not be received well by those previously hunting during archery season.

Biological

Although reducing deer densities does not directly translate into CWD management success, many of the areas within the 13-County CWD Management Zone have an abundance of deer and reducing the population throughout most of this range during the early antlerless season is likely to have little downside for CWD management.

Social

Sharing the season and opening hunting pressure may not be received well, specifically with the archery hunters who are likely to have their quiet period disrupted by more firearms hunters in the woods.

Economic

The Department does not expect an economic impact.

Open Muzzleloader Season to All Firearms in the 13-County CWD Management Zone

To expand opportunity in existing seasons, the Department recommends opening opportunities to more hunters in the muzzleloader season by allowing firearms, thus making a second firearms season. Opening the muzzleloader season to firearms will not change the muzzleloader season dates. In addition, all firearms that are legal during the firearms season for that respective zone will be legal during the muzzleloader season.

Issues Pros and Cons

Opening the muzzleloader season to legal firearms within the respected zones will increase participation and provide more opportunities for hunters. In addition, maintaining the season structure will assist with communication and provide hunters with more opportunities to harvest a deer.

Muzzleloader season maintains a small, yet vocal following and losing the exclusivity of that season would likely upset that segment of hunters greatly.

Biological

In 2016, approximately 150,000 hunters participated in the muzzleloader season, harvesting about 23,000 deer. Contrast that with late antlerless season, which saw 60,000 hunters (and not open statewide) and yet harvested 18,000 deer. Though participation is likely to increase, it is unknown whether harvest would increase, or whether antlerless harvest would simply be delayed by affording hunters additional opportunities.

Social

Success rate for 2016 muzzleloader hunters was 14.9 percent, the lowest of any season, while success rate for firearms season and late antlerless season (two seasons sandwiching muzzleloader season) were 30.1 percent and 27.8 percent respectively.

Economic

The Department does not expect an economic impact.

Core CWD Area

Define 5-County Core CWD Area

Chronic wasting disease has been found in a total of 57 free-ranging deer in Michigan. Of those 57 free-ranging deer, 47 have been found with CWD in Kent, Mecosta, and Montcalm counties. One of the control measures outlined in the Plan is to establish a Core CWD Area within a 10-mile radius around the location of the documented case where the infected animal was located. Accordingly, the Department recommends establishing a 5-County Core CWD Area that includes Ionia, Kent, Mecosta, Montcalm, and Newaygo counties.

The Department also recommends eliminating the current Core CWD Areas defined as DMUs 333 and 359.

Issues Pros and Cons

The newly defined 5-County Core CWD Area will allow the Department and the NRC to establish impactful regulations related to CWD and emphasizes those areas that will be impacted by CWD. In addition, it allows for continued management and surveillance as the development

of the current state of the science related to CWD control continues. The Department and the NRC continue to support an aggressive approach and an adaptive management strategy. The Department will need continued support from the hunters and public related to CWD management. The Department will continue effective communications and customer service related to the regulatory changes.

Biological

The Department has tested approximately 31,000 deer for CWD since May of 2015. Ten have tested positive for CWD in Clinton, Ingham, and Ionia, counties and 47 have tested positive for CWD in Kent and Montcalm counties. With the majority of CWD positive deer in western Montcalm county, the Department will establish the Core CWD Area in these counties for aggressive surveillance and management. Though Clinton and Ingham county have both identified animals with CWD, the Department has also sampled approximately 17,695 deer during the past three years. Prevalence is at very low levels, and CWD was not detected in either of these counties in 2017. The Department will continue to conduct surveillance and management in these areas locally where the majority of CWD positive deer have been found. Establishing the Core CWD Area will allow the Department to continue aggressive surveillance and management outlined in the Plan.

Social

There has been expressed support for the Plan and the Department's implementation of the plan measures and protocols.

Economic

The Department does not expect an economic impact.

Carcass Transportation

The transportation and subsequent disposal of deer carcasses by hunters is an important consideration for the transmission of CWD due to the risk of environmental contamination from prions in tissues such as the brain, spinal cord, lymph nodes, and spleen. Major concerns have been raised about carcasses of hunter-killed cervids from affected areas as a possible source of CWD introduction elsewhere in the state. These concerns are based on the improper disposal of infected carcasses at locations outside of CWD areas. Chronic wasting disease prions from infected carcasses may remain in the soil and retain the capacity to infect animals for many years, therefore considering proper movement to avoid environmental contamination is important for reducing CWD introduction and spread. The Department recommends restricting carcass transportation, 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 cap cleaned of all brain and muscle tissue, hides, upper canine, or finished taxidermy mounts outside of the 5-County Core CWD Area, unless the carcass has been submitted to a designated drop-off location within 24 hours of harvest for testing.

Issues Pros and Cons

Interstate carcass transportation restrictions are currently in place for the importation of carcasses into Michigan. Expanding intrastate carcass transportation restrictions will keep a consistent message and provide consistency within regulations.

Other States and Provinces

The following states and provinces have a carcass transportation restriction within CWD affected areas: Alberta, Colorado, Illinois, Kansas, Nebraska, North Dakota, New Mexico, New York, Saskatchewan, Utah, Virginia, West Virginia, and Wisconsin.

Biological

Hunter harvested deer carcasses are often moved across geographic barriers. Human-assisted movement of deer carcasses is an important route of transmission and geographic spread for CWD, as it may potentially spread the disease beyond what is expected to occur naturally. Though the primary cause of spread is likely due to improper burial of infectious carcass materials, rather than simply transporting that same material, restricting the movement of carcasses harvested within the 5-County Core CWD Area is also a safeguard to keep infectious material contained to a small geographic area.

Social

Restricting carcass transportation is likely to be met with resistance by venison processors but may be mitigated if the carcasses are tested prior to transporting the carcass out of the 5-County Core CWD Area.

Economic

There may be some economic loss to local processors or taxidermists.

Late Season Hunts

Current regulations state that the Director may authorize a disease management hunt, lasting no longer than nine days between January 2 and March 31 where additional harvest is deemed necessary to meet disease management objectives. The Department recommends maintaining this regulation and recommends the Director authorize a disease management hunt based on surveillance goals that are supported by CWD management or if certain prevalence rates or thresholds are being exceeded.

Issues Pros and Cons

The Director authorized a disease management hunt within the 14 townships in Ionia and Montcalm counties this past year to provide an additional opportunity for hunters to harvest deer to support the Department's surveillance efforts. Adding this late season likely increased available samples for testing.

Harvests are likely to be minimally additive, especially if decisions are made to add seasons after the traditional hunting seasons have begun since these are viewed as bonus opportunities to use a license whereas established seasons are viewed as "expanded opportunities" that may continue to delay harvest decisions.

Biological

During the disease management hunt authorized in 14 townships in Ionia and Montcalm counties this past year, approximately 300 deer were taken and submitted for testing. Of note, about 74 percent of the deer submitted for testing were female, a stark contrast to what is reported harvested earlier in the year. Expansion of seasons typically yields diminishing returns in terms

of harvest (i.e., fewer animals per day due to the lack of interest/participation) but may help increase surveillance efforts. In addition, hunters receive quicker disease testing results due to a higher capacity at the Wildlife Disease Lab.

Social

Adding a late season, and communicating sampling efforts throughout the season, will show hunters where the Department is in terms of reaching surveillance goals that are supported by CWD management. By communicating the progress of these goals, the Department expects that hunters will be motivated to reach the goals as the season progresses.

Economic

The Department does not expect an economic impact.

Take of Either Sex on Deer License and Deer Combination License During Firearms Seasons

Current regulations allow for individuals possessing a deer license to harvest an antlerless or antlered deer during firearms seasons in currently established Core CWD Areas. In addition, hunters possessing a combination deer license can harvest an antlerless or antlered deer on both their regular tag or restricted tag. To maintain consistency and flexibility for hunters in how they use these licenses, the Department recommends this regulation in the 5-County Core CWD Area.

Issues Pros and Cons

Allowing hunters to harvest either sex deer during the firearms season in the 5-County Core CWD Area will provide additional flexibility for hunters to use their deer or deer combination license on either sex during the firearms season. It will also provide consistency and familiarity for hunters.

Biological

Despite the decreasing number of participants in firearms season, that season makes up a majority of the total harvest. In 2016, 55 percent of all bucks harvested, and 40 percent of all antlerless deer harvested came from the 16-day firearm season. Michigan hunters currently harvest approximately 320,000 to 340,000 deer per year. Since 2000, Michigan has only seen antlerless harvest exceed antlered harvest in one year (2009). Allowing antlerless deer to be taken on deer and combination licenses concurrently may increase antlerless harvest, which is desirable in the CWD management areas.

Social

Hunters will be allowed to choose purchasing a \$20 deer license, good for any deer in any season, or a \$40 deer combination license, good for two bucks, two does, or one buck and one doe. This provides hunters with additional opportunities to harvest a deer within the 5-County Core CWD Area.

Economic

The Department does not expect an economic impact.

Resume 4-Point Antler Point Restriction on Restricted Tag of the Deer Combination License

Since the identification of CWD in 2015, the Department removed the 4-point restriction from the restricted tag of the deer combination license. Though DMU 333 has changed each year, making between year comparisons challenging, the Department has not had any evidence that removing antler point restrictions from the restricted tag has changed either the yearling buck harvest percentage or increased the harvest of total antlered deer. The Department recommends resuming the 4-point antler point restriction on the restricted tag of the deer combination license.

Issues Pros and Cons

This change will provide consistency and familiarity between the 5-County Core CWD Area, the 13-County CWD Management Zone, and the rest of Zone 3. At first, this may result in some pushback by hunters who are already familiar with no antler point restrictions in the Core CWD Areas, but the Department will provide clear communication to the hunting community.

Biological

Resuming the 4-point antler point restriction on the restricted tag of the deer combination license is not likely to impact overall harvest.

Social

There are some who are likely to be opposed to this regulation, believing that any deer within a Core CWD Area should be able to be harvested on a deer or deer combination license. Likewise, there are others who will desire additional antler point restrictions on the deer license or deer combination license. The information to date does not support the addition of antler point restrictions to all tags within a Core CWD Area for managing CWD. Additionally, there seemingly has been no impact on antlered harvest with the removal of the restricted tag on the combination license in the previous three years but adding back the original antler point restriction will create continuity and consistency for hunters.

Economic

The Department does not expect an economic impact.

Early/Late Antlerless Firearm Season

Areas to be Open for Early and Late Antlerless Seasons

The Department is recommending expansion of areas open to both the early and late antlerless seasons in the Northern Lower Peninsula (NLP) Region. Clare, Gladwin, Mason, and Osceola counties are recommended to be open for these seasons. The Department is also recommending expansion of areas open to the early antlerless seasons (both the established September dates as well as the proposed October dates) in the Southwest Lower Peninsula Region. Oceana, Newaygo, Mecosta, Montcalm, Gratiot, Kent, Muskegon, and Ottawa counties are recommended to be open for the early antlerless season.

Issues Pros and Cons

Opening Clare, Gladwin, Mason, and Osceola counties for both the early and late antlerless season will provide additional opportunities to harvest antlerless deer and will support CWD management along a broader area. In addition, these counties were already going to be recommended for opening to these seasons due to increased deer numbers and higher incidence of crop damage. Opening Gratiot, Kent, Mecosta, Montcalm, Newaygo, Oceana, and Ottawa

counties to the early antlerless season will also provide hunters with additional opportunities to harvest antlerless deer and will support CWD management where there is a more immediate concern with CWD spread.

Biological

In 2016, approximately 2 percent of the antlerless deer harvest occurred during the early antlerless season and approximately 12 percent of the antlerless deer harvest occurred during the late antlerless season. Although reducing deer densities does not directly translate into CWD management success, many of these counties have an abundance of deer and reducing the population throughout most of this range during the early and late antlerless season is likely to support CWD management. This may also reduce the number of heads being submitted for disease testing during high-volume times, relieving some of the pressure put on Department staff at the Wildlife Disease Lab.

Social

Among 260,602 NLP hunters and 293,541 Southern Lower Peninsula hunters, approximately 13,770 have participated in the early antlerless season and approximately 58,429 in the late antlerless season according to the 2016 Deer Harvest Report Survey. Participation is less in the early antlerless season, however providing this additional opportunity will aid in CWD Management.

Economic

The Department does not expect an economic impact.

Rehabilitation of Deer

Process allows individuals to rehab sick, injured, and orphaned wildlife

The Department's wildlife rehabilitator permitting process allows individuals to rehab sick, injured, and orphaned wildlife. The intention of wildlife rehabilitation is to release all animals back to the wild, or humanely euthanize, if necessary. With respect to CWD, the primary human-caused factor identified in its geographic spread is human-assisted movement of live animals. The Department recommends updating existing regulations on the rehabilitation and movement of wild deer to continue to prevent the unintentional spread of CWD through the rehabilitation of deer, specifically:

- All wild deer, except fawns, positively confirmed to be from inside a county with a confirmed case of CWD shall not be possessed unless:
 - Euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer, or
 - Obtained by a permittee located inside a county with a confirmed case of CWD who humanely euthanizes the animal within 24 hours of receipt
- All wild fawns positively confirmed to be from inside a county with a confirmed case of CWD shall be possessed and released only if the capture and release point of the wild fawn is within a 10-mile radius of a licensed permittee

- All deer, except fawns, located outside of a confirmed county with CWD shall not be possessed unless:
 - Euthanized and sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer, or
 - Obtained by a permittee located outside of a county with a confirmed case of CWD who humanely euthanizes the animal within 24 hours of receipt.
- All wild fawns located outside of a confirmed county with CWD shall not be moved to a county with a confirmed case of CWD and shall only be released in the county of origin
- All deer shall be released by October 1

Issues Pros and Cons

The movement of live animals is one of the greatest risk factors in spreading disease into new areas. Although natural movements of wild deer contribute to the spread of the disease, human-aided transportation of wild animals greatly exacerbates this risk factor. Restricting live animal movement is likely to control the highest risk of distributing CWD into previously uninfected areas.

Orphaned, sick, or injured deer are recovered every year by the public and are placed with wildlife rehabilitators. Restricting the rehabilitation to fawns only will help minimize risk from CWD, however, evidence from other states indicate that more than three-quarters of rehabilitated fawns do not survive.

Other States

New York and other eastern states have banned deer rehabilitation as part of their CWD containment regulations.

Biological

Geographic movement of infected live animals without symptoms is frequently the most effective way to establish infections in new areas because they can both transmit to uninfected animals and contaminate the environment. The primary human-caused factor identified in its geographic spread is not only the human-assisted movement of live animals, but to date is the only confirmed contributing activity linked to spread to distant locations. Because there is currently no reliably sensitive and logistically feasible live animal test for CWD, routine testing of animals prior to movement is not practical.

Social

There may be some pushback from the public and some rehabilitators, but the Department plans to continue to educate the public about CWD and CWD management.

Economic

The Department does not expect an economic impact.

Administrative Changes:

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

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's June calendar and may be eligible for approval on July 12, 2018.

Russ Mason, Ph.D., Chief
Wildlife Division

Gary Hagler, Chief
Law Enforcement Division

Deb Begalle, Chief
Forest Resources Division

Ronald A. Olson, Chief
Parks and Recreation Division

James Dexter, Chief
Fisheries Division

Sharon Schafer, Chief
Finance and Operations Division

Kristin Phillips, Chief
Marketing and Outreach Division

William O'Neill
Natural Resources Deputy

WILDLIFE CONSERVATION ORDER

Amendment No. 12 of 2018

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective July 13, 2018, the following section(s) of the Wildlife Conservation Order shall read as follows:

1.2 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) “Raptor” means any bird species of the orders strigiformes, accipitriformes, and falconiformes.

(16) “Residence” shall have the same meaning as defined by section 40103 of 1994 PA 451, MCL 324.40103.

(17) “Limited firearms deer zone” means that area south of a line beginning at a point on the Wisconsin-Michigan boundary directly west of the west end of highway M-46; then east to M-46 and east along M-46 to its junction with freeway US-131; then south along freeway US-131 to M-57; then east along M-57 to its intersection with Montcalm road on the Kent-Montcalm county line; then south along that county line and the Ionia-Kent county line to its intersection with M-44; then east along M-44 to its intersection with M-66; then north along M-66 to its intersection with M-57; then east along M-57 to its intersection with M-52; then north along M-52 to its intersection with M-46; then east along M-46 to its intersection with M-47; then north along M-47 to its junction with US-10; then east along US-10 to its junction with I-75; then north along I-75 and US-23 to its junction with beaver road, Kawkawlin township, Bay county; then east along beaver road to Saginaw bay; then north 500 east to the international boundary with Canada.

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

(19) “Waterfowl hunting middle zone” or “middle zone” means that area of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line in Lake Michigan, due west of the mouth of Stoney creek in section 31, T14N R18W, Oceana county, then easterly and southerly along the south shore of Stoney creek to Scenic drive, easterly and southerly on Scenic drive to Stoney lake road in section 5, T13N R18W, Oceana county, easterly on Stoney lake and Garfield roads to highway M-20 (Hayes road) in section 33, T14N R17W, Oceana county, easterly on highway M-20 through Oceana, Newaygo, Mecosta, Isabella, and Midland counties to highway US-10 business route in the city of Midland, easterly on highway US-10 business route to highway US-10 at the Bay county line, easterly on highway US-10 to highway I-75/US-23, northerly on highway I-75/US-23 to the highway US-23 exit at Standish, easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, and from that point on a line directly east 10 miles into Saginaw bay, and from that point on a line directly northeast to the international boundary with Canada in Lake Huron.

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

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

(22) “Zone 2” means all of that part of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line due west of the Lake Michigan shoreline which is north of Muskegon lake and due west of the western terminus of memorial drive at Scenic drive in Muskegon county, then easterly to said western terminus of memorial drive at Scenic drive, easterly on memorial drive to Ruddiman drive, northeasterly on Ruddiman drive to lake avenue, northeasterly on lake avenue to highway M-120 (also known as Holton road) in North Muskegon, northeasterly and then northerly on highway M-120 to highway M-20, easterly on highway M-20 to highway business route US-10 in the city of Midland, easterly on combined highway M-20 and highway business route US-10 to highway US-10 at the Midland-Bay county line, easterly on highway US-10 to Garfield road in Bay county, northerly on Garfield road to Pinconning road, easterly on Pinconning road to seven mile road, northerly on seven mile road to the Bay-Arenac county line (where seven mile road changes name to Lincoln school road), northerly on Lincoln school road (also known as county road 25) in Arenac county to highway M-61, easterly on highway M-61 to highway US-23, northeasterly then easterly on highway US-23 to the center line of the Au Gres river, southerly along the center line of the Au Gres river to Saginaw bay of Lake Huron, easterly 90° east for 7 miles into Saginaw bay, then northerly 78° east (dividing Arenac county islands from Huron county islands) to the international boundary line between the United States and the dominion of Canada.

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

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

2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions.

Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:

(1) Make use of a pit, pitfall, deadfall, scaffold, raised platform, tree, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anti-coagulant, smoke, gas, explosive, weasel, ferret, fitchew, arbalest, spear, or mechanical device, for the purpose of taking an animal or driving an animal out of their hole or home. For the purpose of this order, a mechanical device shall not be construed to mean a firearm, crossbow, slingshot, or bow and arrow. When used in this order, "raised platform" means a horizontal surface constructed or manufactured by a person that increases the field of vision of a person using the horizontal surface beyond the field of vision that would normally be attained by that person standing on the ground.

(2) Use in taking an animal, or have in the persons possession in an area frequented by animals, a semiautomatic shotgun or rifle other than .22 caliber or smaller rimfire, capable of holding more than six shells at one time in the magazine and barrel combined, or use a cartridge containing a tracer bullet, or a cartridge containing an explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(3) During the five days immediately preceding November 15, transport or possess in an area frequented by deer a rifle or shotgun with buckshot, slug load, ball load, or cut shell. A person may transport a rifle or shotgun to or from a hunting camp if the rifle or shotgun is unloaded and securely encased or carried in the trunk of a vehicle. This section shall not prohibit a resident who holds a fur harvesters license from carrying a rimfire firearm .22 caliber or smaller while hunting or checking a trap line during the open season for hunting or trapping fur-bearing animals.

(4) Use in hunting, or, subject to section 43510, 1994 PA 451, MCL 324.43510, possess afield in an area inhabited by wild birds and animals within the "limited firearms deer zone" from November 15 to November 30, or use to take a deer during any firearm deer season in the "limited firearms deer zone," a firearm other than:

(a) A shotgun with a smooth or rifled barrel.

(b) A .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges.

(c) A muzzle-loading rifle or black-powder pistol loaded with black-powder or a commercially manufactured blackpowder substitute.

(d) A .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches.

(e) A .35 caliber or larger air rifle or pistol charged only from an external high-compression power source such as an external hand pump, air tank, or air compressor.

(5) Injure, destroy, or rob the eggs of birds protected by the laws of this state or this order, or molest, harass, or annoy those birds upon their nests.

(6) Make use of a sink box or battery as these devices are defined by the United States fish and wildlife service.

(7) Set afire or assist in setting afire a marshland or other lands for the purpose of driving out wild birds or wild animals, or take or attempt to take a wild bird or wild animal so driven out of a marshland or other land.

(8) Take any animal at any time other than during the hunting hours and open seasons established in this order, except as may otherwise be provided in chapter VI.

(9) Take in 1 day more than the daily limit, or possess at one time more than the possession limit, or possess on the first day of the open season more than the daily limit, or possess more than the season limit of any animal.

(10) Destroy, disturb, or molest at any time any bear, beaver, muskrat, raccoon, squirrel, mink, badger, or rabbit house, hole, burrow, nest, dam, or den which may be used by such animals.

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

(12) Affix any device to a bow, which aids in the cocking or holding of a bow string in a drawn position. This

subsection shall not prohibit the use of a hand-held device to release the bow string. This subsection shall not apply to a permanently or temporarily disabled person who holds a special permit provided for in section 40101 to 40119 of 1994 PA 451, MCL 324.40101 to 324.40119, or section 5.95 of this order.

(13) Use aircraft to aid in the taking of a wild bird or wild animal.

(14) Take game with a crossbow unless the hunter possesses a valid license to take game and uses only arrows, bolts, and quarrels for taking deer, bear, elk, wolf, and turkey with a broadhead hunting type of point not less than 7/8 of an inch wide with a minimum of 14 inches in length.

(15) Take deer with a crossbow or a modified bow in zone 1 from December 1 to March 31. This subsection shall not apply to a person who holds a special permit provided for in part 401, wildlife conservation, natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.40101 to 324.40119, or section 5.95 of this order.

(16) Subject to section 40116, 1994 PA 451, MCL 324.40116, take game during the established daylight shooting hours from August 15 through April 30 unless the individual wears a cap, hat, vest, jacket, rain gear of hunter orange. Hunter orange includes camouflage that is not less than 50 percent hunter orange. The garments that are hunter orange must be the hunter's outermost garment and be visible from all sides of the hunter. This does not apply to an individual engaged in the taking of deer with a bow or crossbow during archery deer season, an individual taking bear with a bow or crossbow, an individual engaged in the taking of turkey or migratory birds other than woodcock, an individual engaged in the sport of falconry, or an individual who is stationary and in the act of hunting bobcat, coyote, or fox.

(17) Possess or use natural cervid urine-based lures or attractants not marked with the official archery trade association seal of participation stamp in an area frequented by game.

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

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

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

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

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

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

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

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

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

(f) Take a deer during any firearm deer season in the "limited firearms deer zone," with a firearm other than a shotgun with a smooth or rifled barrel, a .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges, a .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches, a .35 caliber or larger air rifle or pistol charged only from an external high-compression power source, or a muzzleloading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

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

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

(i) Take a deer with a crossbow or a modified bow in zone 1 from December 1 to March 31 unless issued a disability crossbow permit by the department.

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

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

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

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

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

(o) Possess or use natural cervid urine-based lures or attractants not marked with the official archery trade association seal of participation stamp in an area frequented by deer.

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

(5) **Except as otherwise provided in this subsection, it shall be unlawful for a person to make use of bait to aid in the taking of a deer within Alcona, Alpena, Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Montmorency, Muskegon, Newaygo, Oscoda, Ottawa, and Shiawassee counties. Except as otherwise provided in this subsection, effective January 31, 2019, it shall be unlawful for a person to make use of bait to aid in the taking of a deer within zone 2 and zone 3.**

(a) Eligible individuals participating in the Liberty Hunt, except in Alcona, Alpena, Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Montmorency, Muskegon, Newaygo, Oscoda, Ottawa, and Shiawassee counties, as described in section 3.101e, may make use of bait to aid in the taking of a deer if the baiting occurs only from the first day of the season to the last day of the season and the provisions of subsection (6b), (6c), and (6d) are met. All bait shall be removed prior to any additional hunting during this season. This does not apply to youth hunters participating in the Liberty Hunt who only meet the eligibility requirements of section 3.101e (2a).

(b) Eligible individuals participating in the Independence Hunt, except in Alcona, Alpena, Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Montmorency, Muskegon, Newaygo, Oscoda, Ottawa, and Shiawassee counties, as described in section 3.101g, may make use of bait to aid in the taking of a deer if the baiting occurs only from the first day of the season to the last day of the season and the provisions of subsection (6b), (6c), and (6d) are met. All bait shall be removed prior to any additional hunting during this season.

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

(a) The baiting occurs only from September 15 to January 1.

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

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

subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

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

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

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

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

Sec 3.100a (1) A person shall not engage in deer and elk feeding within DMU 487 **or within Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Ottawa, and Shiawassee counties.** ~~DMU 333, and DMU 419.~~

(a) Effective January 31, 2019, it shall be unlawful for a person to engage in deer and elk feeding within zone 2 and zone 3.

(2) Deer and elk feeding prohibited except for recreational viewing and supplemental feeding, conditions for baiting and feeding in certain areas. In remaining portions of Michigan not described in subsection (1), a person shall not engage in deer and elk feeding except for recreational viewing and supplemental feeding conducted as prescribed in this section. In the event chronic wasting disease (CWD) is documented within Michigan, outside of the areas described in subsection (1), within 10 miles of Michigan's border with another state or Canadian province, or as determined by the director, the director shall issue an interim order banning the use of bait and banning the feeding of deer and elk, at a minimum, within the relevant CWD management zone.

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

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

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

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

(d) The volume of feed placed, scattered, or distributed does not exceed 2 gallons per residence at any 1 point in time.

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

(4) Deer or elk feeding on property under a person's ownership or lease, prohibited conduct, "person" defined. A person shall not allow deer or elk feeding on property under their ownership or control in violation of this section. For the purposes of this subsection, "person" means an individual, partnership, corporation, association, or other nongovernmental legal entity except if the property is leased it shall mean the individual, partnership, corporation, association, or other non-governmental legal entity with control or authority over the property except it shall not include the owner of lands enrolled under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(5) Supplemental feeding of deer, counties listed, conditions. A person may engage in the supplemental feeding of deer in Ontonagon, Houghton, Keweenaw, Baraga, Alger, Luce, Gogebic, and those portions of Marquette and Chippewa counties north of the T43N-T44N boundary line if all of the following conditions are met:

(a) The placement of feed shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (8) of this order are met.

(6) A person may engage in the supplemental feeding of deer in Iron, Dickinson, Delta, Menominee, and that portion of Marquette county south of T43N-44N boundary line if all the following apply:

(a) The placement of feed shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (8) of this order are met.

(7) A person may engage in the supplemental feeding of deer in Schoolcraft, Mackinac and that portion of Chippewa county south of T43N-44N boundary line if all the following apply:

(a) The placement of feed shall not extend beyond May 15 unless otherwise specified in the supplemental deer feeding permit.

(b) All conditions in section 3.100a (8) of this order are met.

(8) The following conditions must be met to engage in the supplemental feeding of deer in areas noted in section 3.100a (5) to (7) of this order:

(a) Prior to placing any feed, the person first acquires permission of the respective public land administrator and private property owner and a supplemental deer feeding permit issued by a department wildlife biologist. A person engaged in supplemental deer feeding shall possess a copy of the supplemental deer feeding permit and shall produce the permit upon the request of a conservation officer or a law enforcement officer.

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

(i) All feed shall be placed $\frac{1}{4}$ mile or more from the nearest paved public highway unless otherwise specified in the supplemental deer feeding permit.

(ii) All feed shall be placed at least 1 mile from cattle, goats, sheep, new world camelids, bison, swine, horses, or captive cervidae unless otherwise specified in the supplemental deer feeding permit.

(iii) All feed shall be placed at least 1 mile from wheat fields, potato fields, commercial fruit orchards, commercial plantings of nursery stock or Christmas trees, unless otherwise specified in the supplemental deer feeding permit.

(iv) The feed shall consist solely of grains, second cut alfalfa and clover, and pelletized food materials containing no animal protein which is scattered or dispersed directly upon the ground to a depth which shall not exceed 3 inches.

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

(c) A person issued a supplemental deer feeding permit shall agree to assist the department in the collection of deer tissue samples for disease surveillance.

(d) A person issued a supplemental deer feeding permit shall report by May 30 the quantity and type of feed used, dates and duration of feeding, and other information as may be specified in the supplemental feeding permit. The department shall report to the commission the number of permits issued, quantity of feed used, and other relevant supplemental deer feeding information.

(e) Failure to comply with all provisions of a supplemental deer feeding permit shall make the permittee ineligible for any future supplemental deer feeding permits.

(f) A person shall not hunt or attempt to hunt over feed placed for deer under a supplemental deer feeding permit.

(g) A permittee or landowner shall not allow an individual to hunt or attempt to hunt over feed placed for deer under a supplemental deer feeding permit.

3.100b Prohibition on possession of free-ranging deer carcasses or parts thereof; reporting and checking requirements; movement of deer carcasses or parts thereof.

Sec. 3.100b (1) A person killing a deer within a core CWD area **shall not possess the carcass or parts thereof, of the animal outside of the core CWD area 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 cap cleaned of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount, unless the hunter has;** ~~shall present the head at a designated drop off location department designated check station within a core CWD area, within the business hours of the next 72 24 hours after killing the deer. The field validation kill tag must be attached to the deer. The head must be surrendered to~~ **Materials requested by the department shall be surrendered to the department** for CWD testing, ~~along with any other material requested by the department,~~ and **must be** affixed with a department-issued CWD survey tag. The hunter retains at least a portion of the department-issued CWD survey tag. ~~The hunter may retain the antlers attached to a skull cap cleaned of all brain and muscle tissue.~~

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

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

(2) The open muzzle-loading and black-powder firearms deer season in zone 1 and zone 2 shall be a total of 10 days from the first Friday in December to nine days thereafter. The open muzzle-loading and black-powder firearms deer season in zone 3 shall be a total of 17 days from the first Friday in December to 16 days thereafter.

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

(a) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, except as provided in subsection (5), an individual hunting deer within the CWD management zone or the core CWD area during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a weapon that is legal to possess or carry afield, or to take a deer with during the open firearm deer season for that respective zone.

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

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

(b) Subsection (4)(a) shall be rescinded June 12, 2020.

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

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

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

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

(6) ~~The An~~ **An** early antlerless firearm deer season shall be a 2-day hunt starting the Saturday following September 15 upon privately owned lands within Alcona, Alpena, Antrim, Arenac, Bay, Benzie, **Clare**, Clinton, Eaton, Genesee, **Gladwin**, Grand Traverse, **Gratiot**, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, **Kent**, Lapeer,

Leelanau, Lenawee, Livingston, Macomb, Manistee, **Mason, Mecosta**, Midland, Monroe, **Montcalm**, Montmorency, **Muskegon, Newaygo**, Oakland, **Oceana, Osceola**, Oscoda, **Ottawa**, Presque Isle, St. Clair, Saginaw, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne counties and upon privately owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid private land antlerless deer license issued for the deer management unit in which they are hunting or a mentored youth hunting license may take a deer during this season, except an individual possessing any valid deer hunting license may take an antlerless deer during this season on private land in **the core CWD area, CWD management zone, DMU 333, DMU 419, DMU 452, and DMU 487.**

(a) An early antlerless firearm deer season shall be a 4-day hunt starting the Thursday prior to the second Saturday in October and 3 days thereafter upon privately owned lands within the CWD management zone and the core CWD area. An individual possessing any valid deer hunting license may take an antlerless deer during this season on private land.

(7) ~~The A~~ late antlerless firearm deer season shall be from the first Monday following the third Saturday in December through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, **Clare**, Clinton, Eaton, Genesee, **Gladwin**, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, **Mason, Mecosta**, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, **Osceola**, Oscoda, Ottawa, Presque Isle, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne counties, and upon privately-owned lands within that portion of Charlevoix county within deer management unit 015. Only an individual possessing a valid antlerless deer license issued for the deer management unit in which they are hunting may take a deer during this season, except an individual possessing any valid deer hunting license may take an antlerless deer during this season on private land in **the core CWD Area, CWD management zone, DMU 333, DMU 419, DMU 452, and DMU 487.**

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

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

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

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

Type of license	Season in which used	Kind of deer that may be taken
Deer license, deer combination regular license	Bow and arrow only seasons (zone 1)	Antlered deer. Antler point restrictions apply.
Deer license, deer combination regular license	Bow and arrow only seasons (zones 2 and 3)	Antlerless or an antlered deer. Antler point restrictions apply. for individuals not hunting in DMU 333.
Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season	Antlered deer or antlerless deer in the core CWD area and deer management units 333 and 487. Antler point

Type of license	Season in which used	Kind of deer that may be taken
		restrictions apply. for individuals not hunting in DMU 333.
	Liberty hunt and independence hunt	Antlerless or antlered deer.
Deer combination restricted license	Bow and arrow only (zone 1)	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length.
Deer combination restricted license	Bow and arrow only (zones 2 and 3)	Antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. except antler point restrictions do not apply to DMU 333.
Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season	Antlerless deer in the core CWD area and DMUs 333 and 487. A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. except antler point restrictions do not apply to DMU 333.
	Liberty hunt and independence hunt	Antlerless or antlered deer.
Mentored youth deer license	Bow and arrow only seasons, firearm deer season, muzzleloading and black-powder firearms only season, or liberty hunt	Antlerless or antlered deer. Antler point restrictions do not apply.

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

3.102 Antlerless deer license; validity; authority; types; restrictions; units.

Sec. 3.102. (1) Antlerless deer licenses are only valid in their specified deer management unit when the unit has a season open to the taking of deer. Antlerless deer licenses do not grant permission to hunt on private property without the permission of the landowner.

(2) It shall be unlawful for an individual to purchase an antlerless deer license unless the individual holds a current base license or mentored youth license.

(3) Antlerless deer licenses shall only be valid for taking an antlerless deer.

(4) Except as otherwise provided in this subsection, the holder of a valid public land antlerless deer license shall only take a deer from publicly owned lands within the deer management unit specified on the antlerless deer license. Public land antlerless deer licenses shall not be valid on any privately owned lands except lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(5) The holder of a valid private land antlerless deer license shall only take a deer from privately owned lands within the deer management unit specified on the private land antlerless deer license. The private land antlerless deer license shall not be valid on publicly owned lands and lands open to hunting by the general public under the provisions of Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51101 to 324.51120.

(6) The deer management units, as defined in chapter XII, listed in section 3.105a are open to the taking of antlerless deer by public land antlerless deer license or private land antlerless deer license, or any combination.

(7) The director, in consultation with and concurrence of the natural resources commission, may require an application to obtain an antlerless deer license or may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units.

(8) The director in consultation with and concurrence of the natural resources commission may issue antlerless deer licenses through the retail sales system on a first-come, first-served basis for use in designated deer management units when the director determines that antlerless deer licenses remain unsold after the drawing, provided for in section 3.104, has been held or where such issuance is in the best interest of deer management. An application for the current year is not required to purchase an antlerless deer license that remains after the drawing, provided for in section 3.104, has been held.

(9) Requirements; restrictions for young hunters:

(a) A hunter under the age of 10 must be licensed through the mentored youth hunting program and accompanied by a qualified mentor. Youth under 10 years of age may hunt antlerless deer subject to the mentored youth hunting program as described in section 2.14 of this order. A deer kill tag issued under the mentored youth hunting license shall be valid for any deer in any open deer management unit, except during antlerless-only seasons when only an antlerless deer may be taken. When used to harvest an antlered deer, antler point restrictions do not apply.

(b) A hunter 16 years of age or younger on or before the 4th Saturday in September may purchase 1 private or public land antlerless deer license, over the counter, on a first-come, first-served basis, during the application period for antlerless licenses for any deer management unit with antlerless licenses available.

(10) For **the core CWD area and the CWD management zone**, ~~deer management units 333 and 419~~ an individual may purchase unlimited **private land** antlerless deer licenses per season. For deer management unit 487, an individual may purchase up to a season limit of 10 private land antlerless deer licenses until the quota has been met. For all other deer management units an individual may purchase up to a season limit of 5 private land antlerless deer licenses until the quota has been met.

3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.

Sec. 3.600 It shall be unlawful for any person: (1) To use a firearm, crossbow, or bow and arrow to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps except if the trapper is an individual that cannot lawfully hunt with a firearm, crossbow, or bow and arrow.

(2) 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.

(3) 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 drivers license number of the user or individual possessing the catching device.

(4) To use or have in possession 1 or more snares or 1 or more cable restraints securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.

(5) 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. 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.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take furbearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any protected animal or protected bird as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit an individual from using the carcasses and parts thereof of game animals or game birds, lawfully taken and possessed during their open season, as bait, except as stated in Section 5.31 of this order.

(9) To set a trap or snare on a beaver dam or lodge unless it meets at least one of the following provisions:

(a) The trap is totally submerged below the water.

(b) The trap is a duffer-type, egg-type, or similarly designed foothold trap which by construction will selectively capture raccoon. This trap may be set above the water.

(c) The trap is a body gripping or conibear type trap 5 inches or less in width as measured inside the jaw hinges. This trap may be set above the water.

(d) The trap is a body gripping or conibear type trap less than 8 inches above the ground at the highest point, and set in a way that does not use bait, lure, or attractant to entice an animal, and the trap is between 5 inches and 6 and one half inches as measured inside the jaw hinges. This trap may be set above the water.

(10) To set a body gripping or conibear type trap larger than 5 and one half inches in width as measured inside the jaw hinges on dry land or over frozen submerged bottomlands, unless the trap is placed as follows:

(a) On private land, except lands open to hunting by the general public under the provisions of Part 511, commercial forests, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120, and less than 7 and one half inches as measured inside the jaw hinges.

(b) On public or private lands 4 feet or more above dry ground or the frozen surface of ice, as applicable.

(c) On public lands and lands open to hunting by the general public under the provisions of Part 511, commercial forests, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120, and is:

(i) Less than 8 inches above the ground at the highest point, and in a way that does not use bait, lure, or attractant to entice an animal and the trap is between 5 and one half and 6 and one half inches as measured inside the jaw hinges.

(ii) In a box or similar container that is placed vertically on a tree or other structure so that the trap trigger is at least 4 inches from the container opening and the opening of the container is no more than 6 inches from the ground.

(iii) In a box or similar container with a maximum fixed opening of 6 inches measured from the inside bottom of the container opening to the lower edge of the top of the container opening with 8 inch slots to allow trap placement so that no part of the trap trigger is closer than 6 inches to the opening edge of the container and the trap is between 5 and one half inches and 7 and one half inches as measured inside the jaw hinges.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed foothold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless:

(a) Any catch is released or removed upon checking the catching device. Restraining type traps set in a manner to hold an animal alive shall be checked at least once daily in zones 2 and 3 and within a 48 hour period in zone 1, except as noted in Section 5.52 (8) or in (ii) below.

(b) Using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, for the taking of furbearing animals, in season, by a licensed trapper, or person permitted by the Department.

(i) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall release or kill an animal captured in a live-restraining cage trap immediately upon finding that animal in a trap.

(ii) A person using a live-restraining cage trap, other than a trap designed to catch more than 1 animal at 1 time, shall tend the trap daily statewide.

(13) To use, carry afield, or set a trap with teeth or serrations.

(14) Possess or use natural cervid urine-based lures or attractants not marked with the official archery trade association seal of participation stamp in an area frequented by furbearers.

4.1 Possession of animals; duty to retrieve game animals; exceptions.

Sec. 4.1 A person may possess any animal or parts of any animal, from this state, or from outside of this state, whether living or dead, only as provided by this section:

(1) Game lawfully taken, acquired, and transported may be possessed by any person.

(2) Live game taken from the wild shall not be possessed. Wounded game, reduced to possession, shall be immediately killed and included in the daily limit. A person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit.

(3) Dead game lawfully taken in another state, territory, or country, and lawfully imported into this state, may be possessed by any person.

(4) Game lawfully taken may be possessed afield, or in or upon a motorized vehicle, if the identification of species and sex is readily identifiable as provided by section 40109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40109. Waterfowl may be transported or possessed only in accordance with sections 3.403 to 3.406 of this order. For the purposes of identification under section 40109, the species and sex of a butchered or processed deer, bear, or elk shall be considered readily identifiable if the carcass or parts thereof are accompanied by the head of the animal with the validated tag or seal as required for the species by this order.

(5) Animals, dead or alive, and parts thereof may be possessed by educational institutions, public agencies, and public zoological gardens. A qualified person may obtain a permit from the department to possess a live animal for expressed purpose of ultimately returning the sick or injured animal to the wild.

(6) Except as otherwise provided in this subsection, live game or protected species, and any other animals which closely resemble game or protected species, and can reasonably be confused with game or protected species as determined by the department, which have been lawfully acquired from within this state, or lawfully imported, may be possessed if the person first applies for and has been issued 1 or more of the following licenses or permits specifically authorizing the species to be possessed by that person:

(a) A shooting preserve license.

(b) A permit to hold game in captivity.

(c) A federally recognized falconry permit.

(d) A federal raptor propagation permit, except that the possession of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection

act, 1994 PA 451. A person shall not possess any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose education permit or state scientific collector's permit.

(7) Nothing in this section shall be construed to prohibit the possession of a hawk, owl, or eagle, or parts thereof, by an American Indian for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

(8) A licensed taxidermist may possess lawfully acquired dead game and protected animals only under the following conditions:

(a) Game and protected animals must be tagged with a taxidermist specimen identification tag supplied by the department and the information requested on the tag must be completely and legibly recorded.

(b) A copy of the taxidermist specimen identification tag shall be maintained by the taxidermist on the premises for inspection by a conservation officer or a law enforcement officer for 1 year following disposal of any specimen.

(c) Receipt of any cervid carcass or parts thereof, other than 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 cap cleaned of all brain and muscle tissue, hides, and upper canine teeth originating from another state or province, ~~or from a core CWD area as defined in chapter XII of this order,~~ must be reported to the department, within the business hours of the next 72 hours of receipt unless at least one of the following conditions is met:

(i) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(ii) The hunter presents a portion of the department-issued CWD survey tag for that animal.

(d) A licensed taxidermist located outside of the core CWD area that receives a carcass or parts thereof, other than deboned meat, quarters or other parts of a cervid that do not have any part of the spinal column or head attached, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within the core CWD area, must be reported to the department, within 24 hours of receipt unless at least one of the following conditions is met:

(i) The carcass or parts thereof is affixed with a department-issued CWD survey tag.

(ii) The hunter presents a portion of the department-issued CWD survey tag for that animal.

(9) A person shall not possess the carcass or parts thereof, of a cervid originating from another state or province except for the following:

(a) 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 cap cleaned of all brain and muscle tissue, hides, and upper canine teeth.

(b) A finished taxidermist mount.

(c) Tissues imported for use by a diagnostic or research laboratory.

(10) A person may possess antlers that have been shed by a cervid. "Shed" means to cast off as part of a natural process.

(11) An individual is exempt from obtaining a permit or license under this section for captive sourced:

(a) Pheasants (*phasianus colchicus*) if there are 12 or fewer in number.

(b) Quail if there are 12 or fewer in number.

(c) Hungarian partridge if there are 12 or fewer in number.

4.2 Importation.

Sec. 4.2 A person may import any animal, whether living or dead, or parts of any animal, into this state only as provided in this section:

(1) Dead bear or wild turkey, and parts thereof, lawfully taken or purchased in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the bear or turkey is clearly and permanently tagged as to the state, territory, or country of origin. A person causing a dead animal or parts thereof to be imported shall maintain documentation of the lawful taking, purchase, and/or importation of the animal until the animal is consumed, or if prepared as a trophy, the documentation must remain with the trophy.

(2) Except as otherwise provided in this subsection, live game or protected animals, lawfully taken or acquired in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the person causing the game or protected animal to be imported complies with sections 5.2 and 5.5 of this order and has first applied for and been issued one or more of the following licenses or permits specifically authorizing possession of the species being imported:

(a) A shooting preserve license.

(b) A permit to hold game in captivity.

(c) A federally recognized falconry permit.

(d) A federal raptor propagation permit, except that the importation of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not import any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose possession education permit or state scientific collector's permit.

(3) A person shall not import the carcass or parts thereof, of a cervid into this state except as described in section 4.1 (9) of this order. The carcass or parts thereof must be clearly and permanently tagged as to the state, territory, or country of origin. Documentation must be maintained of the lawful taking, purchase, and/or importation of the animal until the animal is consumed, or if prepared as a trophy, the documentation must remain with the trophy.

(4) A person who is notified by mail or other means that a carcass or parts thereof, imported into Michigan tested positive for CWD, shall report such finding within ~~the business hours of the next~~ 72 hours to the Michigan department of natural resources, wildlife disease laboratory, and shall provide such information as may be requested by the laboratory.

(5) Nothing in this subsection shall be construed to prohibit an American Indian from importing a hawk, owl, or eagle for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

4.4 Commercial processing and storage; records required; maintenance and inspection; exceptions.

Sec. 4.4 (1) The owner, operator, or agent of any commercial processing operation, refrigeration plant, or frozen food locker plant, shall obtain a free permit from the department and maintain records of all wild animals accepted for processing or storage for 90 days following receipt of the animal. Such records shall include the name and address of the owner of the animal, the date accepted, and the number of the license or permit authorizing possession. These records shall be maintained on the premises and be available for inspection by a conservation officer or a law enforcement officer at any reasonable time.

(2) A commercial processing operation that receives a carcass or parts thereof, other than 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 cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a cervid which originated from another state or a province shall report such acquisition to the Michigan department of natural resources, wildlife disease laboratory, within ~~the business hours of the next~~ 72 hours.

(3) A commercial processing operation **located outside of the core CWD area** that receives a carcass or parts thereof, other than 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 cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, which originated within a core CWD area shall report such acquisition to the department within the business hours of the next 72 24 hours, unless at least one of the following conditions is met:

- (a) The carcass or parts thereof is affixed with a department-issued CWD survey tag.
- (b) The hunter presents a portion of the department-issued CWD survey tag for that deer.
- (c) A not detected test result for CWD is reported by the department for that deer.

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), except deer originating from within a core CWD area, killed by a motor vehicle collision may only be possessed pursuant to section 5.21 of this order.

(c) A deer originating from within a ~~Core CWD Area~~ core CWD area killed by a motor vehicle collision 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 of parts thereof, of the animal outside of the core CWD area 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 cap cleaned of all brain and muscle tissue, hides, upper canine teeth, or a finished taxidermist mount, unless the hunter has submitted** the head within the business hours of the next 72 24 hours of pick-up at a **designated drop off location** ~~department-designated check station~~ **within a core CWD area. The head must be surrendered to Materials requested by the department shall be surrendered to the department** for CWD testing, ~~along with any other material requested by the department,~~ and **must be** affixed with a department-issued CWD survey tag. **The hunter retains at least a portion of the**

department-issued CWD survey tag. ~~The individual may retain the antlers attached to a skull cap cleaned of all brain and muscle tissue from a head that is submitted to the department.~~

(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) 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) 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 or a peace officer for that bear.

(6) The permit issued for the salvage of a 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 bear killed by collision with a motor vehicle shall immediately produce the bear permit upon the demand of a conservation officer or peace officer.

(b) Immediately following the issuance of a bear permit, a person possessing 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, pursuant to subsection (4)(b) and (c), 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.

Sec. 5.74a Animals of special concern are as follows: (1) Deer of special concern, all wild free-ranging deer. Live wild deer shall not be possessed without a permit from the department, subject to the following:

(a) All wild deer, positively confirmed to be from Alcona, Alpena, Iosco, Montmorency, Oscoda, Otsego, and Presque Isle counties, ~~or positively confirmed to be from inside DMU 333 or DMU 419, as defined in chapter XII of this order,~~ shall not be possessed unless:

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

(ii) obtained by a permittee located inside **Alcona, Alpena, Iosco, Montmorency, Oscoda, Otsego, and Presque Isle counties** ~~DMU 333 or DMU 419~~ who humanely euthanizes the animal within 24 hours of receipt.

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

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

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

~~(b)~~ **(c) All wild deer fawns positively confirmed to be from inside a county with a confirmed case of CWD from outside DMU 333 or DMU 419 but within lands south of the limited firearms deer zone, as described in section 1.2 of this order, shall be possessed and released only if the capture and release point of the wild fawn is within a 10-mile radius of a licensed permittee.**

~~(i) not be moved to lands above the limited firearms deer zone or within DMU 333 or DMU 419.~~

~~(ii) be isolated in an enclosure in a manner to prevent physical contact with animals not originating from the same county and shall be released only in the county of origin. Each enclosure shall be tagged by the permittee with the county of origin and date of capture for each deer.~~

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

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

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

(e) All wild fawns positively confirmed to be from outside of a county with a confirmed case of CWD shall: lands north of the limited firearms deer zone, as defined in section 1.2 of this order, shall:

~~(i) not be moved to a county with a confirmed case of CWD. lands below the limited firearms deer zone or within DMU 333 or DMU 419.~~

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

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

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

(h) All wild deer shall be released by October 1 annually unless otherwise determined by the department.

(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.

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

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

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

~~(7) Subject to subsection (1), all wild deer shall be released by October 1 annually unless otherwise determined by the department.~~

~~(8)~~ (7) Subject to the provisions of this order, in the event a wild deer is humanely euthanized or dies as the result of disease symptoms consistent with chronic wasting disease, the carcass shall be sent or taken at the earliest possible time to the wildlife disease laboratory by direct arrangement with the wildlife disease laboratory or by arrangement with a local conservation officer or a law enforcement officer.

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

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

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

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

(4) The permittee shall keep records as may be required by the director and present them for inspection at the request of a conservation officer or other department representative.

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

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

(7) A person killing a deer shall immediately attach the tag to the deer. The permittee or authorized designee, upon killing a deer, shall notify the department within ~~24~~ **72** hours after having killed that deer.

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

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

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

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

9.1 Permitted acts; certain species.

Sec. 9.1 (1) English sparrows, feral pigeons, and starlings may be taken by hunting statewide, year around except within state park and recreation areas from April 1 to September 14. English sparrows and starlings may be taken without a permit when doing or about to do damage to property or committing or about to commit depredations. Opossum, weasels, ground squirrels, and red squirrels may be taken by hunting and trapping statewide, year around except within state park and recreation areas from April 1 to September 14.

(2) Mute swans and their eggs and nests may be taken by department personnel, and persons authorized by the department to control mute swans under one or more of the following situations:

(a) To stabilize or reduce mute swan population levels or to prevent new populations of feral mute swans from being established in this state.

(b) To prevent mute swans interference with the establishment, reestablishment, or reproductive success of native wildlife and with the establishment or reestablishment of native vegetation.

(c) To prevent mute swans interference with the establishment, reestablishment, or reproductive success of endangered or threatened species.

(d) To protect public health, safety, or welfare.

(3) Mute swans taken as provided in this section shall not be released back into the wild in this state.

(4) A bat may be taken whenever there is any reason to believe the bat was involved in a bat-human or bat-domestic animal exposure to rabies or other health hazard. Bats taken under this subsection shall not be held in captivity except for temporary holding of the animal at the request or recommendation of a physician or public health official for public health reasons. Bats held in captivity for public health reasons shall be humanely euthanized. Except for threatened or endangered species, or as otherwise provided by this order, bats may be taken:

(a) When creating a damage or nuisance problem on privately-owned property.

(b) Incidental to normal forest management activities occurring on public or private lands.

(c) Incidental to closure of an abandoned mine as a result of public safety concerns.

(d) Incidental to demolition of buildings or other structures.

(e) To test for a wildlife disease, as authorized by the department in writing.

(f) To humanely euthanize a bat that is not listed as threatened or endangered and is showing symptoms of a terminal disease, such as white-nose syndrome.

(5) Double-crested cormorants and their eggs may be taken only as follows:

(a) Double-crested cormorants may be harassed without a permit by nonlethal means to deter or prevent damage to private property or to public fishery resources using such devices as noise makers or scare devices and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals.

(b) Double-crested cormorants may be taken and their eggs destroyed or oiled by department employees and designated agents of department employees at times and by manners identified through a state breeding colony or local breeding population control action which has been submitted to the United States fish and wildlife service.

(6) Individuals of a cervidae species not native to Michigan, including, but not limited to sika deer, fallow deer, mule deer, and hybrids thereof, but excluding red deer, elk, and hybrids thereof, found in the state outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours that do not bear visible identification may be taken by hunting statewide, year around, except within state park and recreation areas from April 1 to September 14, if the animal is submitted for registration and disease testing in a manner specified by the department by the person killing the animal.

(7) Red deer, elk and hybrids thereof found in zone 3 outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours that do not bear visible identification may be taken by hunting year around, except within state park and recreation areas from April 1 to September 14, if the animal is submitted for registration and disease testing in a manner specified by the department by the person killing the animal.

(8) In addition to the provisions of subsections (6) and (7), the wildlife permit specialist may issue a permit authorizing a department employee or federal employee to kill a cervidae species not native to Michigan, including elk, red deer and hybrids thereof, in a specified part of the state during a specified time period, whether or not visibly marked, if all of the following conditions are met:

(a) The animal is documented by a department employee or federal employee to have been outside of the perimeter fence of a registered cervidae livestock operation for more than 48 hours.

(b) No report of release has been filed with the department matching the species of animal and visible identification, if any, on the animal for the locality in which the animal was found.

(c) The department is unable to determine ownership of the animal by the visible identification, if any, displayed on the animal.

(d) The animal is submitted for registration and disease testing in a manner specified by the department.

(9) An individual may take a sick or emaciated deer by an otherwise lawful hunting method if given written or verbal permission from a department representative. The individual shall notify the department within 24 hours after the animal is taken. Any animal taken under this section must be submitted for registration and disease testing in a manner specified by the department.

12.498 “Core CWD Area” defined.

Sec. 12.498 “Core CWD Area” means the following:

~~(1) All of Ionia, Kent, Mecosta, Montcalm, and Newaygo counties. Deer management unit 333 (Core CWD area) as defined in section 12.33a.~~

~~(2) Deer management unit 359 (Core CWD area) as defined in section 12.54b.~~

~~(3) Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county.~~

12.901 “CWD management zone” defined.

Sec. 12.901 “CWD management zone” means **all of Clinton, Eaton, Gratiot, Ingham, Ionia, Isabella, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Ottawa, and Shiawassee counties.** ~~the area defined in section 12.19b.~~

Issued on this 12th day of July 2018.

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

Vicki J. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director