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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

September 29, 2017

TO: Keith Creagh, Director

INFORMATION: Natural Resources Commission

SUBJECT: Chronic Wasting Disease Response Measures for Deer in Kent and Montcalm Counties

Authority:

Under the authority of Section 40108, 1994 PA 451, MCL 324.40108, the Director may issue an interim order "...when the Department determines that animals are at risk of being depleted..." The documentation of Chronic Wasting Disease (CWD) in a free-ranging deer puts the deer population at risk.

Discussion and Background:

The Department revised the *Michigan Surveillance and Response Plan for Chronic Wasting Disease of Free-Ranging and Privately-Owned Cervids*, herein referred to as the "CWD Plan," effective July 18, 2012. Immediately following, the Director and the Natural Resources Commission updated the Wildlife Conservation Order, where applicable, to comply with the plan.

On September 26, 2017, the Department received preliminary results that positively confirmed CWD in a free-ranging deer from Montcalm County. The positive confirmation initiated this interim order to begin the process of implementing the CWD Plan protocols and control measures.

One of the control measures is to establish a Core CWD Area within a 10-mile radius of the location around the documented case where the infected animal was located. The Core CWD Area will consist of Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm County and Oakfield and Spencer townships in Kent County.

The following measures shall be established:

- Effective January 2, 2018, the feeding and baiting of cervids, including deer and elk, within Kent and Montcalm counties is banned.
- Effective November 15, 2017, the heads of all hunter harvested deer originating from the Core CWD Area shall be presented within 72 hours of harvest to a Department deer check station established within 5 miles of the Core CWD Area. Materials requested by the Department shall be surrendered to the Department for CWD testing and the head must be affixed with a Department-issued CWD survey tag. The hunter retains at least a portion of the Department-issued CWD survey tag.

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- Effective November 15, 2017, any licensed taxidermist receiving a carcass or parts thereof from a deer originating within the Core CWD Area must report the acquisition to the Department disease laboratory within 72 hours unless a not detected test result for CWD has been reported by the Department for the deer.
- Effective November 15, 2107, any commercial processor receiving a carcass or parts thereof from a deer originating within the Core CWD Area must report the acquisition to the Department disease laboratory within 72 hours unless a not detected test result for CWD has been reported by the Department for that animal.
- Effective immediately, antler point restrictions will be eliminated in the Core CWD Area.
- Effective immediately, antlerless deer may be tagged using the deer or deer combination license during the late antlerless, firearm and muzzleloader seasons in the Core CWD Area.
- Effective immediately, individuals picking up roadkill must obtain a permit and submit heads to the Department within 72 hours of pick-up in the Core CWD Area.
- Effective immediately, Disease Control Permits will be provided to landowners in the Core CWD Area.

September 29, 2017

Recommendation:

We recommend that this Interim Order be issued.



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Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



Deb Begalle, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



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William O'Neill
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INTERIM ORDER OF THE DIRECTOR

Amendment No. 1 of 2017

Under the authority of section 40108, 1994 PA 451, MCL 324.40108, I HEREBY ORDER that effective October 4, 2017 and remaining effective until March 29, 2018, the following section of the Wildlife Conservation Order shall read as follows:

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.

(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) 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, Ingham, Ionia, Montmorency, Oscoda, and Shiawassee counties.

(a) Effective January 2, 2018, it shall be unlawful for a person to make use of bait to aid in the taking of a deer within Kent and Montcalm counties.

(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) 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, DMU 333, and DMU 419.

(a) Effective January 2, 2018, a person shall not engage in deer and elk feeding within Kent and Montcalm counties.

(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 (excluding the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county), shall present the head at a department designated check station within a core CWD area (excluding the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county), within 72 hours after killing the deer. The field validation kill tag must be attached to the deer. Materials requested by the department shall be surrendered to the department for CWD testing and the head must be affixed with a department-issued CWD survey tag. The hunter retains at least a portion of the department-issued CWD survey tag.

(2) Effective November 15, 2017, a person killing a deer within the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county, shall present the head at a department designated check station within 5 miles of the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county, within 72 hours after killing the deer. The field validation kill tag must be attached to the deer. Materials requested by the department shall be surrendered to the department for CWD testing and the head must be affixed with a department-issued CWD survey tag. The hunter retains at least a portion of the department-issued CWD survey tag.

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.

(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 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, Clinton, Eaton, Genesee, Grand Traverse, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Midland, Monroe, Montmorency, Oakland, Oscoda, 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 DMU 333, DMU 419, DMU 452, and DMU 487.

(7) The 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, Clinton, Eaton, Genesee, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mecosta, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, 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 DMU 333, DMU 419, DMU 452, DMU 487, and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county.

(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.
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 and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county.
Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season	Antlered deer or antlerless deer in deer management units 333, 487, and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county. Antler point restrictions apply for individuals not hunting in DMU 333 and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county.
Deer combination restricted license	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 and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county.

Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season	Antlerless deer in DMUs 333, 487 and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county. 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 and the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county.
Mentored youth deer license	Liberty hunt and independence hunt Bow and arrow only seasons, firearm deer season, muzzleloading and black-powder firearms only season, or liberty hunt	Antlerless or antlered deer. 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.

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 (excluding the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county), must be reported to the department within 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) Effective November 15, 2017, 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 the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county, must be reported to the department within 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.

(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.

4.4 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 72 hours.

(3) 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 deer, which originated within a core CWD area (excluding the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county), shall report such acquisition to the department within 72 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) Effective November 15, 2017, 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 deer, which originated within the core CWD area defined as Douglass, Eureka, Fairplain, Maple Valley, Montcalm, Pine, and Sidney townships in Montcalm county and Oakfield and Spencer townships in Kent county, shall report such acquisition to the department within 72 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 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 submits the head within 72 hours of pick-up at a department designated check station within a core CWD area. The head must be surrendered to the department for CWD testing, along with any other material requested by the department, and affixed with a 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.

12.498 "Core CWD Area" defined.

Sec. 12.498 "Core CWD Area" means the following:

(1) 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.

Issued at Lansing, Michigan, this 29th day of September, 2017.



Keith Creagh
Director