

Maintenance Memorandum

Date: August 12, 1993

Subject: **Disposal of Large Road Killed Animals**

Recently, there has arisen a question regarding the Department's disposal policy for large dead animals within the right-of-way. A letter written by Maurice Witteveen explaining the disposal procedures agreed upon by the Department and the Department of Natural Resources (DNR) is attached.

The animal can be left on the ground once moved away from the shoulder and traveled lanes, if all conditions from the DNR's Designated Exemptions for Road Killed Deer (option 1) are met. This is the Department's current recommended practice.

Burial of dead animals should be used as a last resort and only if no other option is available. If burial is the only choice, it should be done as soon as possible and generally within 24-hours. When calling Miss Dig, inform the operator the reason for the excavation and ask for an emergency staking. Miss Dig will generally respond the same day. Be sure to have the following information available when contacting Miss Dig:

1. County
2. Township
3. Route number or road name
4. Closest intersecting roadway

Herbert Linne, Engineer
Technical Coordination Section
(Signature on file)

Attachments

"Disposal of Large Road Killed Animals" January 18, 1989; 1 pg.

"DNR Designation of Exemption for Road Killed Deer" November 18, 1988; 2 pgs.

"DNR Procedures for Handling Road-Killed Deer Inquiries by Citizens" December 5, 1988; 1pg.

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Date: January 18, 1989

Subject: Disposal of Large Road Killed Animals

Recent meetings with the Department of Natural Resources, county road commissions, the Department of Public Health, legislators, Michigan Farm Bureau and sports groups has produced the attached DNR solid waste management exemption for road-killed deer including new disposal provisions. Also attached are agreed upon uniform procedures for handling road-killed deer inquiries, a listing of Michigan animal control centers, and a listing of dead animal rendering companies.

It is anticipated that our procedures for handling road-killed animals will not change a great deal except possibly as necessary in some areas to comply with the disposal provisions. A few animal control offices will pick up dead deer and, of course, this is the best solution to the problem and should always be explored first. However, it is anticipated that the majority of the road kill will be handled in accordance with the disposal provisions or by working with a rendering company. Each maintenance area needs to resolve the disposal problem in accordance with their situation - number of animals, ease of local disposal, location and cost of rendering, etc.

Referring to the attached sheet covering the procedures for handling inquiries, we do not anticipate that many highway supervisors will be authorized to give out permits for keeping deer (See note #5). If the situation exists where it is in everyone's best interest, the DNR will provide the highway supervisor with permit forms. Referring to note #2 on the same sheet, we generally will not be removing deer carcasses from private land but we also recognize that there may be exceptions when dealing with the elderly or in a special situation. Again, good judgment should be exercised.

The attachments provided with this memo were also distributed in the Department of Natural Resources from their director's office. It is assumed that the County Road Association is also making a distribution to their membership.

The representation at the meetings which led to these changes exemplify the interest in resolving the road-kill problem. Cooperation among the three major affected parties: MDOT, the county road commissions, and DNR is essential. Your efforts to make this work as smoothly as possible will be appreciated.

Maurice Witteveen
Engineer of Maintenance
(Signature on File)

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STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
DESIGNATION OF EXEMPTION FOR ROAD KILLED DEER

Section 8(2) of the Solid Waste Management Act, 1978 PA 641, as amended (hereinafter the "Solid Waste Management Act"), states that:

"The Director may exempt from regulation under this Act solid waste which is determined by the Director to be inert material for uses and in a manner approved by the Director".

R299.4301(3) further states that:

" The disposal of inert materials on land does not require a construction permit or operating license. However, the size and location of disposal sites intended to receive more than 1,000 cubic yards shall be recorded with the Solid Waste Control Agency. Additional materials not specifically included as inert in R299.4103(g) may be designated in writing by the Director as inert for disposal at specific sites."

Accordingly, the Director of the Department of Natural Resources hereby grants a designation of exemption from solid waste for road killed deer provided that the disposal is accomplished by one of the following:

1. The deer is placed on the surface of the ground and all of the following conditions are met:
 - a. The deer is placed in a remote area that is at least 1,000 feet from any neighboring resident or at a greater distance as necessary to prevent a nuisance odor condition that may cause an unreasonable interference with the comfortable enjoyment of life and property for neighboring residents.
 - b. The deer is not placed within 100 feet of another dead deer.
 - c. The owner of the land has authorized the placement of the deer.
 - d. The deer does not come into contact with surface or groundwater.

2. The deer is buried in an individual grave and all of the following conditions are met:
 - a. The deer is covered with four feet of soil within 24 hours of burial.

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- b. The deer does not come into contact with surface or groundwater.
 - c. The number of individual graves does not exceed 100 graves per acre.
 - d. The grave is located at least 200 feet from any groundwater well that is used to supply potable drinking water.
3. The deer is buried in a common grave and all of the following conditions are met:
- a. The number of deer in the common grave does not exceed 20.
 - b. Each individual deer is covered with one foot of soil within 24 hours of burial.
 - c. The common grave does not remain open for more than 30 days and receives at least four feet of soil as final cover.
 - d. The number of common graves does not exceed 5 graves per acre.
 - e. The deer does not come into contact with surface or groundwater or is disposed in a 100 year flood plain or wetland area as defined by the Solid Waste Management Act.
 - f. The common grave is located at least 200 feet from any groundwater well that is used to supply potable drinking water.
4. The deer is taken by the driver or owner of the vehicle involved in the highway accident or by some other person to whom a "highway killed deer permit" is issued by a representative of the Department or the investigating local police officer.
5. The deer is taken by a dead animal dealer who is licensed pursuant to the Bodies of Dead Animal Act, Public Act 239 of 1982.
6. The deer is disposed of in accordance with the Solid Waste Management Act at a properly licensed solid waste disposal facility or at an out of state facility in accordance with that state's solid waste disposal regulations.

The effective date of this designation is the date signed by the Director.

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
David F. Hales, Director
(Signature on File)

Dated: 11-18-88

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PROCEDURES FOR HANDLING ROAD-KILLED DEER INQUIRIES BY CITIZENS

It is understood that Department of Natural Resources (DNR), County Road Commission, and Department of Transportation office personnel, when answering complaints of dead deer found on private property adjacent to roadways, respond uniformly, in the following manner, by:

1. Not referring caller to another agency.
2. Advising caller that the public agency receiving the call does not remove deer carcasses from land under control of the property owner unless the agency itself volunteers to do it.
3. Advising the caller of the telephone number of dead animal rendering companies if any serve the area.
4. Advising the caller of the telephone number of the county animal control agency if the agency does pick up carcasses.
5. Advising the caller that they may keep the dead deer for consumption if they get the necessary permit from authorized highway supervision, law enforcement, or DNR officer.
6. Advising the caller they can bury the deer on their own land.

DNR
12/5/88