

## Chapter V

### Special Permit Regulations

#### **5.1 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed section pertained to the definition of an importation permit.

#### **5.2 Importation requirements.**

Sec. 5.2 (1) A person shall not import live game or protected animals into the state of Michigan without first obtaining an official interstate health certificate or official interstate certificate of veterinary inspection prepared and signed by an accredited veterinarian in the state of origin, except that a veterinarian's certificate of health for raptors lawfully taken from the wild in another state for falconry purposes may be obtained up to 10 days after importation. The certificate shall include all of the following:

(a) Complete names and addresses of the recipient and supplier, if applicable, and the destination address if different from the recipient's address.

(b) A description of the wild game or protected animals by species or breed, sex, and age.

(c) The date of veterinary inspection of the animals either individually or as a flock or herd.

(d) The intended use of the wild game or protected animal.

(e) The accredited veterinarian shall certify that the animals are free of contagious, infectious, and toxicological diseases.

(2) A person shall not import a live deer, moose, or elk into this state unless the requirements of section 30a of the animal industry act, Act No. 466 of the Public Acts of 1988, being section 287.731 of the Michigan Compiled Laws, are met.

(3) A person shall not import a pheasant, quail, grouse, or partridge into this state unless the pheasant, quail, grouse or partridge is certified free of pullorum by an accredited veterinarian in the state or country where the animals will be obtained.

(4) Except as otherwise provided by subsection (1), the veterinarian's certificate of health shall accompany the animals while in transit to their new home and be available for inspection by a conservation officer while in transit and for a minimum of 1 year at the location where the animals are being held.

(5) If a game or protected animal is imported without the required tests, the director may require the required tests be performed or the animals returned to the place of origin within 10 days at the owner's expense.

(6) A person shall not import live game or protected animals from a foreign country until that person has secured the necessary federal permit, or permits, from the United States fish and wildlife service.

(7) As provided by section 31 of the animal industry act, Act No. 466 of the Public Acts of 1988, being section 287.731 of the Michigan Compiled Laws, the importation of an animal not regulated by the department or the fish and wildlife service of the United States department of interior must be in compliance with the importation requirements of the Michigan department of agriculture.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 2, 1992, Eff. Jul 1, 1992; Am. 1, 1997, Eff. May 1, 1997.

#### **5.3 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed section pertained to the application for an importation permit.

#### **5.4 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed section pertained to the expiration of an importation permit.

### **5.5 Importation restrictions; unlawful acts.**

Sec. 5.5 (1) A person shall not import a live skunk, raccoon, wild rabbit, or wild hare into the state, except that the director is authorized to issue a permit for purposes of scientific research.

(2) A person shall not import live wild turkeys or wild turkey hybrids or their eggs into the state. This subsection shall not apply to authorized employees of the department working within the performance of their job.

(3) A person shall not import a live mute swan or the eggs of a mute swan into this state.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 3, 1993, Eff. Jun 15, 1993.

### **5.6 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed section pertained to the revocation of importation permits.

### **5.10 Highway killed deer and bear permit, issuance; prohibited acts.**

Sec. 5.10 (1) A deer or bear killed by collision with a motor vehicle, or so injured that it must be killed, may be possessed by a person only if that person has obtained a highway killed deer and bear permit. The highway killed deer and bear permit may be issued by a police or peace officer investigating the motor vehicle collision upon a form prescribed by the director according to the following rules:

(a) The driver of the damaged vehicle shall have first priority to the highway killed deer or bear.

(b) A highway killed deer and bear permit shall not be issued to possess a spotted fawn or cub bear.

(c) A person possessing a highway killed deer or bear shall immediately produce the highway killed deer and bear permit upon the demand of a conservation officer or peace officer. Within 24 hours following the issuance of a highway killed deer and bear permit, a person possessing a highway killed deer or bear carcass shall securely attach the permit to the carcass. The permit shall remain attached until the carcass is processed or butchered for consumption.

(2) A permit authorized under this section may be issued by a conservation officer to dispose of the carcass of a deer or bear which was otherwise accidentally or unlawfully taken, or unlawfully possessed.

History: Eff. Mar 31, 1989; Am. 15, 1989, Eff. Sep 1, 1989; Am. 3, 1996, Eff. Apr 11, 1996.

Publisher's note: See [Possession of Road-Killed Wild Animals](#) for a summary of the regulations.

### **5.20 Scientific collector's permit, definitions.**

Sec. 5.20 For the purpose of sections 5.21 to 5.23 of this order, "permit" means a scientific collector's permit.

History: Eff. Mar 31, 1989; Am. 1, 1996, Eff. Jan 11, 1996.

### **5.21 Scientific collector's permit, requirements.**

Sec. 5.21 (1) A person shall not collect, possess, transport, or dispose of an animal, or parts thereof, for scientific or educational purposes, without first securing a permit from the wildlife permit specialist.

(2) An application for a permit shall be made on a form supplied by the department and shall be subject to department approval.

(3) A permit shall expire on the third March 31 after the date of issue unless the permit specifies a period of shorter duration.

(4) Department employees, in the course of performing official job responsibilities, shall be exempt from the requirement of obtaining a permit.

(a) Animals considered to be a disease risk may be collected by department employees performing official job responsibilities.

(5) A permit to collect a migratory bird or its eggs is valid only if the permittee has also obtained and has in their possession a similar permit issued by the United States fish and wildlife service.

(6) A permit shall be issued only to a qualified person who will use the specimens obtained for bona fide scientific or educational purposes. An applicant for a permit must be affiliated with one of the following institutions:

(a) A public or private school, such as a college, university, high school, junior high school, middle school, or elementary school. The school must be recognized as a legitimate educational institution by the Michigan department of education. The primary listed applicant, or the advisor named on the application, must hold at least a bachelor's degree in the biological sciences or an educational field.

(b) A public agency, such as a federal, state, city, or county unit of government associated with a wildlife or scientific area of study or research.

(c) A non-profit educational organization, which has obtained an exemption from federal income tax under the provisions of section 501 (c) (3) of the internal revenue code. The educational organization must be associated with a wildlife or scientific area of study or research. The primary listed applicant, or the advisor named on the application, must hold at least a bachelor's degree in the biological sciences or an educational field. The applicant must provide written documentation to the department certifying that 501 (c) (3) status has been achieved.

(d) A scientific research organization, working in cooperation with a college or university, whose primary listed applicant holds a post graduate degree in a science-related field.

(e) A scientific research organization licensed by the United States department of agriculture.

(7) Applicants for a permit must submit a letter from an appropriate representative of the institution listed on the application. The letter shall include the applicant's and institutions permit qualifications, the need for the permit, and a description of the type of collection activity required. If the applicant requires more than the salvage of specimens found dead, the letter shall also include the species and number of specimens to be collected and the method of take. If live animals are to be held, the letter shall include the species and number of animals, the source of the animals, and the need for holding live animals.

(8) In addition to the requirements described in section 5.21 (7), applicants who are not directly affiliated with the institution listed on the application must include with their application a letter from an appropriate employee of the institution. The employee must be named as the applicant's advisor on the application. The institution must qualify for a permit. The letter must certify that:

(a) The institution requires the applicant to hold specimens for the institution off the premises of the institution.

(b) The institution has a need for the applicant to perform this activity.

(c) The applicant is qualified to perform this activity for the institution.

(d) The institution accepts responsibility for the safe keeping and welfare of all specimens held by the applicant.

(e) If applicable, the institution accepts responsibility for the educational content of programs presented by the applicant, utilizing specimens held by the applicant.

(9) Permits issued prior to January 1, 1993, which do not meet current issuance requirements, shall be renewed, provided the permittee and institution continues to be deemed qualified by the department.

(10) Institutions possessing animals under the authority of section 4.1 (5) of this order shall be exempt from the requirement of obtaining a permit. Persons possessing, transporting, or otherwise handling such animals off the premises of such institutions shall require a permit.

(11) A permit shall not be issued for the collection or handling of state- or federally-listed threatened or endangered species.

(12) Animals, or parts thereof, held under the authority of this permit shall not be sold.

(13) No private maintenance or disposition of any animal, or parts thereof, collected under the authority of this permit is allowed. This does not apply to the temporary holding of animals being prepared for permanent deposit into a collection.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 1, 1996, Eff. Jan 11, 1996; Am. 8, 1999, Eff. Sep 1, 1999; Am. 9, 2007, Eff. May 11, 2007.

## **5.22 Scientific collector's permit, reports.**

Sec. 5.22 (1) Prior to a permit being renewed, each permittee shall submit a completed renewal application form supplied by the department.

(2) Prior to a permit being renewed, each permittee shall submit a completed renewal report form supplied by the department. The renewal report shall provide an accurate summary of activities conducted under the previous permit.

History: Eff. Mar 31, 1989; Am. 1, 1996, Eff. Jan 11, 1996

## **5.23 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed section pertained to the revocation of scientific collector's permits.

## **5.30 Taxidermy permit, unlawful act.**

Sec. 5.30 It shall be unlawful for any person to solicit for any taxidermy business or conduct a taxidermy business by preparing, possessing, or mounting any skins or dead bodies of any birds or animals, or any part thereof, for a fee, without first obtaining a taxidermy permit.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990.

## **5.31 Taxidermy permit, rules.**

Sec. 5.31 (1) A taxidermy permit shall be valid for 3 years or through the third June 30 after issue, whichever comes first.

(2) A person issued a taxidermy permit shall keep a record, in addition to the specimen tag, of all animals and animal parts which are received or disposed. All records and plumage and skins in permittee's possession shall be available for inspection by the director, a designee of the director, or conservation officer. Records, other than the specimen tag, shall be retained on the premises for six years and include the following:

- (a) Name of specimen.
- (b) Name and address of the person from whom received.
- (c) Name and address of the person owning the specimen.
- (d) County, state, province, and country where taken.
- (e) Tag or seal number of game or protected animal.
- (f) Date animal and animal parts received and date disposed.
- (g) Name to whom product is delivered.

(3) A person issued a taxidermy permit shall only possess game, protected animals, or animal parts for the purpose of taxidermy at the location described in their taxidermy permit.

(4) For deer, elk, or moose, a person acting under the authority of a taxidermy permit shall:

(a) If live cervids are kept on the premises of the taxidermy business:

i. Not allow any live animal to come into contact with any taxidermy materials and any waste generated from taxidermy, through the use of exclusionary structures such as gates and doors.

ii. Employ personal protective clothing, such as but not limited to coveralls, boots and gloves, by visitors and workers in the area.

iii. Employ trash receptacles within the work site for disposable protective clothing.

iv. Employ cleaning facilities to ensure that materials taken from work site, including non-disposable personal protective equipment, are free of dirt, debris, and waste materials.

v. Dispose of all animal waste products in a manner that ensures disposal to a type II landfill.

vi. Not provide animal parts from deer, elk, or moose for use as bait for the purpose of attracting animals for hunting, trapping, or other recreational pursuits.

vii. Not provide animal parts from deer, elk, or moose for use as a food for other animals.

(b) If no live cervids are kept on the premises of the taxidermy business:

i. Dispose of all animal waste products in a manner that ensures disposal to a type II landfill.

ii. Not provide animal parts from deer, elk, or moose for use as bait for the purpose of attracting animals for hunting, trapping, or other recreational pursuits.

iii. Not provide animal parts from deer, elk, or moose for use as food for other animals, other than deboned meat.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 1, 2009, Eff. Apr 3, 2009.

### **5.32 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed section pertained to the suspension of taxidermy permits.

### **5.40 Deer damage shooting permit, definitions.**

Sec. 5.40 For the purposes of sections 5.41 to 5.43 of this order, the terms in this section shall have the meaning ascribed to them in this section.

(1) "Permit" means a deer damage shooting permit.

(2) "Permittee" means a person who has applied for and been issued a deer damage shooting permit by the department.

(3) "Authorized designee" means a person who has been designated, in writing, by a permittee to implement the provisions of a deer damage shooting permit. The department reserves the right to deny a person, including the permittee, the authority to personally implement the provisions of a permit if such authority would conflict with a court order, administrative rule, or law.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990.

### **5.41 Deer damage shooting permit; standards, conditions, records; unlawful acts.**

Sec. 5.41 (1) Deer damage shooting permits may be issued statewide to owners of specific lands with significant agricultural or horticultural crop damage documented by the department.

(2) A deer damage shooting permit shall not be valid:

(a) Except during the time period authorized by the permit.

(b) During the period of September 26 to January 1 unless approved by the wildlife management unit supervisor and district law enforcement supervisor.

(3) 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 wildlife biologist.

(4) The permittee or authorized designee shall make a reasonable effort to retrieve all deer killed under the authority of a permit.

(5) A person killing a deer shall immediately validate the deer damage permit tag as instructed on the tag and attach the tag to the gambrel or jaw of the deer. The postcard portion of the tag shall be mailed to the department by the person killing the deer within 24 hours after having killed that deer.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990; Am. 5, 1996 Eff. Sep 1, 1996; Am. 10, 2002, Eff. Jul 15, 2002.

#### **5.42 Deer damage shooting permit, prohibited acts.**

Sec. 5.42 (1) It shall be unlawful for a permittee to designate more than three authorized shooters to implement the provisions of the permit unless additional shooters are approved by the wildlife management unit supervisor and district law enforcement supervisor.

(2) It shall be unlawful for a permittee or an authorized designee to:

(a) Kill more than the number of deer authorized by the permit.

(b) Possess a deer killed under the authority of a permit without having a validated deer damage permit tag attached to the deer.

(c) Take or attempt to take a deer within the permit boundaries unless in possession of a valid unused deer damage permit tag. The tag shall be presented upon demand to a representative of the director.

(d) Use a firearm other than a centerfire rifle or shotgun with slugload.

(e) Subject to section 43510, subsections (2) and (3), of Part 435, as amended, hunting and fishing licensing, MCL 324.43510, possess an uncased or loaded firearm in the vehicles authorized by the permit.

(f) Kill a deer with antlers extending three inches or more above the skull unless approved by the wildlife management unit supervisor.

(g) Take or attempt to take a deer using an artificial light or from one-half hour after sunset to one-half hour before sunrise unless approved by the wildlife management unit supervisor and district law enforcement supervisor.

(h) Take or attempt to take a deer in any area except that location described on the permit.

(3) It shall be unlawful for any person to buy or sell any deer killed under the authority of a deer damage control permit.

(4) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take deer under the authority of a valid permit.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990; Am. 5, 1996, Eff. Sep 1, 1996; Am. 10, 2002, Eff. Jul 15, 2002; Am. 2, 2005, Eff. Mar 11, 2005.

#### **5.43 Deer damage shooting permit, reservation of rights.**

Sec. 5.43 Final disposition of animals killed under permit will be determined by the wildlife management unit supervisor or representative. In all cases, efforts should be made to assure the carcass will be used for human consumption to the fullest extent possible.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990; Am. 5, 1996, Eff. Sep 1, 1996; Am. 10, 2002, Eff. Jul 15, 2002.

#### **5.44 Deer damage shooting permit; revocation, suspension.**

Sec. 5.44 (1) Pursuant to section 40118 of part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.40118 of the Michigan Compiled Laws, a conviction for a violation of the provisions of sections 5.41 to 5.43 of this order shall result in the revocation of a permit.

(2) A modification, suspension, or revocation of a permit is subject to the provisions of section 40114 of part 401, wildlife conservation, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.40114 of the Michigan Compiled Laws.

(3) Failure to comply with these and other rules of the out-of-season deer damage control program will make the permittee ineligible to participate in the deer damage shooting permit program for a period of 1 year.

History: Eff. Mar 31, 1989; Am. 6, 1990, Eff. Jun 18, 1990; Am. 6, 1998, Eff. May 15, 1998.

### **5.50 Damage and nuisance animal control permit definitions.**

Sec. 5.50 For the purposes of sections 5.51 to 5.55 of this order, the terms in this section shall have the meaning ascribed to them in this section.

(1) "Permit" means any type of permit issued under the authority of sections 5.50 to 5.55 of this order for the control of damage or nuisance caused by wildlife.

(2) "Permittee" means a person who has applied for and been issued a permit.

(3) "Pesticide" shall have the same meaning as that ascribed by the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, as amended, Part 83 pesticide control, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws.

(4) "Restricted use pesticide" shall have the same meaning as that ascribed by the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, as amended, Part 83 pesticide control, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 3, 2008, Eff. Apr 11, 2008.

### **5.51 Damage and nuisance animal control permit, issuance.**

Sec. 5.51 (1) Except as provided by subsection (4), a damage and nuisance animal control permit shall be required by anyone to prevent or control, by shooting, trapping or otherwise, the depredations of animals at a time or in a manner not otherwise permitted by law or order. Except as provided in sections 5.52 and 5.53 of this order, a conservation officer or wildlife biologist shall make an investigation upon complaint of any person allegedly suffering damage caused by wild birds or wild mammals. At the time of such investigation, the complainant shall furnish the department investigator with a written statement, on forms provided for this purpose by the department, indicating the location, extent, kind, and approximate value of the property allegedly damaged, destroyed, or in danger of being damaged or destroyed, the kind and number of animals believed to be doing the damage and such other information as may be required.

(2) If, after investigation, it appears the circumstances warrant control of the animals involved, the investigator will, except for horticultural or agricultural damage caused by deer or requests to use restricted pesticides, issue a permit authorizing their control by shooting, trapping, or otherwise. If issued, permits for restricted use pesticides shall be issued by the wildlife permit specialist. If issued, permits to control deer at airports shall be issued by the district law supervisor.

(3) Permits shall be issued only to bona fide landowners or lessees, or their designated agents, and shall not be transferable.

(4) Except for animals protected by part 365, endangered species protection, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, nonlethal means of harassment to deter or prevent damage to private property, such as noise makers or scare devices; exclusion devices such as fences or screening; and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals shall not require a permit.

(5) All animals taken under the authority of a permit shall be reported to the department in the manner specified on the permit.

(6) All animals taken under the authority of a permit shall be properly cared for and disposed of as directed by the permit or this order.

(7) Effective February 1, 2000, live raccoons captured under a damage and nuisance animal control permit shall be possessed and released only as follows:

(a) Raccoons, if released, shall be released only in the same county where captured and if held in captivity shall be isolated in a manner to prevent physical contact with 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 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.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 2, 1996, Eff. Apr 1, 1996; Am. 1, 2000, Eff. Feb 1, 2000.

### **5.52 Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations, permit issuance; requirements.**

Sec. 5.52 The wildlife permit specialist may issue a permit to a reputable nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization for the purpose of taking certain animals causing damage to personal or real property. A person issued a permit under this section is subject to all of the following requirements:

(1) Permits shall expire on the third March 31 after the date of issue.

(2) Permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms. In other areas of the state, permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures from April 1 to September 30. Notwithstanding the other provision of this subsection, permittees may, upon verifying a complaint of damage or nuisance, effect control measures at any time of year within the curtilage of the complainant. For the purposes of this subsection, "curtilage" means the dwelling house, associated buildings, and associated yard used for domestic purposes. Control measures in areas and at times not otherwise provided by this subsection shall only be initiated on those complaints referred to the permittee by a wildlife biologist or conservation officer.

(3) Permittees shall be authorized to undertake control measures on the premises of the complainant for the control of bats that are not threatened or endangered and the control of coyote, fox, weasels, mink, raccoon, skunk, opossum, woodchuck, badger, muskrat, squirrels, ground squirrels, rabbits, English sparrows, feral pigeons, starlings, and crows. Permittees shall also be authorized to undertake control measures on the premises of the complainant on beaver on private lands in zone 3 during the closed season; however, beaver shall not be live trapped and relocated or translocated without authorization of the wildlife management unit supervisor. Control of damage by other wildlife shall be undertaken only as authorized by a wildlife biologist or conservation officer. Control of damage caused by protected migratory birds shall require a federal permit.

(4) To effect control measures, permittees may use foothold traps, body gripping or conibear type traps, live traps, firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws and colony or multiple-catch traps for species other than muskrat. Colony traps may be used for muskrat if used in compliance with subsection 3.600(5). To effect control measures, permittees may also use snares if one or more of the following conditions are met:

- (a) Year around for permitted species within the curtilage of the complainant.
- (b) Year around for permitted species upon the premises of the complainant if completely submerged in underwater sets.
- (c) Year around outside the curtilage upon the premises of the complainant in the Lower Peninsula for the control of fox and coyote if the snare meets the requirements of subsection 3.609(2), subdivisions (b) through (j).
- (5) Permittees may sell live nuisance feral pigeons live trapped during legitimate nuisance control operations.
- (6) A dead animal taken by means other than pesticides during the open season for that animal may be disposed in any manner provided by section 4.3 of this order if the person disposing of the animal is licensed to take the animal under part 435, hunting and fishing licensing, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994.
- (7) Non-profit nuisance animal control organizations shall comply with all rules and regulations for permittees. The permit shall be issued in the name of an official of the organization. The person to whom the non-profit nuisance animal control permit is issued shall not authorize any employee or volunteer of the organization to undertake control measures without providing the employee or volunteer a copy of the permit countersigned by that person. An employee or volunteer undertaking nuisance animal control measures shall produce a copy of the countersigned permit upon demand of a police or peace officer.
- (8) All live traps, foot-hold traps, and other catching devices which are designed and used in a manner to trap or capture animals alive shall be checked daily. All traps and catching devices used under the authority of a permit issued under this section shall be marked as provided by section 3.600, subsections (2) and (3), except that the trap or catching device shall be marked "permit no." followed by the permittee's permit number, and the business name, and business phone number of the permittee.
- (9) Captured animals shall not be released from or upon a public roadway or right of way. Captured animals shall not be released upon the lands of another person, whether private or public lands, without the consent of the landowner or land manager.
- (10) All animals, which the permittee is authorized to take, shall be taken and disposed of in a manner to ensure humane handling or killing. Captured animals shall not be held longer than 24 hours unless requested by a department representative, or by a physician or public health official for public health reasons. Captured animals shall not be euthanized except by methods recommended and approved by the department.
- (11) Any control measures undertaken by the permittee shall be considered a contractual agreement between the permittee and the complainant. The cost of control effected under the authority of a permit is the responsibility of the permittee.
- (12) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.
- History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 16, 1991, Eff. Jan 1, 1992; Am. 8, 1992, Eff. Aug 1, 1992; Am. 2, 1996, Eff. Apr 1, 1996; Am. 1, 2000, Eff. Feb 1, 2000; Am. 11, 2004, Eff. Jun 5, 2004; Am. 9, 2005, Eff. Jul 8, 2005.

### **5.53 Use of pesticides.**

Sec. 5.53 Nuisance animal control operators may be issued a permit to use pesticides and may use pesticides to control the depredations of wild animals only in accordance with the following:

- (1) As provided by Part 83, pesticide control, Act No. 451 of the Public Acts of 1994, as amended, permits authorizing the use of pesticides shall not be issued unless the applicant provides proof that either the applicant is currently licensed as a commercial pesticide applicator business in category 7a (general pest control) or category 7d (vertebrate pest control) or is in possession of a valid commercial pesticide applicator certification in category 7a (general pest control) or category 7d (vertebrate pest control) as provided by the natural resources and

environmental protection act, Act No. 451 of the Public Acts of 1994, as amended, Part 83 pesticide control, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws.

(2) Only pesticides registered with the United States environmental protection agency and the Michigan department of agriculture may be used, and then only in a manner and for the purposes for which registered and labeled.

(3) Pesticides may be used inside of buildings to control the depredations of those species designated in subsection 5.52(3).

(4) Pesticides other than restricted-use pesticides may be used outside of buildings and other structures to control the depredations of those species designated in subsection 5.52(3).

(5) Placement of restricted-use pesticides outside of buildings to control the depredations of those species designated in subsection 5.52(3) shall not be made except under a control permit issued for each project.

(a) Information which should be supplied with the request for a project control permit are: location, nature, and extent of damage, species committing the damage, and proposed control techniques. If a project control permit is issued, such permit shall specify: the person, the time, the toxicant and method which may be used, the method of disposing of dead animals, other conditions as may be appropriate, and that a report of the operation be submitted to the department on department provided forms at the conclusion of the permit.

(b) The placement of all bait-type pesticides outside of buildings shall be preceded by pre-baiting, and such pesticides shall not be left unattended. Prior to placement of contact-type pesticides outside of buildings, such period of surveillance shall be made as to ensure that minimal or no harm to protected species will occur, with periodic daily surveillance maintained during exposure. Contact poisons used in conjunction with bird perches for bird control shall not be used in grain elevators, feed mills, or other places where food or feed products may become contaminated from drippings.

(c) Failure of the permittee or an authorized designee to comply with the permit provisions will make the permittee ineligible to receive project control permits for a period of one year.

History: Eff. Mar 31, 1989; Am. 21, 1990, Eff. Dec 15, 1990; Am. 3, 2008, Eff. Apr 11, 2008.

#### **5.54 Damage and nuisance animal control permit; record keeping requirements.**

Sec. 5.54 A person issued a damage and nuisance animal control permit shall keep records of all nuisance animal control operations, documenting the complainant's name, address, date of service, service technician, species of nuisance animal, number of each species taken, county in which captured, disposition of all animals taken, and county of release. These records and any animals in the permittees possession shall be available for inspection by a conservation officer or other representative of the department at any reasonable time. Prior to the expiration of a permit, the permittee shall submit an accurate summary of permitted activities upon forms furnished by the department. Prior to a permit being renewed, the permittee shall also submit a completed renewal application.

History: Am. 21, 1990, Eff. Dec 15, 1990; Am. 2, 1996, Eff. Apr 1, 1996; Am. 1, 2000, Eff. Feb 1, 2000.

#### **5.55 Damage and nuisance animal control permit; revocation, suspension, denial.**

Sec. 5.55 (1) Pursuant to section 17 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.267 of the Michigan Compiled Laws, a conviction for a violation of the provisions of sections 5.50 to 5.54 of this order shall result in the revocation of a permit.

(2) The modification or suspension of a permit is subject to the provisions of section 14 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.264 of the Michigan Compiled Laws.

(3) A person ineligible to secure or possess a hunting, trapping or fur dealers license by state law, court order, or administrative ruling shall not be issued a permit during the period of ineligibility.

History: Am. 21, 1990, Eff. Dec 15, 1990.

#### **5.60 Ferrets, protection of property.**

Sec. 5.60 Under the provisions of section 1 of Act No. 277 of the Public Acts of 1927, as amended, being section 317.151 of the Michigan Compiled Laws, nurserymen and fruit growers may own and use ferrets in the protection of their property against rabbits.

History: Eff. Mar 31, 1989.

### **5.70 Rehabilitation permit, definitions.**

Sec. 5.70 For the purposes of sections 5.71 to 5.75 of this order, the terms in this sections shall have the meaning ascribed to them in this section.

(1) "Permit" means a rehabilitation permit.

(2) "Permittee" means a person who has applied for and been issued a rehabilitation permit.

(3) "Subpermittee" means a volunteer or individual employed by a permittee for the purpose of wild animal rehabilitation.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003.

### **5.71 Rehabilitation permit, prohibited acts.**

Sec. 5.71 (1) A person shall not possess a live animal in captivity for the purposes of rehabilitating the animal without first securing a permit from the wildlife rehabilitation permit coordinator or being listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator.

(2) A person listed as a subpermittee on a permit issued by the wildlife rehabilitation permit coordinator shall not possess a wild deer, elk, or moose.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 17, 2008, Eff. Jan 9, 2009.

### **5.72 Rehabilitation permit, application, issuance.**

Sec. 5.72 (1) An application for a permit shall be submitted on a form furnished by the department and presented to the wildlife rehabilitation permit coordinator. A permit shall be granted only if the applicant completes the application form according to instructions provided and documents all of the following:

(a) Training and experience in the care and handling of such animals. Training and experience in the care and handling of such animals shall be documented by 1 of the following:

(i) A letter or affidavit, signed by a licensed veterinarian, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(ii) A letter or affidavit, signed by a current permittee, indicating that the applicant has demonstrated, through paid or volunteer experience, adequate skills in handling injured and orphan animals.

(b) Adequate facilities as determined by the wildlife rehabilitation permit coordinator based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation." All facilities where animals are kept for longer than 48 hours shall be listed on the permit application and shall be subject to inspection prior to permit issuance and at any reasonable time thereafter by a conservation officer.

(c) A permit shall not be renewed unless the application is accompanied by a certificate of completion for a continuing education class in the rehabilitation of wild animals for a class and at a frequency that has been approved by the wildlife rehabilitation permit coordinator.

(d) In addition to the training and experience requirements of subsection (a), a person making application for a permit which is not a renewal, including application for a permit previously revoked, shall furnish with their permit application proof of having completed a wildlife rehabilitation basic skills class that has been approved by the wildlife rehabilitation permit coordinator.

(2) Authorization to rehabilitate wild animals shall not be exercised contrary to the laws and lawful ordinances of the appropriate local unit of government.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003; Am. 17, 2008, Eff. Jan 9, 2009.

### **5.73 Rehabilitation permit, expiration, revocation.**

Sec. 5.73 A permit shall be valid for 5 years, and shall expire on December 31 of the 5<sup>th</sup> year following issuance, unless revoked prior to that date. The department may revoke a permittee's license if the permittee or a subpermittee of that permittee fails to comply with the conditions and limitations as provided in this order.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003.

### **5.74 Rehabilitation permit, conditions, limitations; unlawful acts.**

Sec. 5.74 The following conditions and limitations shall apply to the possession of animals under the authority of a rehabilitation permit:

(1) Except for threatened or endangered species and animals of special concern, all animals which cannot be rehabilitated sufficiently to be released into the wild shall be disposed by one of the following ways:

(a) Donation to a public zoological park approved or accredited by the American zoo and aquarium association or a public sanctuary approved or accredited by the association of sanctuaries or the American sanctuary association.

(b) Donation to a research or educational institution that meets acceptance criteria for the issuance of a Michigan scientific collector's permit as provided by section 5.21 of this order.

(c) Humane and discreet euthanasia by methods recommended and approved by the American veterinary medical association. The carcasses of protected animals and game animals shall be turned over to the local conservation officer or disposed of as directed by the officer.

(2) All animals on the federal endangered or threatened species list shall be turned over to an agent of the United States fish and wildlife service.

(3) All animals not included on the federal threatened or endangered species list but included on the state endangered or threatened species list that shall come into possession of a permittee shall be reported during the same business day, or subsequent first business day if acquired on a holiday or weekend, to the endangered species specialist, wildlife division. Such animals shall be handled and disposed of only as provided by the endangered species specialist and shall only be possessed for rehabilitation purposes under the authority of an endangered species permit as provided by Part 365 of the natural resources environmental protection act, 1994 PA 451.

(4) All animals exhibiting an illness, disease, or symptom of special concern that shall come into possession of a permittee, and all animals that die of questionable illness or disease while in the possession of the permittee, shall be reported during the same business day, or subsequent first business day if the animal shall die or be acquired on a holiday or weekend, to a veterinarian or a pathologist at the department pathology laboratory. Such animals shall be possessed, handled, and disposed of only as provided by the veterinarian or pathologist. Illnesses, diseases, and symptoms of special concern shall be identified by a department veterinarian within the permit or by permit amendment.

(5) As soon as an animal is capable of fending for itself, it shall be released into the wild as directed by the permit and this order. Animals shall not be released upon the lands of another except with written permission of that property owner or the public land administrator

(6) Live or dead animals shall not be sold or bartered by a permittee in any manner. Live or dead animals shall not be transferred by a permittee except to another permittee with appropriate facilities or as stipulated by subsections (2), (3), and (4) above.

(7) All animals shall be kept under humane and sanitary conditions at all times based upon the national wildlife rehabilitators association and international wildlife rehabilitation council's current "minimum standards for wildlife rehabilitation."

(8) Captive animals shall not be allowed to come into physical contact with members of the general public, domestic animals including livestock, or animals held under the authority of a permit issued by the department to hold wildlife in captivity.

(9) Animals shall not be placed on public display.

(10) The permittee shall obtain a federal permit prior to obtaining or possessing migratory birds unless otherwise provided by the United States fish and wildlife service. When the limitations of a federal permit are more restrictive than the state permit, the federal limitations shall prevail.

(11) All premises and facilities covered by a permit shall be open to inspection by a conservation officer, department veterinarian, or by an agent of the United States fish and wildlife service at any reasonable time. An inspection may include the determination that an animal shall be released or be taken into possession by the department.

(12) The permittee shall maintain an up-to-date record of all animals in their possession on a form furnished by the department, except that federally protected birds may be recorded upon a form furnished by the United States fish and wildlife service. The record for each shall list the species, the county of origin, the condition of the animal, the name and address of the donor or other source, the method and date of disposition, the county of release, and the unique identification marking as noted on the permit. If the permittee is an organization that includes multiple facilities, each facility that keeps animals for 48 hours or longer shall maintain these records on the premises. The permittee shall submit all state and federal permittee and subpermittee records for the calendar year to the department's wildlife rehabilitation permit coordinator by January 31 of each year or within 15 days after termination of the permit. A copy of the records required by this section shall be maintained by the permittee for 2 years following the required date of submission.

(13) Animals of special concern shall be possessed, transported, and disposed of only as provided in this order.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 1, 2001, Eff. Mar 1, 2001; Am. 8, 2002, Eff. Jun 8, 2002; Am. 11, 2003, Eff. Jun 8, 2003; Am. 17, 2008, Eff. Jan 9, 2009.

### **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 may be possessed and released only as follows:

(a) All wild deer, positively confirmed to be from Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle counties, or positively confirmed to be from inside a CWD surveillance zone as defined in chapter 12 of this order, shall be sent or taken at the earliest possible time to the department pathology laboratory by direct arrangement with the pathology laboratory or by arrangement with a local conservation officer.

(b) All wild deer positively confirmed to be from outside a CWD surveillance zone but within counties containing a CWD surveillance zone or counties adjacent to a county containing a CWD surveillance zone as defined in chapter 12 of this order shall 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 and outside of any CWD surveillance zone. Each enclosure shall be tagged by the permittee with the county of origin and date of capture.

(c) All wild deer positively confirmed to originate from areas not defined in sections (1a) and (1b) above may not be released within the areas defined in sections (1a) and (1b).

(d) The permittee shall permanently mark all deer in possession with a clearly visible unique identification mark as required 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.

History: Am. 11, 2003, Eff. Jun 8, 2003; Am. Interim Order 3, 2008, Eff. Aug 29, 2008; Am. 17, 2008, Eff. Jan 9, 2009.

### **5.75 Rehabilitation permit, kinds of birds and mammals held under permit.**

Sec. 5.75 A single permit may allow the permittee to rehabilitate several different kinds of birds and mammals without the necessity of multiple permits.

History: Eff. Mar 31, 1989; Am. 11, 2003, Eff. Jun 8, 2003.

### **5.76 Disease control permit, definitions.**

Sec. 5.76 For the purposes of sections 5.77 to 5.79 of this order, the terms in this section shall have the meaning described to them in this section.

(1) "Permit" means a disease control permit.

(2) "Permittee" means a person who has been issued a disease control permit by the department.

(3) "Authorized designee" means a person who has been designated by a permittee to implement the provisions of a disease control permit. The authorized designee must be eligible under Michigan law to purchase a hunting license. The department reserves the right to deny a person, including the permittee, the authority to personally implement the provisions of a permit if such authority would conflict with a court order, administrative rule, or law.

(4) "Tag" means a deer damage permit tag provided by the department.

(5) "Disease" means:

(a) Bovine tuberculosis.

(b) Chronic wasting disease.

(c) Other disease in deer as determined by the director.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 5, 2003, Eff. May 10, 2003; Am. 16, 2007, Eff. Nov 9, 2007.

### **5.77 Disease control permit; standards, conditions, records; unlawful acts.**

Sec. 5.77 (1) Disease control permits may be issued to any owner of property in a county with a confirmed case of bovine tuberculosis or lands within 30 miles of a confirmed case of a disease.

(2) Landowners may apply for a permit by filing an application with the department. This application will include the names of desired authorized designees. This application, once signed by both the landowner and an authorized natural resources representative, shall become the permit. The number of tags issued will be determined by the department of natural resources representative.

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

(4) A disease control permit shall not be valid except during the time period for which it is authorized.

(5) 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 wildlife biologist.

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

(7) The permittee or authorized designee shall have a copy of the permit and a valid unused tag on their person when taking or attempting to take deer.

(8) A person killing a deer shall immediately affix the tag to the gambrel or jaw of the deer. The permittee or authorized designee, upon killing a deer, shall notify the department as instructed on the permit.

(9) All deer killed under a disease control permit shall be disposed of as specified by the permit. If required, deer heads shall be submitted to the department by the permittee.

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

(11) Permits shall be valid for deer of either sex as noted in the permit. If the taking of an antlered deer is allowed by the permit, all antlers shall be submitted to the department.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 2, 1999, Eff. Apr 1, 1999; Am. 5, 2003, Eff. May 10, 2003; Am. 16, 2007, Eff. Nov 9, 2007.

### **5.78 Disease control permit, prohibited acts.**

Sec. 5.78 (1) The permittee must designate no more than 3 authorized designees to implement the provisions of the permit unless additional designees are approved by the authorized department of natural resources representative.

(2) It shall be unlawful for a permittee or an authorized designee to:

(a) Kill more than the number of deer authorized by the permit.

(b) Possess a deer killed under the authority of a permit without having a valid tag attached to the deer.

(c) Take or attempt to take a deer within the permit boundaries unless in possession of a valid tag. The tag shall be presented upon demand to a representative of the director.

(d) Use a firearm other than a centerfire rifle or shotgun with slugload.

(e) Possess an uncased or loaded firearm in a vehicle.

(f) Take or attempt to take a deer using an artificial light or from 1/2 hour after sunset to 1/2 hour before sunrise unless approved by the wildlife management unit and district law enforcement supervisors.

(g) Take or attempt to take a deer in any area except that location described on the permit.

(h) Take or attempt to take a deer not authorized by the permit.

(i) Retain antlers from deer taken on the permit if antlered deer have been approved in the permit.

(3) It shall be unlawful for any person other than the permittee or an authorized designee to take or attempt to take deer under the authority of a valid permit.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 5, 2003, Eff. May 10, 2003; Am. 2, 2005, Eff. Mar 11, 2005; Am. 16, 2007, Eff. Nov 9, 2007.

### **5.79 Disease control permit; revocation, suspension.**

Sec. 5.79 (1) Pursuant to section 40118 of part 401, wildlife conservation, Act No. 451 of the Public Acts of 1994, as amended, being section 324.40118 of the Michigan Compiled Laws, a conviction for a violation of the provisions of sections 5.76 to 5.78 of this order shall result in the revocation of a permit.

(2) A modification, suspension, or revocation of a permit is subject to the provisions of section 40114 of part 401, wildlife conservation, Act No. 451 of the Public Acts of 1994, as amended, being section 324.40114 of the Michigan Compiled Laws.

(3) Failure of the permittee or an authorized designee to comply with the permit provisions will make the permittee ineligible to receive disease control permits, deer damage control permits, or deer management assistance permits for the following calendar year.

History: Am. 6, 1998, Eff. May 15, 1998; Am. 5, 2003, Eff. May 10, 2003; Am. 16, 2007, Eff. Nov 9, 2007.

### **5.80 Deer management assistance (DMA) hunting permits; definitions, criteria for issuance, validity of permits, application procedures, restrictions and requirements; unlawful acts.**

Sec. 5.80 (1) The terms in this section shall have the meaning described to them in this section.

(a) "Permit" means a deer management assistance (DMA) permit.

(b) "Permittee" means a person who has applied for and been authorized to purchase deer management assistance permits by the department.

(c) "Authorized designee" means one person who has been designated by the landowner and approved by the department, to act on behalf of the landowner to apply for and implement the provisions of deer management assistance permits. The department reserves the right to deny a person, including the permittee, the authority to personally implement the provisions of a permit if such authority would conflict with a court order, administrative rule, or law.

(2) Permits may be issued statewide to owners or authorized designee of land located in areas where current antlerless harvest methods are insufficient to achieve department deer management objectives or where one of the following conditions exist:

(a) The department has documented that the property owner has significant agricultural or horticultural crop damage caused by deer.

(b) The department has documented that a serious disease outbreak is a threat to the deer herd, livestock, or human health.

(c) The department has documented a significant safety hazard from deer.

(d) Current antlerless regulations are insufficient to achieve landowner deer management objectives.

(3) DMA permits are valid only during an open season for the taking of deer as established by this order and only upon the land for which issued and adjacent private property with permission of the landowner.

(4) DMA permits are valid only for the taking of an antlerless deer. A person less than 12 years of age shall not hunt deer with a firearm. A person hunting under the authority of a DMA permit shall carry the unused permit and shall exhibit the unused permit upon the request of a law enforcement officer.

(5) A person, or authorized designee, owning land within a qualifying area as determined by the department, may apply for DMA permits by filing an agreement with the wildlife management unit supervisor. This agreement will include an estimate of desired antlerless harvest and numbers of hunters needed to meet the desired harvest

objective. This agreement, once approved, shall be signed by both the permittee and wildlife management unit supervisor. The number of DMA permits will be determined by the wildlife management unit supervisor. A minimum of 5 DMA permits shall be issued per permittee. Failure to comply with these and other rules will make the permittee ineligible to participate in the DMA permit program for a period of 1 year.

(6) The permittee shall not purchase more DMA permits than approved by the department.

(7) These DMA permits shall be subsequently issued by the permittee. The permittee shall issue the DMA permits only to a person who purchased a bow and arrow deer, firearm deer, combination deer, or antlerless deer hunting license for the current hunting seasons. A person shall not accept, carry afield, use or attempt to use a DMA permit unless they had purchased a bow and arrow deer, firearm deer, combination deer, or antlerless deer license for the current hunting seasons. A permittee shall not sell a DMA permit. Permittees shall inform hunters about rules pertaining to the use of DMA permits.

(8) Once issued by the permittee, a person issued a DMA permit shall not sell, lend, or allow another person to use or attempt to use the person's DMA permit. Unused permits may be reissued to hunters only by the permittee.

(9) The provisions of section 3.103 shall apply to a permit and kill tag issued under this section. In addition, unless otherwise provided in this section, a person issued a DMA permit shall comply with all rules and regulations for the taking of deer for the season in which they are hunting.

(10) Permittees shall report by January 15 to the wildlife management unit supervisor the name and address of all hunters and the number of deer harvested under the authority of DMA permits.

(11) Deer taken under the authority of a DMA permit shall not be included in the season limit as defined in section 3.101(8) of this order. The daily limit and season limit shall be 1 deer per DMA permit.

History: Am. 15, 1998, Eff. Sep 10, 1998; Am. 6, 2001, Eff. Jun 1, 2001; Am. 10, 2002, Eff. Jul 15, 2002; Am. 8, 2003, Eff. Jun 7, 2003; Am. 18, 2005, Eff. Sep 9, 2005; Am. 16, 2006, Eff. Aug 11, 2006.

### **5.81 Managed deer hunting (MDH) permits; criteria for issuance, validity of permits, restrictions and requirements; unlawful acts.**

Sec. 5.81 (1) The sale of managed deer hunting (MDH) permits may be authorized by the wildlife division chief for public lands requiring an access permit and open to deer hunting by lottery. Individuals wishing to participate in a managed deer hunt must apply for a MDH permit through a lottery system in accordance with instructions provided by the land manager. A successful applicant in the lottery may purchase a MDH permit.

(2) MDH permits are valid only during the dates specified and upon those public lands specified on the permit. MDH permits are valid only for the taking of an antlerless deer.

(3) It shall be unlawful for a person issued a MDH permit to take or attempt to take an antlered deer during the open season upon these public lands specified on the permit. A person less than 14 years of age shall not hunt deer with a firearm. A person hunting under the authority of a MDH permit shall carry the unused permit and shall exhibit the unused permit upon the request of a law enforcement officer.

(4) A MDH permit shall be authorized only to a person who purchased a bow and arrow deer, firearm deer, combination deer, or antlerless deer hunting license for the current hunting seasons. A person shall not acquire, carry afield, use or attempt to use a MDH permit unless they had purchased a bow and arrow deer, firearm deer, combination deer, or antlerless deer license for the current hunting seasons. Managers shall inform hunters about rules pertaining to the use of MDH permits.

(5) A person authorized to purchase a MDH permit shall not sell, lend, or allow another person to use or attempt to use the person's MDH permit.

(6) The provisions of section 3.103 shall apply to a permit and kill tag authorized under this section. In addition, unless otherwise provided in this section, a person authorized to purchase a MDH permit shall comply with all rules and regulations for the taking of deer for the season in which they are hunting.

(7) Deer taken under the authority of a MDH permit shall not be included in the season limit as defined in section 3.101(8) of this order. The daily limit and season limit shall be 1 deer per MDH permit.

History: Am. 12, 2004, Eff. Jun 5, 2004; Am. 17, 2006, Eff. Oct 6, 2006.

**5.85 and 5.90 to 5.94 Repealed. Am. 14, 1990, Eff. Aug 1, 1990.**

Publisher's note: The repealed sections pertained to special permits.

**5.81 to 5.84 and 5.86 to 5.89 Repealed. Am. 22, 1989, Eff. Jan 1, 1990.**

Publisher's note: The repealed sections pertained to possession permits.

**5.95 Permit to take game with a crossbow.**

Sec. 5.95 (1) The department may issue a permit to a person who is certified as being permanently disabled by a licensed physician or physical/occupational therapist as provided in this section. That permit shall be issued without cost to the applicant and shall authorize that person to take game with a crossbow during the open season for that game if that person holds a license to take that game issued pursuant to part 435 and complies with all other laws and rules for the taking of game.

(2) An applicant for a permit under this section shall submit to the department a signed certification from a licensed physician or physical/occupational therapist indicating the disability determined to be present in the permit applicant. The licensed physician or physical/occupational therapist may certify that the applicant is permanently disabled as required by this section if the licensed physician or physical/occupational therapist finds that the permit applicant has a disability that renders them unable to use conventional archery equipment. In support of such a determination, the licensed physician or physical/occupational therapist shall utilize the following standards and criteria:

(a) A functional draw test to simulate the drawback posture and/or position with a weight equivalent to 35 pounds of resistance for a 4-second duration.

(b) Manual muscle testing: Shoulder flexion, shoulder extension, shoulder abduction (horizontal plane) elbow flexion and elbow extension are graded equal to or less than 3 of 5 using a standard manual muscle grading scale or an equivalent test.

(c) Impaired range of motion: Goniometric measurements using the "American medical association guide to evaluation and permanent impairment rating," or other guidelines accepted by the American medical association or an equivalent test. If shoulder flexion is equal to or less than 90 degrees or shoulder extension is equal to or less than 10 degrees or shoulder abduction is equal to or less than 70 degrees or elbow flexion is equal to or less than 90 degrees or elbow extension is equal to or less than negative 20 degrees, the permit may be granted.

(d) Amputations involving body extremities required for stable function to use conventional archery equipment do not require objective test findings. However, the applicant is required to present a physician's certification to be qualified for a permit.

(e) Any spinal cord injury resulting in permanent disability to the lower extremities, leaving the applicant permanently non-ambulatory or other disability resulting in a permanent wheelchair (mobility device) restriction, as diagnosed by a physician, do not require objective test findings.

(f) Coordination assessment. Coordination is the ability to execute smooth, accurate, controlled movement.

Incoordination or coordination deficit describes abnormal motor function characterized by awkward, extraneous, uneven, or inaccurate movements, caused by central nervous disorders, including, but not limited to, Parkinson's disease, cerebral palsy, hemiplegia, hemiparesis, and closed head trauma, or by progressive neuromuscular diseases, such as muscular dystrophy, multiple sclerosis, and amyotrophic lateral sclerosis. Purpose: to assess the ability of muscles or groups of muscles to work together to perform a task.

(3) Any other permanent disability that renders the applicant unable to use conventional archery equipment as diagnosed by a licensed physician shall be sufficient grounds for granting the permit. The licensed physician must

note in general terms how the disability prevents the applicant from using conventional archery equipment other than a crossbow.

(4) A person shall not seek diagnosis from a licensed physician or physical/occupational therapist for purposes of meeting the requirements of this section on more than 2 occasions within a 6-month period.

(5) Crossbow permits issued pursuant to this section are valid unless revoked pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(6) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow under a permit issued under this section or as provided in section 2.1 are required to have a broadhead hunting type of point not less than 7/8 of an inch wide and must be a minimum of 14 inches in length.

History: Am. 10, 2001, Eff. Jul 1, 2001; Am. 10, 2007k, Eff. May 11, 2007; Am. 14, 2008, Eff. Aug 15, 2008.

### **5.100 Repealed. Am. 13, 1991, Eff. Sep 1, 1991.**

Publisher's note: The repealed section pertained to nuisance bear trapping permit, issuance, and restrictions.

### **5.110 Special permits; fees; disposition.**

Sec. 5.110 The following fees are established for permits issued by the director:

(1) Effective June 1, 2009, a fee of \$100.00 shall be collected for each taxidermy permit issued. Taxidermy specimen identification tags shall be \$10 per fifty.

(2) A fee equivalent to the fee charged for a resident antlerless deer hunting license shall be collected for each managed deer hunting permit and each deer management assistance permit purchased by a permittee.

(3) All moneys received from the sale of permits and licenses as provided in this section shall be turned over to the state treasurer and credited to the game and fish protection fund.

(4) No fee shall be collected for any of the following permits:

(a) Highway killed deer/bear permit.

(b) Deer damage shooting permit.

(c) Damage and nuisance animal control permit, including disease control and disease control replacement permits.

(d) Rehabilitation permit.

(e) Permit to take game with a crossbow.

History: Eff. Mar 31, 1989; Am. 14, 1990, Eff. Aug 1, 1990; Am. 15, 1998, Eff. Sep 10, 1998; Am. 4, 2001, Eff. Jun 1, 2001; Am. 12, 2004, Eff. Jun 5, 2004; Am. 12, 2005, Eff. Jul 8, 2005; Am. 1, 2009, Eff. Apr 3, 2009.

### **5.120 Responsibility, liability, costs, damage; state held harmless.**

Sec. 5.120 For any permit issued under this chapter, the permittee shall assume all responsibility, costs, damages, or expenses arising out of the death or injury of any person or damage to property caused or occasioned by any activity authorized by a permit, and shall protect and defend the state of Michigan and any of its authorized agents, against all claims or demands whatsoever, and shall hold the state of Michigan harmless from any loss or damage resulting therefrom.

History: Eff. Mar 31, 1989.

### **5.220 Disease control replacement permit, definitions.**

Sec. 5.220 For the purposes of section 5.221 of this order, the terms in this section shall have the meaning described to them in this section.

- (1) "Permit" means a disease control replacement permit.
- (2) "Permittee" means a person issued a disease control replacement permit by the department.
- (3) "Tag" means the replacement kill tag provided by the department.  
History: Am. 12, 2005, Eff. Jul 8, 2005.

**5.221 Disease control replacement permit; standards, conditions, records; unlawful acts.**

Sec. 5.221 (1) A disease control replacement permit may be issued to a person who voluntarily surrenders the carcass of a legally harvested deer or elk if the deer or elk has one or more of the following conditions:

- (a) Visible lesions department field staff suspect to be bovine tuberculosis (TB).
  - (b) A positive acid fast test for bovine TB.
  - (c) A positive Elisa test for chronic wasting disease (CWD).
  - (d) With visible physical conditions, department field staff suspect to be consistent with CWD for a deer taken within the CWD surveillance zone, defined in section 12.900.
- (2) A person may retain the antlers or antlers attached to a skull cap cleaned of all brain and muscle tissue from a surrendered animal.
- (3) Department personnel shall record on the permit with indelible ink, the species, and management unit where the permit is valid.
- (4) The permit shall be issued with a kill tag. A person killing an elk shall comply with the requirements of subsections 3.6(2) to 3.6(5). A person killing a deer shall comply with the requirements of section 3.103.
- (5) The permittee shall have the permit on their person when taking or attempting to take game. The permit shall be presented upon the demand of a law enforcement officer.
- (6) A disease control replacement permit shall not be valid:
- (a) Except during the established hunting seasons for the species listed on the permit.
  - (b) To take a deer with antlers extending 3 inches or more above the skull.
  - (c) To take an elk with antlers.
  - (d) Except in the management unit designated on the tag.
  - (e) If the recorded information on the tag is altered.
- (7) It shall be unlawful for any person to buy or sell any animal killed under the authority of a permit.
- (8) It shall be unlawful for any person other than the permittee to take or attempt to take game under the authority of a permit.
- (9) A deer or elk taken under the authority of a permit shall not count towards the bag or season limit.  
History: Am. 12, 2005, Eff. Jul 8, 2005; Am. Interim Order 4, 2008, Eff. Sep 3, 2008; Am. 18, 2008, Eff. Oct 10, 2008.