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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: May 3, 2021
RESUBMITTED: May 17, 2021



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Deer Regulations
Wildlife Conservation Order Amendment No. 5 of 2021

Authority:

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

Discussion and Background:

In July 2020, the Natural Resources Commission (NRC) approved deer regulations for the 2020 deer hunting season as part of the first package of deer regulations for the 2020-2022 deer regulations cycle. The first package of regulations focused on providing additional opportunities and cost savings for hunters and offered flexibility in how hunters pursue deer. In February 2021, the NRC approved a second package of deer regulations for the 2021-2022 deer hunting seasons, which focused on simplifying, and reducing confusing regulations, and removing barriers to participation in deer hunting.

In preparation for the third package of deer regulations for the 2021-2022 deer hunting seasons, the Department will be bringing forward two separate Wildlife Conservation Order amendments. The first amendment, as explained in this memorandum, focuses on clarifying complicated regulations and proposes technical and administrative changes. The second amendment, which will be proposed in November for implementation for the 2022 deer hunting season, will focus on improved technological advancements that will support the timeliness of hunter-reported harvest data.

Muzzleloaders on Public Lands in Zone 3 During the Late Antlerless Season

In July 2020, the Department brought forward a recommendation that was approved to shorten the muzzleloader season (public and private land) in the southern Lower Peninsula from 17 days to 10 days and begin the late antlerless firearm season (private land and antlerless only) the Monday after the muzzleloader season concludes. This regulation aligned the muzzleloader season statewide and expanded the late antlerless firearm season. Antlerless harvest is an important aspect of deer management that needs greater focus moving into the future, especially with the continued loss of hunters projected over the next several years. However, due to the loss of 7 days for muzzleloader hunters to pursue antlered deer on public lands, the NRC approved an amendment to allow the use of muzzleloaders on public lands in zone 3 during the late antlerless season to take any deer with a valid tag.

During the 2020 deer season, the Department received feedback from hunters and staff that the use of muzzleloaders on public lands in zone 3 during the late antlerless firearm season to take any deer with a valid tag was complicated and confusing. Not only was it confusing to hunters, but it was also complicated to enforce, and difficult for Department staff to explain because it allows for antlered harvest during an antlerless only season on public lands during a private land only hunt. In addition, it allows only muzzleloading weapons during a firearms hunt, and it impacts a specific area of the state. Harvest data regarding the impact of this regulation change is not available at the time of writing this order. The recommendations for the 2020-2022 deer regulations cycle are intended to promote simplification and reduce confusion.

The Department reviewed the use of muzzleloaders on public lands in zone 3 during the late antlerless season to take any deer with a valid tag and is proposing to remove the regulation. This will align muzzleloader season dates statewide.

Issues Pros and Cons

There are many opportunities for muzzleloader hunters to hunt on public lands in zone 3. Muzzleloaders may be utilized during the 16-day November firearm deer season in addition to the 10-day defined muzzleloader season which also allows other legal firearms. By the end of the muzzleloader season, muzzleloader hunters have had 26 days to participate on public land, and Michigan has other late season offerings for other species on public land.

The existing regulation is extremely confusing to hunters and difficult for Department staff to communicate. In addition, it allows for antlered deer to be taken during an antlerless deer only season on public land during a private land only hunt, which creates a layer of complication for Law Enforcement officers.

Biological

The late antlerless firearm season is intended to provide additional antlerless harvest opportunities on private lands to better align the management goals of a balanced harvest between antlered and antlerless deer, maintain or lower deer population levels, address occurrence of deer damage, and support disease management. In addition, it takes some of the hunting pressure off public lands. Allowing muzzleloaders on public lands during the late antlerless season with the ability to harvest an antlered deer distracts from the Department's deer management objectives to focus additional efforts on private land antlerless deer during that season.

Social

In zone 3, there is a pheasant season (with the pheasant hunting initiative on public land), rabbit, squirrel, grouse, and waterfowl. With only five percent of land in zone 3 being publicly owned, this may lead to potential conflicts among users.

Economic

The Department does not expect an economic impact.

Open the Entire County of Muskegon to Firearm Use During the Muzzleloader Season

Current regulations allow for the use of firearms during the muzzleloader season in zone 3, including the full counties in which the zone 3 line runs through. It was brought to the Department's attention that Muskegon county was not included even though the zone 3 line runs through the county. The Department recommends a technical correction to add Muskegon County to section 3.101(3)(a) of the Wildlife Conservation Order.

Possession or Use of Natural Cervid Urine-Based Lures and Attractants

In 2018, regulations were put in place that restricted the possession or use of natural cervid urine-based lures or attractants not marked with the official Archery Trade Association (ATA) Seal of Participation to reduce the risk of spread or introduction of CWD to a new area. The ATA developed a Deer Protection Program (DPP), which ensured that ATA-member scent manufacturers, and their product suppliers do everything possible to prevent the spread of CWD in wild deer, elk, and moose herds in the United States. However, as of April 1, 2021, the administration of the DPP transitioned from ATA management to Responsible Hunting Scent Association (RHSA) management. A change to the Wildlife Conservation Order is needed because natural cervid-based lures or attractants will no longer have the official ATA Seal of Participation and instead will have a new "DPP Checkmark" logo.

Due to this change in management, the Department has taken the opportunity to review and discuss the Association of Fish and Wildlife Agencies (AFWA) Best Management Practices (BMPs) for prevention, surveillance, and management of CWD as it relates to products of cervid origin. After further review, the Department recommends prohibiting the possession or use of lures or attractants comprised of natural cervid-based urine or other bodily fluids originating from deer while hunting. This does not include the possession or use of synthetic scent products.

The Department and the NRC have enacted regulations to proactively reduce the risk of CWD transmission and spread into new areas of Michigan. This recommendation to strengthen the regulations will help protect the long-term health of Michigan's deer herd and will protect the wild free-ranging deer hunting heritage for current and future generations.

Issues Pros and Cons

Despite federal, state, and local regulations and other measures intended to prevent the spread or reduce CWD prevalence, the disease continues to be identified in captive cervid facilities certified as "low risk" through the United States Department of Agriculture (USDA) Herd Certification Program and the CFIA (Canadian Food Inspection Agency) Voluntary Herd Certification Programs (participating in a federally-approved CWD program was a measure of the ATA program). According to the USDA data reports, there were 22 new CWD-positive captive cervid facilities identified in FY2020; 41 percent of those were either enrolled or certified in the federal HCP program. There are a variety of unregulated processes used to collect urine, and they often result in the accumulation of a mixture of secretions, therefore providing concurrent contaminated risks. In addition, urine products are frequently batched/combined from multiple locations and distributed across the country, which increases the likelihood of CWD-infected urine entering the market. There are currently no standard regulations to ensure that urine collected for lures and attractants are disease-free.

According to the AFWA BMPs, a comprehensive ban on the possession or use of natural cervid-based urine products is the simplest and easiest regulation for hunters to understand and agencies to enforce, however the restriction will likely be opposed by captive cervid operations and producers. In addition, many hunters utilize scent lures or attractants as a hunting tool

where it is legal and may oppose the rule change, however fully synthetic scent products are an effective alternative.

Other States

Multiple states and provinces have already implemented bans on natural cervid-based urine products, including Alaska, Arkansas, Arizona, New Mexico, Vermont, Virginia, Manitoba, Nova Scotia, Ontario, and Yukon Territory. In addition, the Northeast Association of Fish and Wildlife Agencies passed a resolution strongly encouraging all state and provincial fish and wildlife agencies to work diligently to ban the use of natural cervid-based urine products.

Biological

Nationally, CWD continues to be found in captive cervid facilities. From the years 2012 to 2021, there have been 66 privately owned cervid facilities nationally where CWD has been identified. Of those 66 facilities, 39 were enrolled in the HCP, and 32 of those facilities were HCP-certified (meaning there had been at least five years of disease monitoring and no rule violations) indicating low risk for CWD. This national USDA CWD HCP is not mandatory, and more importantly, recent CWD events show that it does not and cannot guarantee that captive deer herds are CWD free. To date, CWD has been found in more than 140 captive deer herds in 16 states and two Canadian provinces.

Social

Deer urine is used by hunters and sportspersons as an attractant and cover scent, which most commercially made products originating from POC facilities. This market is unregulated and strengthening the restriction on natural cervid-based urine products will continue to reduce the risk of spread or introduction of CWD to a new area.

Implementing a ban on the possession or use of natural cervid-based urine products will affect this aspect of the captive cervid industry.

Economic

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

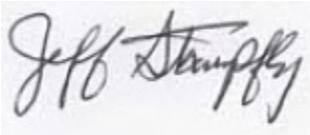
Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on May 13, 2021, at the Natural Resources Commission meeting. This item appeared on the Department's May calendar and may be eligible for approval on June 10, 2021.



Jared Duquette, Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



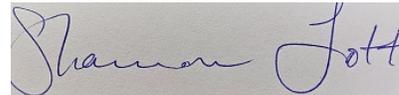
Jeff Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



Shannon Lott
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



Daniel Eichinger, Director

Date: May 17, 2021

WILDLIFE CONSERVATION ORDER

Amendment No. 5 of 2021

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective June 11, 2021, the following section(s) of the Wildlife Conservation Order shall read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) Possess or use lures or attractants in an area frequented by game that contain or claim to contain cervid urine or other bodily fluids originating from cervids, except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.

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, zone 2, and zone 3 shall be a total of 10 days from the first Friday in December to nine days thereafter.

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

(a) Subject to section 43510(2) and (3), 1994 PA 451 MCL 324.43510, except as provided in subsection (5), an individual hunting deer in zone 3, including the entirety of Oceana, Newaygo, Mecosta, Isabella, Midland, Muskegon, and Bay counties, during the muzzle-loading and black-powder firearms season shall only possess or carry afield, or take a deer with a weapon that is legal to possess or carry afield, or to take a deer with during the open firearm deer season for that respective zone.

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

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

(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) An early antlerless firearm deer season shall be a two-day hunt starting the Saturday following September 15 upon privately owned lands within Alcona, Allegan, Alpena, Antrim, Arenac, Bay, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford counties, upon privately owned lands within that portion of Charlevoix county within deer management unit 015, and upon privately owned lands within that portion of Leelanau county within deer management unit 045. Only an individual possessing a valid antlerless deer license, a mentored youth hunting license, a deer license, or a deer combination license may take a deer during this season. A deer kill tag issued under the mentored youth hunting license, deer license, or deer combination license shall be used to harvest an antlerless deer only.

(7) A late antlerless firearm deer season shall be from the Monday following the conclusion of the muzzle-loading and black-powder firearms deer season through January 1 upon privately owned lands within Alcona, Allegan, Antrim, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford counties, upon privately-owned lands within that portion of Charlevoix county within deer management unit 015, and upon privately owned lands within that portion of Leelanau county within deer management unit 045. Only an individual possessing a valid antlerless deer license, a

mentored youth hunting license, a deer license, or a deer combination license may take a deer during this season. A deer kill tag issued under the mentored youth hunting license, deer license, or deer combination license shall be used to harvest an antlerless deer only.

(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 subsection (12) and sections 3.101a, 3.101c, 3.101i and 3.101j, 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)	Antlerless or an antlered deer, subject to the following: (a) Antlerless deer shall only be taken in DMUs open to antlerless licenses. (b) Antlerless deer shall not be taken in DMUs 127, 066, 131, 042, 031, 007, and 048. This does not apply to any DMU within a designated core CWD surveillance area. (c) Antler point restrictions apply as provided in sections 3.101a and 3.101c. (d) Antler point restrictions do not apply in the core CWD surveillance area.
Deer license, deer combination regular license	Bow and arrow only seasons (zones 2 and 3)	Antlerless or antlered deer. Antler point restrictions apply as provided in sections 3.101i and 3.101j.
Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season (zone 1)	Antlered deer. Antler point restrictions apply as provided in sections 3.101a and 3.101c. Antler point restrictions do not apply in the core CWD surveillance area.
Deer license, deer combination regular license	Liberty hunt and Independence hunt (zones 1, 2, and 3)	Antlerless or antlered deer.
Deer license, deer combination regular license	Firearm deer season, muzzleloading and black-powder firearms only season (zone 2 and 3)	Antlerless or antlered deer. Antler point restrictions apply as provided in sections 3.101i and 3.101j.
Deer combination restricted license	Bow and arrow only season (zone 1)	An antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length, subject to the following: (a) Antlerless deer shall only be taken in DMUs open to antlerless licenses.

		(b) Antlerless deer shall not be taken in DMUs 127, 066, 131, 042, 031, 007, and 048. This does not apply to any DMU within a designated core CWD surveillance area. (c) Antler point restrictions do not apply in the core CWD surveillance area.
Deer combination restricted license	Bow and arrow only (zones 2 and 3)	An antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. Antler point restrictions do not apply in the CWD management zone except as provided in 3.101(j).
Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season (zone 1)	A deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. Antler point restrictions do not apply in the core CWD surveillance area.
Deer combination restricted license	Liberty hunt and Independence hunt (zones 1, 2, and 3)	Antlerless or antlered deer.
Deer combination restricted license	Firearm deer season or muzzleloading and black-powder firearms only season (zones 2 and 3)	An antlerless deer or a deer which has at least 1 antler with 4 or more antler points 1 or more inches in length. Antler point restrictions do not apply in the CWD management zone except as provided in 3.101(j).
Mentored youth deer license	Bow and arrow only seasons, firearm deer season, muzzleloading and black-powder firearms only season, or Liberty hunt	Antlerless or antlered deer. Antler point restrictions do not apply.

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

(12) Individuals possessing a deer license, deer combination regular license, or deer combination restricted license are exempt from antler point restrictions during all deer seasons as listed in table 2 if one of the following applies:

(a) The individual is a youth 16 years of age and younger. Individuals under the age of 10 must be licensed through the mentored youth hunting program.

(b) The individual is licensed under a base apprentice license.

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

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

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver's license number or DNR sportcard number of the user or individual possessing the device is permanently etched in the catching device, or there shall be securely fastened to

each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares or 1 or more cable restraints unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number or DNR sportcard number of the user or individual possessing the catching device.

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

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 8 inches in height, 8 inches in width, and 36 inches in depth. Mink incidentally taken in a multiple catch trap or a colony trap legally set for muskrat may be lawfully possessed. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) A person shall not set or maintain any foothold trap within 20 feet of bait located in such a manner that it is visible from 4 feet or more above the bait. This shall not be construed to prohibit the use of completely submerged foothold traps located within 20 feet of any bait.

(a) As used in this subsection, "bait" is any animal or animal parts, including dead fish, except that pieces of less than 36 square inches and comprised of dried hide, fur, feathers or bones and entirely free of meat may be used as a visible attractant.

(15) Possess or use lures or attractants in an area frequented by furbearers that contain or claim to contain cervid urine or other bodily fluids originating from cervids, except for products produced by manufacturers that are actively enrolled and participating in either the official Responsible Hunting Scent Association or Archery Trade Association Deer Protection Program, which has been tested for the

presence of chronic wasting disease by a qualified laboratory and certified that no detectable levels of chronic wasting disease are present and is clearly labeled as such.

Issued on this 10th day of June, 2021.

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

A handwritten signature in black ink, appearing to read "Carol Moncrieff Rose". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Carol Moncrieff Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

A handwritten signature in blue ink, appearing to read "Daniel Eichinger". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel Eichinger
Director