

DEER AND ELK FEEDING ORDER: EXTEND SUNSET

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House Bill 5380

Sponsor: Rep. Michael Lahti

Committee: Appropriations

Complete to 10-26-09

A SUMMARY OF HOUSE BILL 5380 AS INTRODUCED 9-17-09

Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act requires the Natural Resources Commission (NRC) to issue an order regulating deer and elk feeding and establishes requirements for the order. The provision that requires the order (Section 40111a) will expire on January 1, 2010. The bill would extend this sunset provision until January 1, 2016, and revise requirements for the order to define what is and is not "deer or elk feeding." (MCL 324.40111a)

DETAILED SUMMARY:

Section 40111a currently does the following:

- Requires the NRC, after consulting the Agriculture Commission, to issue an order banning most deer or elk feeding in the Lower Peninsula of Michigan, except for feeding done for recreational viewing purposes, in the manner required by law. (See Background Information, below, for information about the legal requirements for issuing an NRC order.)
- Prescribes conditions for feeding done for recreational purposes in the Lower Peninsula (e.g., feed must not be placed more than 100 yards from the person's residence), and authorizes the NRC to adopt additional reasonable conditions.
- Requires the order to establish criteria for deer feeding in the Upper Peninsula.
- Allows the NRC, after consulting the Agriculture Commission, to issue an order that completely prohibits deer or elk feeding in all or part of Michigan if necessary to manage wildlife or to control or eradicate disease.
- Prohibits the NRC order from distinguishing between feed deposited or distributed by hand and feed deposited or distributed by a mechanical device.

Under House Bill 5380, Section 40111a would do the following instead:

- Require the NRC, after consulting the Agriculture Commission, to issue an order concerning deer or elk feeding in Michigan in the manner required by law.

- Define "deer or elk feeding" as "the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk."
- Specify that the following activities are not "deer or elk feeding": (1) feeding wild birds or other wildlife if done so as to exclude wild deer and elk from gaining access to the feed; (2) the scattering of feed solely as a result of normal logging or agricultural practices; (3) the storage or use of feed for agricultural purposes under specified conditions; and (4) baiting to take game as provided by an NRC order.
- The storage or use of feed for agricultural purposes would not be considered "deer or elk feeding" if one or more of the following applied: (1) the area was occupied by livestock actively consuming the feed on a daily basis; (2) the feed was covered to deter wild deer or elk from gaining access to the feed; (3) the feed was in a storage facility that was consistent with normal agricultural practices.

As noted above, the bill would also extend the sunset in Section 40111a from January 1, 2010, to January 1, 2016.

BACKGROUND INFORMATION:

Current NRC orders. Current NRC orders concerning deer and elk feeding and baiting are included in Chapter III (Species Regulations) of its Wildlife Conservation Order, Nos. 3.100 and 3.100a, available online at:

http://www.michigan.gov/documents/ChapterIII_128581_7.pdf

Legal requirements for NRC orders. Section 40113a grants the NRC exclusive authority to regulate the taking of game in Michigan using principles of sound scientific management to the extent practicable. NRC orders are issued after a public meeting and an opportunity for public input. At least 30 days before issuing an order, the NRC must provide a copy of the order to members of specified legislative committees.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.