

PROHIBIT STERILIZATION OF GAME

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House Bill 5321 as enacted
Public Act 390 of 2018
Sponsor: Rep. Triston Cole
House Committee: Natural Resources
Senate Committee: Natural Resources
Complete to 2-15-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5321 amends the Natural Resources and Environmental Protection Act (NREPA) to prohibit the Department of Natural Resources (DNR) from issuing a permit that authorizes the sterilization of game.

FISCAL IMPACT: House Bill 5321 is unlikely to have an impact on revenues or costs for the Department of Natural Resources. The department has issued permission for the sterilization of game under a scientific collector's permit, for which there is no fee collected by the department. The prohibition of this purpose is not likely to generate nor prevent additional revenue. The number of permits issued by the DNR for the sterilization of game has been very limited, so any administrative cost savings realized through the elimination of this purpose would be limited. The bill is also unlikely to have an impact on local government revenues or costs.

THE APPARENT PROBLEM:

Under NREPA, the DNR has the authority to issue permits for a variety of reasons, including the taking of animals for the purpose of rehabilitating the animals; the taking of animals to prevent or control disease, nuisance, or damage to crops or feed caused by the animals; or the collection, transportation, possession, or disposition of animals and parts of animals for scientific purposes.

Currently, only one permit allowing the sterilization of game species exists in Michigan. That permit was issued to White Buffalo, a private contractor, to manage a large deer population that has settled in Ann Arbor. In many areas of Ann Arbor, homes are only 10 feet apart from each other and elementary schools are scattered throughout the neighborhoods. Because shooting deer is impossible in these areas, a research permit was issued that allows a mix of sharpshooting tactics (called "culling") and nonlethal sterilization practices. The DNR has never before issued a similar permit in Michigan.

The sterilization process includes tranquilizing a number of the female deer in the area, transporting them to a sterile facility, having veterinarians remove the female's ovaries (performing an ovariectomy), and releasing the deer back in the area. (Currently, relocating the deer to a different location is illegal in Michigan.) The research permit issued to White Buffalo allows analysis of Ann Arbor's sterilization efforts to determine the best practice for managing an overpopulation of deer within a densely populated urban area. In 2017, Ann Arbor sterilized 54 deer and culled 100 more. The entire project is funded by the city

of Ann Arbor, which has budgeted \$243,000 this fiscal year for its deer management program.

THE CONTENT OF THE BILL:

The bill adds a specific prohibition against issuing a permit that authorizes the sterilization of *any game* until April 1, 2022. In the meantime, the DNR is required to submit two reports to the House and Senate standing committees with primary responsibility for natural resources issues on the results of research under any permit that authorized sterilization of game before March 19, 2019 (the effective date of the bill). The two reports are a preliminary report, to be submitted by December 31, 2020, and a final report, to be submitted by March 31, 2022. Both reports must include any recommendations for legislation, including whether and how sterilization of *only deer* should be authorized as a manner of taking game.

The bill also allows the Natural Resources Commission to establish special deer management zones, for which a higher number of deer kill tags are issued, in or adjacent to urban areas with a high concentration of deer.

Additionally, under the bill, the legislative body of a municipality may, by ordinance and as part of a deer management plan, adopt a firearm hunting distance requirement shorter than the current 150-yard requirement under NREPA.¹ The current 150-yard requirement would not apply in circumstances addressed by the ordinance.

MCL 324.40114

BACKGROUND INFORMATION:

The House Committee on Natural Resources created a bill-specific subcommittee to continue discussions with constituents, interest groups, and state agencies regarding sterilization of game species. The subcommittee met four times between February 8, 2018, and March 8, 2018. The bill as enacted is the result of those discussions.

ARGUMENTS:

For:

Supporters of the bill argued that the language that emerged from the subcommittee is the best compromise between banning sterilization of game species and allowing Ann Arbor to continue its research to determine whether sterilization of deer is a feasible and effective method for controlling deer populations. Ann Arbor is currently in the middle of its research permit, and supporters of the bill believe that the city's time, money, and efforts would be wasted if it were forced to discontinue its research immediately. Additionally, they argued, once Ann Arbor finishes its research, a better decision can be made based on

¹ MCL 324.40111(7): "An individual shall not hunt with a firearm within 150 yards of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property."

the results. There is currently no other comprehensive research study regarding the effectiveness of ovariectomy sterilization of deer coupled with culling efforts.²

Against:

Some opponents of the bill argued that the sterilization of deer in Ann Arbor should cease immediately and not be allowed in the future. These critics believe that sterilization of deer could lead to the sterilization of other game species in Michigan, which could be detrimental to valuable Michigan resources, and that sterilization is not an appropriate tool for managing resources for several reasons. First: game species in Michigan belong to the entire state, not just the city of Ann Arbor. Given this, the state should regulate the deer and Ann Arbor should not be allowed to sterilize them. Second: past sterilization studies, focused on tubal ligation and contraceptives, have found an increase of deer populations in affected areas.³ Third: culling deer is faster, cheaper, and more humane for the deer. The deer need to be tranquilized in order to perform the sterilization surgery, and the process involves shooting the deer with a tranquilizer gun from a distance. Critics argued that if the deer can be tranquilized in this manner, then they can be lethally shot from the same distance. Additionally, the entire surgical process causes severe stress for the deer and can result in later complications. Finally, the meat harvested from culling efforts can be donated to local food banks, which is an excellent result of proper resource management.

Against:

Other opponents of the bill argued that sterilization should be kept as an option for resource management, especially in Ann Arbor. These critics believe that the state should allow localities to choose what works best for them. For example, culling and longer hunting seasons may be possible for rural cities, yet are not feasible for densely populated urban areas, where some homes are 10 feet apart from one another with schools nestled among them in these neighborhoods. Nonlethal efforts are feasible in these areas, as any accidental shootings of humans with a tranquilizer gun would not result in death. However, mistakes made during culling in these areas are more likely to result in human deaths.

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

² Boulanger and Curtis, "Efficacy of Surgical Sterilization for Managing Overabundant Suburban White-Tailed Deer," *Wildlife Society Bulletin* 40, no. 4 (December 2016).

³ Boulanger and Curtis.