



49651 Shenandoah Circle
Canton, MI 48187

April 9, 2019

Senator Ed McBroom
Chair, Natural Resources Committee
Michigan Senate

Via email: Jackie Mosher, Committee Clerk, OfcSMCC@senate.michigan.gov and jmosher@senate.michigan.gov

Re: Opposition to SB 37, Senate Natural Resources Committee Meeting, April 10, 2019

Dear Sen. McBroom and Committee Members:

Thank you for the opportunity to provide information to the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to **oppose SB 37**.

The bill impacts two sections of the Natural Resources and Environmental Protection Act (NREPA), by redefining deer and elk baiting and trappingⁱ and by revising the deer and elk feeding order.ⁱⁱ It takes away authority of the Natural Resources Commission, substituting the judgment of the legislature for that of the NRC (and the Commission of Agriculture and Rural Development, with whom the NRC is to consultⁱⁱⁱ) regarding the feeding and baiting of deer and elk, and then ultimately gives the authority to individuals.^{iv}

The legislature would be taking a significant step back from its policy of encouraging the use of science in the management of wildlife, a stated goal over the past few decades.^v

This bill comes in the wake of the NRC's decision in August 2018, which went into effect January 31, 2019, that "no baiting or feeding is allowed in the lower peninsula".^{vi} According to the NRC, the ban is "aimed at slowing the spread of chronic wasting disease. The action came after months of commission members and Department of Natural Resources staff hearing from hunters, residents and others interested in the long-term health of the state's deer population, and a thorough review of the best available science on chronic wasting disease."^{vii}

Economic reasons and lack of analysis before instituting the ban are cited as reasons for this legislation.^{viii} In response to the economic argument, we note the following from an interview with a DNR wildlife biologist^{ix}:

www.attorneysforanimals.org
info@attorneysforanimals.org

- statistics from the last time the NRC had a ban (2008-2011) do not substantiate a decline in hunting due to the ban;
- hunting statistics are complicated and can be influenced by factors other than the ban (for example, general economic conditions, gas prices, unemployment rates, weather on opening day of the deer hunt)
- research indicates hunters “still take the same number of deer with a ban, it just takes longer to do so, and when people stay longer, one weekend versus multiple, they could be spending nights at hotels or going to restaurants.”^x

In response to the argument that this bill is necessary because of incomplete analysis by the NRC before instituting the ban, we direct this committee to the NRC description of the lengthy process by which it took the decision^{xi}, and respectfully ask what other analysis has been or is being presented in connection with a review of this bill to justify overturning the NRC’s authority.

We ask this committee to take no action on this bill.

Very Truly Yours,



Beatrice M. Friedlander, JD
President

ⁱ MCL §324.40102

ⁱⁱ MCL §324.40111(a)

ⁱⁱⁱ *Ibid*

^{iv} SB 37, page 4, lines 18-19 (feeding); page 5, lines 14-15 (baiting)

^v See, e.g., MCLA §324.40113a: (1) The legislature finds and declares that: ... (b) The conservation of fish and wildlife populations of the state depend upon the wise use and sound scientific management of the state's natural resources. <http://legislature.mi.gov/doc.aspx?mcl-324-40113a>

^{vi} https://www.michigan.gov/dnr/0,4570,7-350-79136_79772_79773_83479---,00.html

^{vii} <https://www.michigan.gov/som/0,4669,7-192-26847-474935--,00.html>

^{viii} https://www.petoskeynews.com/gaylord/featured-ght/senate-bill-seeks-to-overturn-baiting-ban/article_8caae488-1048-5dec-9938-b2a0da9c425a.html: “VanderWall said he introduced the bill because of the economic damage a ban could have on farmers who raise deer-feed crops, and its impact on hunters who have limited time to hunt and use bait to improve their odds of seeing deer.

‘When they stop seeing deer, what’s that going to do to our license sales and our future hunters?’ VanderWall said. ‘I feel we didn’t analyze everything before we made the decision.’”

^{ix} https://www.cadillacnews.com/news/impact-of-baiting-ban-on-economy-might-not-be-clear/article_558bf520-7bbc-5025-bff0-ba689c9f033e.html

^x *Ibid*, quote, information from DNR wildlife biologist Vernon Richardson

^{xi} *Supra* at vii