

Public Comment
Natural Resources Commission Meeting
Thursday, April 13, 2023, Lansing Community College West Campus

Chair Baird and Commission members,

Thank you for the opportunity to speak today on behalf of Attorneys for Animals, to express grave concern about the proposed Wildlife Conservation Order Amendment No. 6 of 2023, Nuisance Wildlife Regulations (“Proposed Order”)ⁱ. It is a major shift in DNR policy and will negatively impact many animals. It is a stunning exercise in deregulation. It more than triples the number of species deemed to be “nuisances” while dismantling the current permit requirement and thereby most DNR oversight of private lands.

Is this action warranted? Let’s look at what it does; what reasons are given to justify the change; what procedure was used; a 2020 explanation by the department for the goals of the current permitting process; and whether the action comports with your stated Guiding Principles and Strategies as expressed in the strategic plan now in force.ⁱⁱ *When these factors are considered, we argue that this is not a reasonable exercise of your authority and therefore this proposed order must not be approved as written.*

1. **What it does:** There are currently regulations in place for controlling four species labeled as “nuisance” animals on private property: woodchucks, raccoons, coyotes, and skunks. These regulations require in most instances a permit. The Proposed Order would add 9 additional species – beavers, cottontail rabbits, fox squirrels, gray squirrels, ground squirrels, muskrats, opossums, red squirrels, and weasels -- to make an unlucky 13 species. In addition, it extends the number of animals who can be trapped.
2. **Reasons for change:** The Proposed Order appears premised on three reasons: first, reduce expenses for the agency, second, remove inconvenience for those regulated; third, clean up the existing order which has “nuisance language” scattered throughout. The first two could be used to explain virtually all changes to regulatory policy. The existing order could be reorganized without inserting the drastic measures proposed here. *The reasons given are insufficient* to justify a proposal that would result in open season, no-holds-barred year-round hunting and trapping of 13 species on private land in Michigan.
3. **Process used:** the DNR relied on two workgroups, the Human-Wildlife Conflict Workgroup which “developed recommendations” and the Furbearer Workgroup which “refined trapping methods”ⁱⁱⁱ An internet search yielded no information on either group (the first one being described as the DNR’s inhouse workgroup). The DNR’s role is succinctly stated: “The Department supports the recommendations provided by the workgroup.”^{iv} While the composition of these workgroups could not be determined, it seems reasonable to assume that indigenous and wildlife co-existence voices were not consulted, if only because they would not have let the term “nuisance animal” go unchallenged.
4. **How the Department described the process in 2020** (and what has changed?): a review of Michigan Department of Natural Resources – Wildlife Division WILDLIFE DAMAGE AND NUISANCE CONTROL PERMITS Revised May 7, 2020^v shows that the DNR had a much more nuanced view just three years ago. For example:

- the term “nuisance” is acknowledged to mean different things to different people: “[a] wild animal that poses no real threat to the safety of the public, livestock, crops, or property should not be viewed as a nuisance simply because it exists.”
- “A public that is knowledgeable about the habits and life history of wild animals is better equipped to recognize and solve wildlife damage and nuisance situations.”
- “Wild animals exhibit a number of predatory and competitive behaviors that can be misinterpreted as cruel or detrimental by the public. These behaviors are natural, necessary for species survival, and should not be viewed as harmful. All wild animals, except those owned by special wild animal breeders or private hunting preserves, are public property.”^{vi}

The department also recognizes the value of interaction between its staff and the landowner that occurs in the permit process. Some complaints can be “unfounded”; many problems are caused by human behavior, such as leaving food (a “dinner plate”) outside, or poor building design, and can be corrected.^{vii}

This approach has been reversed by the proposed Order. *No good explanation is offered.*

5. **The proposed Order contradicts the Department’s Strategic Plan:** “Establishing Waypoints ... In addition to these ecological challenges, people’s values related to wildlife are changing. Hunting and trapping participation continues to decline across the country, including Michigan. Coupled with this trend, people are increasingly more interested in wildlife protection and non-consumptive activities over more traditional, consumptive ways of engaging with wildlife. Changes in the distribution and abundance of some species have led to increased human-wildlife interactions, both positive and negative. We also are responding to increasing expectations for engagement in decision-making, among both traditional and new stakeholders.”^{viii}

We urge the Natural Resources Commission to reject the proposed order and direct the DNR to make revisions consistent with this analysis that finds little transparency, suspects few voices heard, and provides no cogent explanation for a major policy shift.

Very truly yours,



Beatrice M. Friedlander, JD
Board President

ⁱ Nuisance Wildlife Regulations Wildlife Conservation Order Amendment No. 6 of 2023, https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Boards/NRC/2023/April-2023/Signed_06WCO2023_FORINFORMATION.pdf

ⁱⁱ THE GPS GUIDING PRINCIPLES AND STRATEGIES Michigan Department of Natural Resources Wildlife Division Strategic Plan 2021-2026, https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/WLD/GPA/Wildlife_GPS_Strategic_Plan.pdf

ⁱⁱⁱ Presentation at April 13, 2023 NRC meeting, from NRC April agenda, see slide 2, https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Boards/NRC/2023/April-2023/Nuisance_Regs.pdf

^{iv} Nuisance Wildlife Order, *supra*, page 2

^v https://www.canr.msu.edu/ipm/uploads/files/IC2004-3_Wildlife_Damage_and_Nuisance_Control_Permit_368507_7.pdf

^{vi} *Ibid* at page 3

^{vii} *Ibid* at pages 16, 17

^{viii} GPS, *supra* at ii, page 5 of 20