

## PROHIBIT STERILIZATION OF GAME

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5321 (reported from committee as H-1)**

**Sponsor: Rep. Triston Cole**

**Committee: Natural Resources**

**Complete to 3-30-18**

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

**BRIEF SUMMARY:** House Bill 5321 would amend 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 damage to crops or feed, disease, or nuisance 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. The permit allows a mix of sharpshooting tactics (called "culling") and non-lethal sterilization practices. The DNR has never before issued a similar permit in Michigan. 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 for sterilization.

The research permit issued to White Buffalo will analyze Ann Arbor's sterilization efforts to determine the best practice for managing an overpopulation of deer within a densely populated urban area. 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 in a different location is illegal in Michigan.) In 2017, Ann Arbor sterilized 54 deer and culled 100 more. The city has allotted to spend \$370,000 this

year to continue its sterilization and culling efforts. The entire project is funded by Ann Arbor.

### ***THE CONTENT OF THE BILL:***

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

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

Additionally, under the bill, the legislative body of a municipality could, 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.<sup>1</sup> The current 150-yard requirement would not apply in circumstances addressed by the ordinance.

MCL 324.40114

### ***BACKGROUND INFORMATION:***

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

### ***ARGUMENTS:***

#### ***For:***

Supporters of the bill argue 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 if 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 this bill believe that the city's time, money, and efforts would be wasted if it were forced to discontinue its research immediately. Additionally, once Ann Arbor finishes its research, a better decision can be made based on the results.

---

<sup>1</sup> 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.

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

***Against:***

Some opponents of the bill argue 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 other 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 those areas.<sup>3</sup> Third: culling deer is faster, cheaper, and more humane for the deer. The deer need to be tranquilized in order to perform the surgery, and the process involves shooting the deer with a tranquilizer gun from a distance. Critics argue 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 can result in later complications and causes severe stress for the deer. Finally, the meat harvested from the culling efforts can be donated to local food banks, which is an excellent result of proper resource management.

***Against:***

Other opponents of the bill argue 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 would not result in death. However, mistakes made during culling in these constricted areas are more likely to result in human deaths.

***POSITIONS:***

Representatives of the following organizations indicated support for the bill:

- Michigan Sportsmen Against Hunger (3-30-18)
- Michigan United Conservation Clubs (3-21-18)
- Michigan Trappers and Predator Callers (3-8-18)
- Upper Peninsula Whitetails of Marquette (3-1-18)
- Upper Peninsula Sportsmen Alliance (3-1-18)
- Michigan Municipal League (1-17-18)
- Frankenmuth Conservation Club (1-17-18)
- Michigan Bow Hunters (1-17-18)
- Michigan Hunting Dog Federation (1-17-18)

---

<sup>2</sup> Boulanger and Curtis, *Efficacy of Surgical Sterilization for Managing Overabundant Suburban White-Tailed Deer*, The Wildlife Society, 2016.

<sup>3</sup> *Id.*

- Michigan Bear Hunters Association (1-17-18)
- Michigan B.A.S.S. Nation (Bass Anglers Sportsman Society of America) (1-17-18)
- Bowfishing Association of Michigan (1-17-18)
- Quality Deer Management Association (1-17-18)
- Safari Club International (1-17-18)

Representatives of the following organizations indicated opposition to the bill:

- City of Ann Arbor (3-8-18)
- Attorneys for Animals (1-24-18)

A representative of the Department of Natural Resources indicated no position regarding the bill. (1-17-18)

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Austin Scott

---

■ 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.