

## ALLOW WILDLIFE AND BIRD FEEDING

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

**House Bill 4439 (H-1) as adopted**

**Sponsor: Rep. Triston Cole**

**Committee: Natural Resources and Outdoor Recreation**

**Complete to 10-29-19**

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

### SUMMARY:

House Bill 4439 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to allow an individual to feed wildlife and birds if certain conditions are met.

Section 40111a of NREPA currently requires the Natural Resources Commission (NRC), after consultation with the Commissioner of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in Michigan.

The bill would add that, notwithstanding an order issued above, an individual could engage in *wildlife and bird feeding* only if all of the following conditions are met:

- The feed is located within 300 feet (120 yards) from a residence.
- The total quantity of feed placed, scattered, or distributed within 300 feet of that residence is not more than two gallons.
- The feed is contained, presented, or held in a manner to exclude deer and elk

*Wildlife and bird feeding* would mean depositing, distributing, or tending feed in an area frequented by birds and other wildlife to prevent them from starving or for recreational viewing.

The bill would also revise a subsection that defines, and lists what is not considered, deer and elk feeding by replacing “deer and elk” with “wildlife and bird” and removing a provision. Under the bill, the following activities would not be considered wildlife and bird feeding:

- Baiting to take game as provided by an order of the NRC under section 40113a.<sup>1</sup>
- The scattering of feed solely as the result of normal logging or agricultural practices.
- Storing or using feed for agricultural purposes if at least one of the following applies:
  - The area is occupied by livestock actively consuming the feed every day.
  - The feed is covered to deter deer and elk from gaining access to it.
  - The feed is in a storage facility that is consistent with normal agricultural practices.

MCL 324.40111a

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<sup>1</sup> <http://legislature.mi.gov/doc.aspx?mcl-324-40113a>

**FISCAL IMPACT:**

House Bill 4439 is unlikely to have a significant impact on revenues or costs for the Department of Natural Resources or local governments.

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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.