

## STATE FALCONRY PERMITS

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### Senate Bill 1228

**Sponsor: Sen. Jim Barcia**

**House Committee: Tourism, Outdoor Recreation and Natural Resources**

**Senate Committee: Hunting, Fishing and Outdoor Recreation**

### First Analysis (5-12-10)

**BRIEF SUMMARY:** The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to give the Department of Natural Resources and Environment (DNRE) statutory authority to issue state falconry permits.

**FISCAL IMPACT:** Senate Bill 1228 would have no significant fiscal impact on the DNRE. According to the Department, there are 104 licensed falconers in Michigan. Under current law, falconers in Michigan must apply for a joint Federal-State falconry permit. The federal government will be discontinuing its permit program in 2014 and is allowing states to develop state permitting programs in anticipation of that change. Senate Bill 1228 would give the DNRE the authority to issue State falconry permits.

Currently, the DNRE handles the administrative responsibilities and provides the facility inspections for the joint Federal-State falconry permits under the current permit system. Because the Department is already providing the administration for the permit system, moving to a State falconry permit system would not increase costs for the Department.

### **THE APPARENT PROBLEM:**

Migratory birds, including raptors (birds of prey), are protected by federal laws including the Migratory Bird Treaty Act, 16 USC 703 et seq. That act implements international conventions protecting migratory birds in the United States, Canada, Mexico, Japan, and Russia. The taking and possession of raptors is strictly prohibited except as allowed by federal regulations implementing the MBTA, as well as state laws and regulations.

The U.S. Fish and Wildlife Service, the federal agency with the primary responsibility for managing migratory birds, issued new falconry regulations on November 7, 2008. The new regulations announced that the federal falconry permit program would be discontinued as of January 1, 2014, after which time a falconer will need a state permit to continue to practice falconry. (Michigan falconers currently obtain a joint federal-state permit.) The federal government will exercise some continued oversight, however, and states must obtain federal certification of their permit programs to allow falconry to be practiced after that date. Among other things, state regulations must be at least as restrictive as the new federal standards.

Senate Bill 1228 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to give the DNRE clear statutory authority to issue

state falconry permits allowing the taking or possession of raptors for falconry. This authority, along with any changes needed to make state regulations conform to federal law, would allow Michigan to seek federal certification of a state-only permitting program. Falconry will not be allowed in Michigan after January 1, 2014, if a federally-certified state permit program is not in place.

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

The bill would amend a provision found in Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act that provides the DNRE with statutory authority to issue miscellaneous animal-related permits authorizing the following:

- The taking or possession of animals for the purpose of rehabilitation.
- The taking of animals to prevent or control damage and nuisance.
- The collection, transportation, possession, or disposition of animals or animal parts for scientific purposes.
- The public exhibition of animals.
- Taxidermy.
- The disposition of accidentally or unlawfully taken or injured animals or animals that are unlawfully possessed.
- The taking of game with a crossbow by a person who is permanently or temporarily disabled.

The bill would add to this list permits authorizing "**the taking or possession of raptors for the purposes of falconry.**"

A permit issued under this section may be suspended or canceled in accordance with the Administrative Procedures Act of 1969. If a permit holder is convicted of violating the permit or this section of law, the permit or license may be revoked and any animal or animal parts in his or her possession will be disposed of in a manner approved of by the DNRE.

Fees received for permits and licenses under this section are to be credited to the Game and Fish Protection Account of the Michigan Conservation and Recreation Legacy Fund provided for in Section 2010 of NREPA, MCL 324.2010.

MCL 324.40114

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

The current Wildlife Conservation Order (Chapter X) governing falconry may be found at: [http://www.michigan.gov/documents/ChapterX\\_128648\\_7.pdf](http://www.michigan.gov/documents/ChapterX_128648_7.pdf)

***ARGUMENTS:***

***For:***

The bill would give the DNRE clear statutory authority to issue state falconry permits allowing the taking or possession of raptors for falconry. This authority, along with any changes needed to make state regulations conform to federal law, would allow Michigan to seek federal certification of a state-only permitting program. Falconry will not be allowed in Michigan after January 1, 2014, if a federally-certified state permit program is not in place.

Falconry provides opportunities for recreation and tourism and reportedly has a positive impact on the raptor population by equipping the birds with skills that increase their chance of survival. This bill paves the way for the sport to continue in Michigan after the federal permit program is discontinued.

The DNRE already has responsibilities, such as inspecting facilities and administering tests, under the current joint federal-state permitting system. Those duties will not be significantly increased under a state-only permit program.

***POSITIONS:***

The Department of Natural Resources and Environment supports the bill. (5-11-10)

The Michigan United Conservation Clubs supports the bill. (5-11-10)

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