



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1228 (as reported without amendment)
Sponsor: Senator Jim Barcia
Committee: Hunting, Fishing & Outdoor Recreation

(as passed by the Senate)

Date Completed: 4-20-10

RATIONALE

Michigan law allows the taking of live raptors from the wild for use in falconry, which is the use of birds of prey in hunting. Raptors are live migratory birds of the family Accipitridae, which includes birds such as peregrines, kestrels, and red-tailed hawks. In order to become a falconer, a person must pass an exam and obtain a permit. (The permit system is described below, under **BACKGROUND**.) Since the 1970s, the U.S. Fish and Wildlife Service (USFWS) has regulated the sport of falconry and issued permits in conjunction with state departments of natural resources. Recently, the USFWS decided to discontinue its falconry permit program and allow individual states to administer programs on their own as long as they comply with Federal regulations. In response to this administrative change, it has been suggested that the Michigan Department of Natural Resources and Environment (DNRE) should be authorized under State statute to issue falconry permits.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to allow the DNRE to issue permits authorizing the taking or possession of raptors for the purposes of falconry.

MCL 324.40114

BACKGROUND

The Natural Resources Commission's Wildlife Conservation Order allows a person to possess, transport, and use raptors for

falconry purposes if he or she obtains a permit from the Wildlife Division permit specialist. A permit is valid for three years. There are three classes of falconry permits: apprentice, general, and master. The Conservation Order prescribes regulations applicable to each permit class in addition to the general falconry provisions.

A permit applicant must score at least 80% on an examination provided by the USFWS and administered by the DNRE. The examination relates to basic biology, care and handling of raptors, pertinent literature, laws and regulations, and other appropriate subject matter. Upon passing, the applicant is eligible to become an apprentice falconer.

An apprentice falconer must be at least 14 years old and be sponsored by a general or master falconer for the first two years that he or she holds an apprentice license. An apprentice falconer may not possess more than one raptor or obtain more than one raptor for replacement each year. An apprentice falconer may possess only an American kestrel or a red-tailed hawk taken from the wild in a state where lawful.

A general falconer must be at least 18 years old and have at least two years of experience at the apprentice level or equivalent experience if obtained before 1977 or in a foreign country. A general falconer may not possess more than two raptors or obtain more than two raptors taken from the wild for replacement per year.

A master falconer must have at least five years of experience at the general level or

equivalent experience if obtained before 1977 or in a foreign country. A master falconer may not possess more than three raptors or obtain more than two for replacement in a year.

In addition to the permit, a person taking an animal with the use of a raptor must have an appropriate hunting license.

The Wildlife Conservation Order also regulates the taking of raptors from the wild. A licensed falconer may not take any raptor from the wild in Michigan without obtaining either a general raptor capture permit or a limited raptor capture permit from the Wildlife Division permit specialist. Only licensed falconers may apply for permits, and raptors may be taken only for use in falconry.

The Order limits the total number of raptors that may be taken in any year and the number that each permittee may take; establishes two annual seasons for taking raptors; prohibits raptors from being taken from national lakeshores and recreation areas, or in State parks and recreation areas; and contains other regulations for taking raptors.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Falconry provides opportunities for recreation and tourism and has a positive impact on the raptor population by equipping the birds with skills that increase their chances of surviving to reproductive age. To ensure the continuation of this valuable sport in Michigan after the USFWS ends its involvement, the law should be changed to authorize the DNRE to issue the necessary permits.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a minimal fiscal impact on the State. The Natural Resources Commission already has issued an order to allow individuals to practice falconry. If there are costs associated with this order, they are already accruing and being paid for

by the DNRE. This bill simply would put the DNRE's authority to issue falconry permits into statute, and should not result in additional costs.

Fiscal Analyst: Josh Sefton

A0910\1228a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.