



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT  
LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

SUBMITTED: June 7, 2010

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Falconry Regulations  
Wildlife Conservation Order Amendment No. 15 of 2010  
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Hawks and owls are birds protected by both state and federal law, and falconers are currently required to obtain both a federal and state permit to keep raptors and to hunt using falconry. This permitting process currently provides for duplication of effort as state falconry laws and regulations across the county generally closely follow the federal regulations. In October 2008, the United States Fish and Wildlife Service (USFWS) amended their falconry regulations to reduce this duplication by providing the authority to permit falconers solely to the states. For states to exercise this authority, they must ensure that their falconry regulations provide the same restrictions to falconry practices as federal regulations. The transition will require additional regulatory changes at the state level. The USFWS will continue to jointly issue falconry permits, as needed, until 2014; however, any state not in compliance by January 1, 2014, will lose the authority to permit falconry.

The process for states to follow to ensure continuation of the sport of falconry was provided by the USFWS at the July 2009 Mississippi Flyway Nongame Bird Technical Section meeting. This process requires certification from the USFWS that a state's falconry regulations conform to federal regulations and that the state verify the ability to provide data to the USFWS in a timely manner regarding any changes in the status of the state's falconers or the raptors held by those falconers.

The Department reviewed existing Michigan falconry regulations in consultation with the USFWS, the Michigan Hawking Club, and the Michigan Audubon Society. The Department's recommended changes to the Wildlife Conservation Order will bring Michigan into compliance with federal regulations and provide the state with the sole authority to issue falconry permits,

provide additional recreational opportunities for the state's falconers, and continue to protect and conserve the state's birds of prey. The majority of the recommended changes are minor and are needed for technical compliance to federal regulations. The most significant changes are an increase in the number of birds that general falconers and master falconers may possess and greater flexibility in allowing raptors to be in the temporary care of a person other than their owner.

Additionally, the Department recommends that a permit fee be charged to replace the \$100 federal falconry permit fee which will be discontinued in Michigan effective January 1, 2011.

Recommendation:

This order is being submitted for information. This item appeared on the Department's June 2010 calendar and may be eligible for approval on August 12, 2010.

Russ Mason, Ph.D., Chief  
Wildlife Division

Ronald A. Olson, Chief  
Recreation Division

Lynne M. Boyd, Chief  
Forest Management Division

Gary Hagler, Chief  
Law Enforcement Division

Arminda S. Koch Deputy Director  
Resource Management

Frank Ruswick, Deputy Director  
Stewardship

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries  
Director

# WILDLIFE CONSERVATION ORDER

## Amendment No. 15 of 2010

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources and Environment by sections 40107, **40107b**, and 40113a of 1994 PA 451, MCL 324.40107, **324.40107b** and 324.40113a, it is ordered that effective January 1, 2011, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **1.2c Raptor defined.**

Sec. 1.2c "Raptor" means ~~a live migratory bird of the family Accipitridae other than a bald eagle, or of the family Falconidae, or the great horned owl (*Bubo virginianus*) or snowy owl (*Nyctea scandiaca*) of the family Strigidae.~~ **ANY BIRD SPECIES OF THE ORDERS STRIGIFORMES AND FALCONIFORMES.**

### **4.1 Possession of animals; duty to retrieve game animals.**

Sec. 4.1 A person may possess any animal or parts of any animal, from this state, or from outside of this state, whether living or dead, only as provided by this section:

- (1) Game lawfully taken, acquired, and transported may be possessed by any person.
- (2) Live game taken from the wild shall not be possessed. Wounded game, reduced to possession, shall be immediately killed and included in the daily limit. A person shall not kill or wound any game animal without making a reasonable attempt to retrieve the animal and include it in their daily limit.
- (3) Dead game lawfully taken in another state, territory, or country, and lawfully imported into this state, may be possessed by any person.
- (4) Game lawfully taken may be possessed afield, or in or upon a motorized vehicle, if the identification of species and sex is readily identifiable as provided by section 40109 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40109. Waterfowl may be transported or possessed only in accordance with sections 3.403 to 3.406 of this order. For the purposes of identification under section 40109, the species and sex of a butchered or processed deer, bear, or elk shall be considered readily identifiable if the carcass or parts thereof are accompanied by the head of the animal with the validated tag or seal as required for the species by this order.
- (5) Animals, dead or alive, and parts thereof may be possessed by educational institutions, public agencies, and public zoological gardens. A qualified person may obtain a permit from the department to possess a live animal for rehabilitation purposes as specified in sections 5.70 to 5.75 of this order. Rehabilitation shall be undertaken only for the expressed purpose of ultimately returning the sick or injured animal to the wild.
- (6) Except as otherwise provided in this subsection, live game or protected species, and any other animals which closely resemble game or protected species, and can reasonably be confused with game or protected species as determined by the department, which have been lawfully acquired from within this state, or lawfully imported, may be possessed if the person first applies for and has been issued 1 or more of the following licenses or permits specifically authorizing the species to be possessed by that person:
  - (a) A shooting preserve license.
  - (b) A permit to hold wildlife in captivity.
  - (c) A **FEDERALLY RECOGNIZED** ~~state federal~~ falconry permit.

(d) A federal raptor propagation permit, except that the possession of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not possess any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose education permit or state scientific collector's permit.

(7) Nothing in this section shall be construed to prohibit the possession of a hawk, owl, or eagle, or parts thereof, by an American Indian for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

(8) A licensed taxidermist may possess lawfully acquired dead game and protected animals only under the following conditions:

(a) Game and protected animals must be tagged with a taxidermist specimen identification tag supplied by the department and the information requested on the tag must be completely and legibly recorded.

(b) A copy of the taxidermist specimen identification tag shall be maintained by the taxidermist on the premises for inspection by a conservation officer for 1 year following disposal of any specimen.

(c) Receipt of any carcass or parts thereof, other than deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth, from a deer, elk, or moose, originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations, or from the CWD surveillance zone as defined in section 12.900 of this order, that does not have documentation showing a negative test for CWD, must be reported to the Michigan department of natural resources, wildlife disease laboratory, within the business hours of the next 72 hours of receipt.

(9) A person shall not possess the carcass or parts thereof, of a deer, elk, or moose originating from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except for the following:

(a) Deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides, and upper canine teeth.

(b) A finished taxidermist mount.

(c) Tissues imported for use by a diagnostic or research laboratory.

#### **4.2 Importation.**

Sec. 4.2 A person may import any animal, whether living or dead, or parts of any animal, into this state only as provided in this section:

(1) Dead bear, deer, elk, wild turkey, and parts thereof, lawfully taken or purchased in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the bear, deer, elk, or turkey is clearly and permanently tagged as to the state, territory, or country of origin. A person causing a dead animal or parts thereof to be imported shall maintain documentation of the lawful taking, purchase, and/or importation of the animal until the animal is consumed, or if prepared as a trophy, the documentation must remain with the trophy.

(2) Except as otherwise provided in this subsection, live game or protected animals, lawfully taken or acquired in another state, territory, or country, and lawfully exported from that state, territory, or country, may be imported into this state if the person causing the game or protected animal to be imported complies with sections 5.2 and 5.5 of

this order and has first applied for and been issued one or more of the following licenses or permits specifically authorizing possession of the species being imported:

(a) A shooting preserve license.

(b) A permit to hold wildlife in captivity.

(c) A **FEDERALLY RECOGNIZED** ~~state~~ federal falconry permit.

(d) A federal raptor propagation permit, except that the importation of a threatened or endangered species must be in compliance with part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451. A person shall not import any species under the authority of a federal raptor propagation permit unless that species may be legally used for falconry in this state.

(e) A federal special purpose possession education permit or state scientific collector's permit.

(3) A person shall not import the carcass or parts thereof, of a free-ranging deer, elk, or moose into this state if the carcass or parts thereof originated from a state or province listed in the Michigan hunting and trapping guide for the current year as a state or province detected to have CWD in free-ranging deer, elk, or moose populations except as described in section 4.1 (9) of this order.

(4) A person who is notified by mail or other means that a carcass or parts thereof, imported into Michigan tested positive for CWD, shall report such finding within the business hours of the next 72 hours to the Michigan department of natural resources, wildlife disease laboratory, and shall provide such information as may be requested by the laboratory.

(5) Nothing in this subsection shall be construed to prohibit an American Indian from importing a hawk, owl, or eagle for ceremonial or religious purposes or for the preservation of tribal customs and heritage. For the purposes of this section, proof of American Indian lineage shall be a Bureau of Indian Affairs countersigned identification card or a tribal identification card issued by a tribe recognized by the United States government.

### **5.110 Special permits; fees; disposition.**

Sec. 5.110 The following fees are established for permits issued by the director:

(1) A fee of \$100 shall be collected for each taxidermy permit issued. Taxidermy specimen identification tags shall be \$10 per fifty.

(2) A fee equivalent to the fee charged for a resident antlerless deer hunting license shall be collected for each managed deer hunting permit and each deer management assistance permit purchased by a permittee.

(3) An annual fee of \$200 shall be collected for a site permit to participate in the capture and holding of Canada geese, as specified in section 5.51b of this order, except as follows:

(a) An annual fee for a single family residence shall be \$100.

(4) An annual fee of \$300 shall be collected for a site permit to participate in the transport of Canada geese as specified in section 5.51b of this order.

(5) An annual fee of \$200 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the following, as specified in section 5.52b of this order:

(a) Capture, holding or killing of Canada geese.

(b) Destruction of Canada goose nests and eggs.

(6) An annual fee of \$300 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the transport of Canada geese as specified in section 5.52b of this order.

**(7) EFFECTIVE JANUARY 1, 2011, A FEE OF \$100.00 SHALL BE COLLECTED FOR EACH FALCONRY PERMIT ISSUED AS DESCRIBED IN SECTION 10.3(7) OF THIS ORDER.**

~~(7)~~ (8) All moneys received from the sale of permits and licenses as provided in this section shall be turned over to the state treasurer and credited to the game and fish protection fund.

~~(8)~~ (9) No fee shall be collected for any of the following permits:

(a) Highway killed deer/bear permit.

(b) Deer damage shooting permit.

(c) Damage and nuisance animal control permit, except as noted in section 5.110(3) and section 5.110(4) of this order, including disease control and disease control replacement permits.

(d) Rehabilitation permit.

(e) Permit to take game with a crossbow.

(f) Site permit to destroy Canada goose nests and eggs, as specified in section 5.51b of this order.

#### **9.4 Carnivorous animals, permitted taking.**

Sec 9.4 In emergency cases carnivorous animals may be killed or taken by the owner of property or his authorized agent, without a permit, when his property is being damaged by any such animal; but such killing or capture shall be considered unlawful unless all animals killed or taken under this provision are disposed of only as directed by the director. This section shall not be construed as authorizing the taking or attempted taking of bear by traps except under permit issued by the director. **THIS SECTION SHALL NOT AUTHORIZE THE TAKING OR ATTEMPTED TAKING OF BIRDS.**

#### **10.2 Definitions.**

Sec 10.2 (1) "Eyasses" means young birds not yet capable of flight.

(2) "Falconer" means a person possessing a valid falconry permit.

(3) "Falconry" means the sport of taking **GAME AND UNPROTECTED SPECIES** ~~quarry~~ by means of a trained raptor.

**(4) "FALCONRY HACKING" MEANS THE TEMPORARY RELEASE OF A RAPTOR HELD FOR FALCONRY TO THE WILD TO SURVIVE ON ITS OWN.**

~~(4)~~ (5) "Falconry permit" means a document which authorizes the holder to practice falconry.

~~(5)~~ (6) "Federal regulations" means the United States fish and wildlife service regulations and standards.

**(7) "HYBRID RAPTOR" MEANS OFFSPRING OF BIRDS LISTED AS TWO OR MORE DISTINCT SPECIES IN 50 CFR 10.13.**

~~(6)~~ (8) "Imping" means the repair of a broken feather on a raptor by attaching a molted feather or feather from another bird to the stub of the damaged feather.

(9) **"IMPRINTED RAPTOR" MEANS A RAPTOR THAT IS HAND-RAISED IN ISOLATION FROM THE SIGHT OF OTHER RAPTORS FROM 2 WEEKS OF AGE UNTIL IT HAS FLEDGED.**

~~(7)~~ (10) "Marker" means the federal identification device bearing a serial number **OR ISO-COMPLIANT (134.2 kHz) MICROCHIP** which must be attached to a raptor used in the sport of falconry.

~~(8)~~ (11) "Mew" means the building or room in which raptors are held and sheltered.

~~(9)~~ (12) "Service" means the United States fish and wildlife service of the department of the interior.

~~(10)~~ (13) "Passage" means a flighted raptor less than 1 year of age.

~~(11)~~ (14) "Weathering area" means an outdoor facility in which raptors are held and sheltered.

(15) **"WILD RAPTOR" MEANS A RAPTOR TAKEN FROM THE WILD.**

### **10.3 Falconry permit; application; EXAMINATION; unlawful acts.**

Sec 10.3 (1) An applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination ~~provided~~ **APPROVED** by the service and administered by the department. The examination shall relate to basic biology, care and handling of raptors, pertinent literature, laws and regulations, or other appropriate subject matter. Upon passing the falconry examination, the applicant is eligible to become an apprentice falconer.

(2) A ~~person~~ **MICHIGAN RESIDENT** may possess, transport, and use raptors for falconry purposes provided the person obtains a falconry permit from the wildlife division permit specialist, ~~issued in accordance with his or her qualifications. A falconry permit shall be valid for 3 years, or from issue date through the third June 30 after issue.~~ Applications **SHALL** be made on forms provided by ~~the service or the department~~ **WILDLIFE DIVISION PERMIT SPECIALIST. APPLICATIONS MADE BY FALCONERS UNDER THE AGE OF 18 MUST BE COSIGNED BY A PARENT OR LEGAL GUARDIAN WHO IS LEGALLY RESPONSIBLE FOR THE ACTIVITIES OF THE FALCONER.**

(3) **A NONRESIDENT MAY POSSESS, TRANSPORT, AND USE RAPTORS FOR FALCONRY PURPOSES PROVIDED THE PERSON POSSESSES A FEDERALLY RECOGNIZED FALCONRY PERMIT. A NONRESIDENT MAY OBTAIN A FALCONRY PERMIT FROM THE WILDLIFE DIVISION PERMIT SPECIALIST UPON SUCCESSFUL COMPLETION OF A DEPARTMENT SUPERVISED EXAMINATION OR DOCUMENTATION OF PRIOR FALCONRY EXPERIENCE, AND INSPECTION OF THE APPLICANT'S FALCONRY FACILITIES. APPLICATIONS MADE BY FALCONERS UNDER THE AGE OF 18 MUST BE COSIGNED BY A PARENT OR LEGAL GUARDIAN WHO IS LEGALLY RESPONSIBLE FOR THE ACTIVITIES OF THE FALCONER.**

~~(3)~~ (4) There shall be 3 classes of falconry permits. They shall be known as apprentice ~~falconry~~ **FALCONER**, general ~~falconry~~ **FALCONER**, and master ~~falconry~~ **FALCONER** permits. The qualifications for each class of permits are:

(a) Apprentice ~~falconry~~ **FALCONER** permit:

(i) An apprentice falconer shall be at least 14 years old.

(ii) An apprentice falconer, regardless of age, must have a sponsor, who is a general or master falconer, ~~for the first two years in which an apprentice permit is held~~ **WITH AT LEAST 2 YEARS' EXPERIENCE AT THE GENERAL FALCONER LEVEL.**

**(iii) AN APPRENTICE MUST PROVIDE A CURRENT SPONSORSHIP AGREEMENT TO THE WILDLIFE DIVISION PERMIT SPECIALIST.**

(iv) A sponsor shall not have more than 3 apprentices at any one time.

~~(iii)~~ (v) An apprentice falconer shall not possess more than 1 raptor and shall not obtain more than ~~4~~**2** ~~raptor~~**RAPTORS** for replacement during any 12-month period beginning ~~April~~ **JANUARY** 1 of each year.

~~(iv)~~ (vi) An apprentice falconer shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*) which must be taken from the wild in a state where lawful. **AN APPRENTICE FALCONER SHALL NOT POSSESS AN IMPRINTED RAPTOR.**

~~(v)~~ (vii) An apprentice falconer shall not import or possess eyasses.

(b) General ~~falconry~~ **FALCONER** permit:

(i) A general falconer shall be at least ~~18~~ **16** years old.

(ii) A general falconer shall have at least ~~2 years~~ **24 MONTHS** of falconry experience **AS AN** apprentice, **OR THE EQUIVALENT OF 24 MONTHS OF FALCONRY EXPERIENCE AS AN APPRENTICE** ~~equivalent falconry experience~~ if obtained prior to the year 1977, or **THE EQUIVALENT OF 24 MONTHS OF FALCONRY EXPERIENCE AS AN APPRENTICE** ~~equivalent falconry experience~~ if obtained in a foreign country.

(iii) An apprentice falconer, upon meeting the qualifications for a general ~~falconry~~ **FALCONER** permit, must make a written request to the wildlife division permit specialist for a change in classification. **THIS REQUEST MUST INCLUDE A DOCUMENT FROM A GENERAL OR MASTER FALCONER STATING THAT THE APPLICANT HAS PRACTICED FALCONRY WITH WILD RAPTORS AS AN APPRENTICE FALCONER OR EQUIVALENT FOR AT LEAST 24 MONTHS, INCLUDING MAINTAINING, TRAINING, FLYING, AND HUNTING THE RAPTOR(S).**

~~(iii)~~ (iv) A general falconer shall not possess more than ~~2~~ **3** raptors and shall not obtain more than 2 raptors taken from the wild for replacement during any 12-month period beginning ~~April~~ **JANUARY** 1 of each year.

(v) **A GENERAL FALCONER MAY NOT TRANSPORT OR POSSESS A GOLDEN EAGLE (*AQUILA CHRYSÆTOS*), BALD EAGLE (*HALIAEETUS LEUCOCEPHALUS*), WHITE-TAILED EAGLE (*HALIAEETUS ALBICILLA*), OR STELLER'S SEA EAGLE (*HALIAEETUS PELAGICUS*).**

(c) Master ~~falconry~~ **FALCONER** permit:

(i) A master falconer shall have at least 5 years of falconry experience ~~at the~~ **AS A** general **FALCONER level**, or **THE EQUIVALENT OF 5 YEARS OF FALCONRY EXPERIENCE AS A GENERAL FALCONER** ~~equivalent falconry experience~~ if obtained prior to the year 1977, or **THE EQUIVALENT OF 5 YEARS OF FALCONRY EXPERIENCE AS A GENERAL FALCONER** ~~equivalent falconry experience~~ if obtained in a foreign country.

(ii) A general falconer, upon meeting the qualifications for a master ~~falconry~~ **FALCONER** permit, must make a written request to the wildlife division permit specialist for a change in classification.

~~(iii)~~ (iii) A master falconer shall not possess more than ~~3~~ **10** raptors, **OF WHICH NO MORE THAN 5 MAY BE WILD RAPTORS**, and shall not obtain more than 2 raptors taken from the wild for replacement during any 12-month period beginning ~~April~~ **JANUARY** 1 of each year. **A MASTER FALCONER MAY NOT POSSESS MORE THAN 3 GOLDEN EAGLES TAKEN FROM THE WILD.**

**(iv) A MASTER FALCONER MUST MAKE A WRITTEN APPLICATION ON A FORM PROVIDED BY THE WILDLIFE DIVISION PERMIT SPECIALIST PRIOR TO POSSESSING A GOLDEN EAGLE, WHITE-TAILED EAGLE, OR STELLER'S SEA EAGLE.**

~~(4)~~ **(5)** As provided by part 435, hunting and fishing licensing, ~~of the natural resources and environmental protection act, Act 451 of the Public Acts of 1994 PA 451, being sections MCL 324.43501 to 324.43561 of the Michigan Compiled Laws,~~ a person taking an animal with the use of a raptor is required to have ~~an appropriate A~~ license **FOR THAT SPECIES.**

~~(5)~~ **(6)** A general or master falconer shall not transport or possess ~~any golden eagle, or any species not defined as a raptor, or any species listed as threatened or endangered by the department or service,~~ for falconry purposes, except as provided by appropriate federal falconry regulations and by part 365, endangered species protection, of the natural resources and environmental protection act, ~~Act 451 of the Public Acts of 1994 PA 451, MCL being sections 324.36501 to 324.36507 of the Michigan Compiled Laws.~~

**(7) A FALCONRY PERMIT MAY BE VALID FOR 3 YEARS, OR FROM ISSUE DATE THROUGH THE THIRD JUNE 30 AFTER ISSUE. FALCONERS MAY REQUEST RENEWAL OF PERMIT UPON EXPIRATION WITHOUT A FACILITY INSPECTION OR TEST, EXCEPT THAT RENEWAL OF A PERMIT WHICH HAS LAPSED FOR 3 OR MORE YEARS REQUIRES INSPECTION OF THE FALCONER'S FACILITIES AND RENEWAL OF A PERMIT WHICH HAS LAPSED FOR 5 OR MORE YEARS REQUIRES THAT THE FALCONER TAKE AND PASS THE BASIC FALCONRY EXAM AS SPECIFIED IN SECTION 10.3(1) OF THIS ORDER.**

#### **10.5 Facilities, INSPECTIONS, equipment, maintenance, and care.**

Sec 10.5 (1) Before a falconry permit is issued, an applicant's raptor housing facilities and falconry equipment shall be inspected and approved by a **DEPARTMENT** conservation officer as meeting the following standards:

(a) The raptor housing facility shall provide protection from the environment, predators, and undue disturbance. The facility may be classified as either indoor or outdoor and shall meet the following as applicable:

(i) An indoor facility (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than 1 raptor is kept in the mew, the raptors shall be tethered or separated by partitions, and the area for each shall be large enough to allow the raptor to fully extend its wings. **UNTETHERED RAPTORS MAY BE HOUSED TOGETHER IF COMPATIBLE WITH EACH OTHER. IF THE RAPTORS ARE UNTETHERED, ALL WALLS, INCLUDING THOSE THAT ARE NOT SOLID, MUST PREVENT INGRESS AND EGRESS.** There shall be at least 1 window, **WHICH SHALL HAVE** vertical bars **INSTALLED WHICH ARE** spaced narrower than the **WIDTH OF THE BODY OF THE SMALLEST RAPTOR HOUSED** ~~raptor's body, and~~ **WITH** a secure door that can be easily closed. The floor of the mew shall permit **EFFECTIVE** cleaning and shall be well drained. **AT LEAST ONE PERCH FOR EACH RAPTOR SHALL BE PROVIDED.** ~~Adequate perches shall be provided.~~ **RAPTORS MAY BE KEPT IN A FALCONER'S PLACE OF RESIDENCE WITHOUT MODIFICATION TO WINDOWS OR OTHER OPENINGS OF THE STRUCTURE. RAPTORS KEPT IN A FALCONER'S PLACE OF RESIDENCE MUST BE TETHERED WHEN THEY ARE NOT BEING MOVED INTO OR OUT OF THE LOCATION IN WHICH THEY ARE KEPT.**

(ii) Outdoor facilities (~~weathering area~~) shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and attack by predators. The enclosed area shall be large enough to ensure the raptor(s) cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each raptor. **AT LEAST ONE COVERED PERCH FOR EACH RAPTOR SHALL BE PROVIDED.** ~~Adequate perches shall be provided.~~

**(III) RAPTORS OF A FALCONER MAY BE TEMPORARILY HELD OUTSIDE IN THE OPEN ONLY WHILE UNDER WATCH OF THE FALCONER OR THE FALCONER'S DESIGNEE.**

(b) The following equipment shall be in the possession of an applicant before a falconry permit shall be issued:

(i) Jesses—At least 1 pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional, one-piece jesses may be used on raptors when not being flown.

(ii) Leashes and swivels—At least 1 flexible, weather resistant leash and 1 strong swivel of acceptable falconry design.

(iii) Bath container—At least 1 ~~suitable~~ container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor **UNLESS WEATHER CONDITIONS, THE PERCH TYPE USED, OR SOME OTHER FACTOR MAKES ACCESS TO A WATER PAN UNSAFE FOR THE RAPTOR.**

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design for each raptor.

(v) Weighing device—A reliable scale or balance suitable for weighing a raptor, graduated to increments of not more than 1/2 ounce (15 grams).

(c) All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Raptors held in captivity shall be handled in a sanitary and humane manner and kept free ~~as far as practicable~~ from parasites, sickness, or disease.

**(2) INSPECTIONS MAY BE MADE WITHOUT ADVANCE NOTICE AT ANY REASONABLE TIME OF DAY. INSPECTIONS MUST BE CONDUCTED IN THE PRESENCE OF THE FALCONRY PERMIT APPLICANT.**

#### **10.6 ~~Transportation~~ TRANSPORT, POSSESSION, TEMPORARY CARE and temporary holding.**

Sec 10.6 (1) A raptor may be transported or held in A temporary ~~facilities~~ FACILITY which shall be provided with an adequate perch and protected from **PREDATORS, DOMESTIC ANIMALS**, extreme temperatures, **WIND**, and excessive disturbance for a period not to exceed ~~30~~ **120** days. **THE TEMPORARY FACILITY MUST BE SUITABLE FOR THE TOTAL NUMBER OF RAPTORs HELD, AS REQUIRED IN SECTIONS 10.5 AND 10.6 OF THIS ORDER.**

**(2) A PERSON OTHERWISE AUTHORIZED TO POSSESS RAPTORs MAY CARE FOR THE RAPTOR OF A FALCONER FOR UP TO 120 CONSECUTIVE CALENDAR DAYS IF THE RAPTOR IS ACCOMPANIED AT ALL TIMES BY A COMPLETED MIGRATORY BIRD ACQUISITION AND DISPOSITION REPORT (FORM 3-186A), DESIGNATING THE FALCONER AS THE POSSESSOR OF RECORD, AND ACCOMPANIED BY A SIGNED AND DATED STATEMENT FROM THE FALCONER AUTHORIZING THE TEMPORARY POSSESSION. THE TEMPORARY FACILITY MUST BE SUITABLE FOR THE TOTAL NUMBER OF RAPTORs HELD, AS REQUIRED IN SECTIONS 10.5 AND 10.6 OF THIS ORDER. THE FALCONER SHALL INFORM THE WILDLIFE DIVISION PERMIT SPECIALIST IN WRITING OF THIS ACTION WITHIN 3 DAYS OF THE TRANSFER AND SHALL PROVIDE THE FOLLOWING INFORMATION:**

**(I) THE LOCATION WHERE THE RAPTOR IS BEING HELD.**

**(II) THE REASON FOR THE TRANSFER.**

**(III) THE NAME OF THE PERSON CARING FOR THE RAPTOR.**

**(IV) APPROXIMATELY HOW MANY DAYS THE RAPTOR WILL BE IN THE TEMPORARY CARE OF THE PERSON NAMED ABOVE.**

**(3) A PERSON NOT AUTHORIZED TO POSSESS RAPTORs MAY CARE FOR THE RAPTOR OF A FALCONER AT THE FALCONER'S FACILITY FOR UP TO 45 CONSECUTIVE CALENDAR DAYS. A PERSON NOT AUTHORIZED TO POSSESS RAPTORs MAY NOT FLY THE RAPTORs FOR ANY**

**REASON. THE RAPTORS MAY NOT LEAVE THE FACILITIES. THE TEMPORARY FACILITY MUST BE SUITABLE FOR THE TOTAL NUMBER OF RAPTORS HELD, AS REQUIRED IN SECTIONS 10.5 AND 10.6.**

**(4) ANY LOCATION AT WHICH A RAPTOR IS HELD FOR MORE THAN 120 DAYS MUST BE INSPECTED AND APPROVED AS REQUIRED IN SECTION 10.5 OF THIS ORDER.**

**(5) A FALCONER MAY TRANSPORT OR EXPORT AND IMPORT A RAPTOR UNDER THEIR OWNERSHIP TO ANOTHER STATE WITHOUT OBTAINING A VETERINARIAN'S CERTIFICATE OF HEALTH, PROVIDED THE IMPORTATION AND EXPORTATION REQUIREMENTS OF THAT STATE ARE MET. A FALCONER FROM ANOTHER STATE MAY IMPORT AND EXPORT A RAPTOR UNDER THEIR OWNERSHIP WITHOUT OBTAINING A VETERINARIAN'S CERTIFICATE OF HEALTH.**

### **10.8 Other conditions or restrictions.**

Sec 10.8 (1) A falconer shall obtain written authorization from the wildlife division permit specialist before any species not indigenous to Michigan is intentionally released for return to the wild. The federal marker from any indigenous or nonindigenous raptor to be intentionally released for return to the wild shall be removed and surrendered to the wildlife division permit specialist. A standard federal bird band shall be attached to such raptors by a state- or service-authorized bird bander whenever possible.

~~(2) Another person, otherwise authorized to possess raptors, may care for the raptor of a falconer if the raptor is accompanied at all times by the properly completed form 3-186A, migratory bird acquisition and disposition report, designating the falconer as the possessor of record and by a signed, dated statement from the falconer authorizing the temporary possession. The wildlife division permit specialist shall be informed by the falconer of this action within 3 days of the transfer and shall be informed where the raptor is being held, the reason for the transfer, who is caring for the raptor, and approximately how many days the raptor will be in the care of the second person. The temporary facility must currently be suitable for the total number of raptors as required in sections 10.5 and 10.6.~~

~~(3) (2) Feathers that are molted or those feathers from raptors held in captivity that die, may be retained and exchanged by falconers only for imping purposes.~~

~~(4) A falconer may transport or export and import a raptor under their ownership to another state without obtaining a veterinarian's certificate of health, provided the importation and exportation requirements of that state are met. A falconer from another state may import and export a raptor under their ownership without obtaining a veterinarian's certificate of health.~~

~~(5) (3) A general or master falconer may utilize raptors held under a falconry permit or a federal raptor propagation permit for educational purposes without any additional permits. Educational purposes include exhibitions of the practice of falconry and school or public displays where the biology of birds of prey is presented. Raptors used for this purpose shall at all times be under the control of the falconer.~~

**(4) ANY PREY KILLED BY A FALCONRY BIRD WITHOUT THE INTENT OF THE FALCONER, INCLUDING GAME ANIMALS TAKEN OUTSIDE OF THE LEGAL SEASON, MAY BE CONSUMED BY THE FALCONRY BIRD, BUT SHALL NOT BE POSSESSED BY THE FALCONER.**

**(5) ANY STATE OR FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES KILLED BY A FALCONRY BIRD MUST BE REPORTED BY THE FALCONER TO THE WILDLIFE DIVISION ENDANGERED SPECIES COORDINATOR AND THE CARCASS DISPOSED OF IN A MANNER SPECIFIED BY THE WILDLIFE DIVISION ENDANGERED SPECIES COORDINATOR.**

**(6) GENERAL AND MASTER FALCONERS MAY RELEASE RAPTORS IN THEIR POSSESSION FOR THE PURPOSE OF FALCONRY HACKING.**

**(A) A FALCONRY HACKED RAPTOR SHALL BE INCLUDED IN THE POSSESSION LIMIT OF THE FALCONER WHO RELEASED THE BIRD.**

**(B) ANY HYBRID RAPTOR RELEASED FOR FALCONRY HACKING SHALL HAVE TWO ATTACHED FUNCTIONING RADIO TRANSMITTERS DURING HACKING.**

**(C) RAPTORS SHALL BE FALCONRY HACKED AT LOCATIONS ONLY WHERE THE HACKED RAPTOR IS UNLIKELY TO HARM A STATE OR FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES, AS DETERMINED BY THE DEPARTMENT'S ENDANGERED SPECIES COORDINATOR.**

**(7) A HYBRID RAPTOR SHALL HAVE AT LEAST TWO ATTACHED RADIO TRANSMITTERS WHILE BEING FLOWN FREE.**

Issued this 12th day of August, 2010.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries  
Director