



STATE OF MICHIGAN



JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: June 8, 2009
RESUBMITTED: July 13, 2009

<p><u>A P P R O V E D</u></p> <hr/> <p style="text-align: center;">, 20__</p> <hr/> <p style="text-align: center;">MICHIGAN NATURAL RESOURCES COMMISSION</p> <hr/> <p style="text-align: center;">(ASSISTANT TO THE COMMISSION)</p>
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MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

SUBJECT: Falconry Regulations
Wildlife Conservation Order Amendment No. 17 of 2009

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:

Traditionally, falconers have obtained many of the birds they use to hunt from the sale of captive reared birds. These captive breeding programs minimized impacts to wild raptors from the sport during times of lower raptor populations. They also have served as a vital source of animals for the restoration of wild peregrine falcons to Michigan and the rest of the United States. However, with the resurgence of several raptor species following restrictions on pesticide use and the success of habitat conservation initiatives, the take of wild birds for falconry purposes has become a regular practice.

Since 1999, falconers have been allowed to capture wild raptors in Michigan to be used for falconry purposes. This activity had been regulated in statute with quotas set by the legislature. This statute was written with a sunset date which was extended once to continue to allow take through January 4, 2009. Public Act 36 of 2009 was enacted to authorize this activity and explicitly provide the authority to set seasons and quotas to the Department of Natural Resources.

There are just over 100 licensed falconers in Michigan, and their take of birds from the wild in the state has historically been very low. With anticipated delegation of authority to the Department, a request was made by the Michigan Hawking Club to reassess the current quotas, allowed species, and season dates to better meet the needs and desires of the state's falconers. Falconry regulations from the United States Fish and Wildlife Service limit falconers to taking no more than 2 raptors from the wild annually; the Michigan Hawking Club requested that the level of take authorized in Michigan be sufficient to allow 80% of the state's licensed falconers to take a bird annually.

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

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Trend data from the continent-wide Breeding Bird Survey (BBS) suggest that the population size of red-tailed hawks, American kestrels and Cooper's hawks have been stable or increasing in the long term (1966-2007). Short term BBS trends (1997-2007) indicate declines in American kestrels and sharp-shinned hawks. The BBS is known to under represent certain species, however, since it is conducted only along roadsides and species such as Cooper's hawks, sharp-shinned hawks, and northern goshawks, which tend not to frequent roadsides, cannot be adequately assessed based solely on BBS results. Supplemental surveying of northern goshawks in the Upper Peninsula indicate that several thousand goshawks breed in Michigan. Most take of wild raptors by falconers occurs in the first year of the birds' lives. During this time, natural mortality rates are generally high (40-70% mortality), and birds taken for falconry may not have survived in the wild. The majority of birds taken historically have been red-tailed hawks; small numbers of American kestrels and Cooper's hawks have also been taken annually. During 1999-2008, only 1 sharp-shinned hawk and 1 northern goshawk were taken by falconers.

The Department is recommending that the annual allowable take be 86 birds. Within this take, 80 birds may be red-tailed hawks, sharp-shinned hawks, Cooper's hawks, or American kestrels, but no more than 10 American kestrels may be taken annually. Additionally, four goshawk permits and two great horned owl permits will be offered by a drawing to be administered by the Wildlife Division Permit Specialist. Based on historic rates of application for permits to take raptors, these quotas should satisfy the current annual demand.

Recommendation:

This order was submitted for information on July 9, 2009 at the Natural Resources Commission Meeting. This item appeared on the Department's June 29, 2009, calendar and may be eligible for approval on August 13, 2009.

Russ Mason, Ph.D., Chief
Wildlife Division

Ronald A. Olson, Chief
Parks and Recreation Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division

Gary Hagler, Chief
Law Enforcement Division

Arminda S. Koch
Resource Management Deputy

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. 17 of 2009

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107b of 1994 PA 451, MCL 324.40107b, it is ordered that effective August 14, 2009, the following section(s) of the Wildlife Conservation Order shall read as follows:

10.4 Sources of raptors; retrapping; reporting requirements.

Sec 10.4 (1) A falconer may acquire a raptor only from the following sources:

- (a) Lawful importation as provided by section 4.2 of this order.
 - (b) Lawful purchase or barter as provided by section 4.3 of this order.
 - (c) A gift or donation of a lawfully possessed raptor.
 - (d) Lawful taking as provided in section 10.10 of this chapter.
 - (e) Lawful taking of threatened or endangered species by permit issued by the department endangered species specialist.
- (2) A raptor marked as specified in section 10.7 may be retrapped at any time.
- (3) Any change in a permittee's live bird inventory shall be reported to the wildlife division permit specialist within 5 days of the change by submitting the completed blue copy of federal form 3-186A, migratory bird acquisition and disposition report.

10.10 Taking

Sec 10.10 (1) except as provided in section 10.4 of this order, a licensed falconer shall not take any raptor from the wild in the state of Michigan without first applying for and receiving either a general raptor capture permit or a limited raptor permit from the wildlife from the capture permit from the wildlife division permit specialist. Permits will be issued subject to all of the following requirements and conditions:

- (a) The total number of raptors taken by all falconers, both resident and nonresident, in any one calendar year shall not exceed 86 and shall be limited to the following numbers and species:
 - (i) No more than 80 raptors in any combination of American kestrel (*falcosparverius*), Cooper's hawk (*accipiter cooperi*); red-tailed hawk (*buteo jamaicensis*); and sharp-shinned hawk (*accipiter striatus*). No more than ten American kestrels may be taken.
 - (ii) No more than 4 northern goshawks (*accipiter gentiles*).
 - (iii) No more than 2 great-horned-owls (*bubo virginianus*).
- (b) The total number of all raptors taken by nonresident falconers in any one calendar year shall not exceed 10, which may include no more than 1 goshawk and 1 great horned owl.
- (c) Raptors shall not be taken except for use in falconry.
- (d) A person who is not a licensed falconer shall not apply for a permit to take a wild raptor.

(e) There shall be 2 separate seasons open to take raptors statewide. Eyaas raptors may be taken from May 12 through July 19. A late passage season will run from September 12 through December 31.

(f) Catching devices used to take a passage raptor must have the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(g) Only American kestrels (*falco sparverius*) and great horned owls (*bubo virginianus*) may be taken when over 1 year old.

(h) Taking of raptors on national lakeshores, national recreation areas, and state park and recreation areas is prohibited.

(i) Only licensed falconers may have direct contact with a raptor nest.

(j) Licensed falconers must obtain written permission from property owners or land managers before making direct contact with any raptor nest or setting any capture device.

(k) An eyas may be taken only if at least 2 healthy young raptors are left in the nest.

(l) A licensed falconer shall make written application for a general raptor capture permit and the following provisions apply:

(i) A licensed falconer may not possess more than one raptor capture permit to take a bird from the following list of species during any of the raptor seasons:

(1) American kestrel.

(2) Cooper's hawk.

(3) Red-tailed hawk.

(4) Sharp-shinned hawk.

(ii) General raptor capture permits for the calendar year shall not be issued between December 24 and December 31.

(iii) A licensed falconer is responsible to maintain current contact information with the wildlife division permit specialist.

(iv) A falconer who has legally taken a raptor may obtain another general raptor capture permit after submitting the used capture permit to the wildlife division permit specialist with the date of capture, species taken, and permittee's signature.

(v) Unused general raptor capture permits may be revoked by the department after the total take of raptors has reached 80 statewide and any catching device used under the authority of the permit shall be made inoperable and removed from the field within 24 hours of notification by the department.

(m) A licensed falconer shall make written application for a limited raptor capture permit and the following provisions apply:

(i) Limited raptor capture permits will be available for 4 northern goshawks and 2 great horned owls.

(ii) Permit applications must be submitted to the wildlife division permit specialist prior to March 31. A drawing will be used to identify successful applicants for the northern goshawk and great horned owl capture permits. Successful applicants will be contacted by the wildlife division permit specialist.

(n) A licensed falconer shall report the capture of a raptor to the wildlife division permit specialist within 24 hours after the raptor is taken. A licensed falconer shall submit their used permit to the wildlife division permit specialist within 5 business days after the raptor is taken.

(o) A licensed falconer shall report the nest location from which an eyas is taken by county, township, range, and section, to the wildlife division permit specialist within 5 business days after the raptor is taken.

Issued this 13th day of August, 2009.

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