



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: November 14, 2011
RESUBMITTED: December 12, 2011

<p><u>A P P R O V E D</u></p> <hr/> <p>MICHIGAN NATURAL RESOURCES COMMISSION</p> <hr/> <p>(ASSISTANT TO THE COMMISSION)</p>

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Amendment to Falconry Regulations
Wildlife Conservation Order Amendment No. 01 of 2012

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:

Since 2009, Chapter 10 of the Wildlife Conservation Order (WCO) has been amended twice: once in response to a change in state statute, and once in response to a change in federal falconry regulations. Our goal is to adhere to a triennial regulations cycle for falconry regulation review and potential change (2009 is considered the baseline year of this cycle). As one component of this review process, questions were included on a survey of Michigan's falconers in 2010 to identify areas where changes may be desired or needed.

The changes we are proposing address increased opportunities for take of wild raptors for falconry purposes. The US Fish and Wildlife Service does not restrict the total number of raptors that can be taken annually for most species beyond imposing a limit for individual falconers who may not take more than two (2) birds from the wild annually. The WCO provides a cap on the total number of raptors that may be taken in Michigan annually for falconry. These concepts are supported by the Michigan Hawking Club and Michigan Audubon Society. The substantive changes are in Section 10.10:

Proposed change	Justification
Addition of rough-legged hawk to the list of species that can be taken under a general raptor capture permit.	26% of respondents to the falconry survey indicated an interest in taking rough-legged hawks in Michigan; rough-legged hawks are relatively abundant in Michigan during the winter but do not breed in Michigan; the maximum number of rough-legged hawks that would be allowed for take in any one year is 10 to ensure that the resource is protected while demand for birds is assessed.
Addition of snowy owl to the list of species that can be taken under a limited raptor capture permit.	39% of respondents to the falconry survey indicated an interest in taking snowy owls in Michigan; winter abundance is dependent on prey populations in Canada, but the species is a regular winter resident in Michigan;

	<p>the number of permits would be capped at one annually; take would be restricted to the Upper Peninsula to minimize potential social conflicts between falconers and birders.</p>
<p>Opening of the spring take season on 1 February rather than 12 May.</p>	<p>Prior to the recent shift in authority from USFWS to DNR for issuance of falconry permits, falconers were limited to no more than 124 days annually to take birds from the wild for falconry. These seasons in Michigan were set to maximize opportunities and success for capture primarily of red-tailed hawks and American kestrels. Take of great horned owls had been allowed in a 2009 WCO amendment, but the breeding phenology of this species begins much earlier in the year than the spring take season, effectively prohibiting take. An earlier opening date was requested by the falconers, and the new permitting authority removed the cap on the number of days that could be included in a take season. Additionally, take of rough-legged hawks and snowy owls necessitates an earlier opening date for the spring season.</p>
<p>Take of both passage (first year) raptors and eyasses (chicks in the nest) will be allowed during the spring season.</p>	<p>Prior to 2009, there had been both a spring passage season and an eyas season. Few spring passage birds were ever taken and the days allocated to this season were reallocated to the spring eyas season and the fall passage season at the request of the Michigan Hawking Club. There is no compelling biological reason to prohibit take of spring passage raptors.</p>

Recommendation:

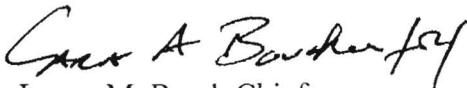
This order was submitted for information on December 8, 2011, at the Natural Resources Commission Meeting. This item appeared on the Department's November 2011 calendar and may be eligible for approval on January 12, 2012.



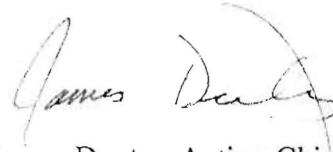
Russ Mason, Ph.D., Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



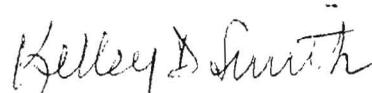
Lynne M. Boyd, Chief
Forest Management Division



James Dexter, Acting Chief
Fisheries Division



Ronald Olson, Chief
Parks and Recreation Division



Kelley D. Smith, Ph.D.
Acting Natural Resources Deputy

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

Rodney A. Stokes, Director

Date

WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2012

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 and it is ordered that effective January 13, 2012 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.
 - (f) Lawful taking under a damage and nuisance animal control permit issued by the department.
- (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 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 87 and shall be limited to the following numbers and species:
 - (i) No more than 80 raptors in any combination of American kestrel (*Falco sparverius*), Cooper's hawk (*Accipiter cooperii*); red-tailed hawk (*Buteo jamaicensis*); sharp-shinned hawk (*Accipiter striatus*), and rough-legged hawk (*Buteo lagopus*). No more than ten American kestrels and ten rough-legged hawks may be taken.
 - (ii) No more than 4 northern goshawks (*Accipiter gentilis*).
 - (iii) No more than 2 great-horned-owls (*Bubo virginianus*).
 - (iv) No more than 1 snowy owl (*Nyctea scandiaca*).
- (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. Non-residents shall not take snowy owls.

(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. A spring season will run from February 1 through July 19. A fall season will run from September 12 through December 31. Snowy owls may only be taken from the Upper Peninsula.

(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.

(5) Rough-legged 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, 2 great horned owls, and 1 snowy owl.

(ii) Permit applications must be submitted to the wildlife division permit specialist prior to January 15. A drawing will be used to identify successful applicants for the northern goshawk, great horned owl, and snowy 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 on this 12th day of January, 2012.

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

Timothy L. Nichols, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rodney A. Stokes
Director