



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



M. SCOTT BOWEN  
DIRECTOR

SUBMITTED: March 18, 2024

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Falconry Regulations  
Wildlife Conservation Order Amendment No. 4 of 2024  
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Michigan's falconry regulations are on a three-year regulatory cycle and were set for 2021-2023. In keeping with efforts to stabilize falconry and raptor capture regulations, the Department recommends the following changes remain in place for 2024-2026.

There are several specific practices covered in falconry regulations: live take of raptors from the wild for the use of falconry, care of birds used in falconry, and training and permitting required of falconers. Further, the take or possession of species covered by the Migratory Bird Treaty Act is governed by the state and federal regulations. As of 2010, the U.S. Fish and Wildlife Service (USFWS) authorized the Department to issue falconry permits without requiring the concurrent approval of the USFWS. The Department is, however, still required to fully implement federal falconry regulations within the Wildlife Conservation Order to remain compliant with federal regulations.

Falconry regulations are established based on biological considerations, recommendations from Michigan's falconers, potential conflicts in resource use between falconers and non-falconers, compliance with federal regulations, and providing clear and simple regulations.

There are currently 139 licensed falconers in Michigan. The Department met with the Michigan Hawking Club and the Detroit Bird Alliance to discuss potential regulatory changes. The Department, in consultation with the Michigan Hawking Club and the Detroit Bird Alliance, recommends adding merlins to the list of species that can be taken under a general raptor capture permit and removing American goshawk (former name northern goshawk) from the list of species that can be taken under a limited raptor capture permit.

The total number of merlins that may be captured by both residents and nonresidents in any one calendar year is 10 and the take is limited to general or master falconers in the Upper Peninsula only. The spring trapping season will run from January 1 through July 19, and the fall season will run from September 12 through December 31.

*Issues Pros and Cons*

Merlins have a long history in the ancient sport of falconry. In countries and US states where they are allowed for falconry, they are highly regarded. As with American kestrels, another

popular falconry species, merlins are small falcons which primarily take birds as prey while in flight. Typical prey ranges in size from sparrows up to pigeons.

The most commonly used raptor species for falconry in Michigan is the red-tailed hawk; this large raptor typically drops on prey from a perch and captures it after a very short chase. In contrast, falcons often drop on prey while flying or soaring and capture prey after a twisting aerial chase. Even though merlins tend not to be used to pursue small game and are instead used to hunt house sparrows, European starlings, and feral pigeons, much of the appeal of merlins to modern falconers lies in the challenge of both learning a new hunting style and in training birds to the hunt.

Additionally, while larger species like red-tailed hawks can be used to hunt small game like rabbits, squirrels, and pheasants, falconers must abide by the limits of season dates and bag limits for these species. Since merlins are often used to hunt unprotected non-native species, it's possible to hunt with them year-round as long as the weather permits.

#### *Other States*

The Department reviewed surrounding states regulations on similar falconry regulations and found the following:

- Indiana: A merlin can be trapped by a general or master falconer with a valid falconry permit. There are two trapping seasons, January 1 to August 31 (Eyass raptors) and September 1 to the last day in February (Passage raptors). The trapping quota is two raptors from the wild per individual, however a general falconry may only take 1 eyass each year from the wild, and a master falconer cannot take more than two eyasses each year from the wild.
- Illinois: A merlin can be trapped by an apprentice, general, or master falconer with a valid capture permit. There are two trapping seasons, February 1 to August 1 (Eyass raptors) and September 1 to March 1 (Passage raptors). There is a trapping quota of 250 annual capture permits, however only two raptors can be taken per individual from the wild per year. An apprentice falconer can only take a raptor less than one year old, except an eyass, from the wild only while under the direct supervisor of his or her falconry sponsor.
- Ohio: A merlin can be trapped by a general or master falconer with a valid capture permit. There is one trapping season, August 1 to March 1. The trapping quota is determined by the chief based upon the best available biological information derived from professionally accepted practices in wildlife management.
- Minnesota: A merlin can be trapped by a general or master falconer with a valid falconry permit. There are two trapping seasons, May 27 to July 31 (Eyass raptors) and August 21 to February 28 (Passage raptors). The trapping quota is two raptors per individual from the wild per calendar year.
- Wisconsin: A merlin can be trapped by general or master falconry with a valid falconry permit. There are three trapping seasons, March 1 to April 15 and May 7 to July 15 (Eyass raptors), and August 21 to January 31 (Passage raptors). The trapping quota is two raptors per individual from the wild per season.

#### *Biological*

Historically, merlins have been excluded from the list of species that can be taken for falconry in Michigan based on low population numbers. As with many raptor species in Michigan, populations dropped in the first half of the 20<sup>th</sup> century due to a combination of habitat loss,

Dichlorodiphenyltrichloroethane (DDT), and Polychlorinated Biphenyls (PCBs) and other industrial contaminants. As a result, the species has been on the state's list of threatened and endangered species as numbers increased and birds have expanded their range back to what it had been historically. In March of 2023, merlins were downlisted and no longer a threatened species in Michigan.

The population of American goshawk in Michigan is primarily limited to the Upper Peninsula and northern Lower Peninsula. While numbers have been low for decades, they had also been relatively stable which allowed for an extremely limited level of take for falconry. In March of 2023, American goshawk was added to the state's list of threatened species due to recent population declines as well as the fact that the reason for the declines is both unknown and apparently regional in nature as these trends are being observed across a large portion of the Great Lakes region in both Canada and the US.

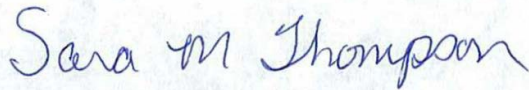
*Social*

The Michigan Hawking Club and the Detroit Bird Alliance provided input to the proposed recommendations.

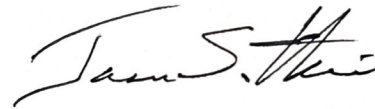
*Economic*

The Department does not expect an economic impact.

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's April 2, 2024 calendar and may be eligible for approval on May 9, 2024.



Sara Thompson, Chief  
Wildlife Division



Jason S. Haines, Chief  
Law Enforcement Division



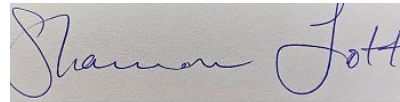
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# WILDLIFE CONSERVATION ORDER

## Amendment No. 4 of 2024

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective May 9, 2024, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **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 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 Michigan resident may possess, transport, and use raptors for falconry purposes provided the individual obtains a falconry permit from the wildlife division permit specialist. Applications shall be made on forms provided by the 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 individual 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.

(a) If an individual holding a valid falconry ~~license~~ **permit** from another jurisdiction within the United States moves to Michigan bringing raptors possessed under that ~~license~~ **permit**, the individual shall within 45 days:

- (i) notify the department of the address change;
- (ii) apply for a Michigan falconry ~~license~~ **permit** under this chapter; and
- (iii) maintain a valid falconry ~~license~~ **permit**.

(b) An individual applying for a ~~license~~ **permit** under section 10.3(3)(a) may retain possession of raptors while applying for a ~~license~~ **permit**.

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

(a) Apprentice 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 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.

(v) An apprentice falconer shall not possess more than 1 federally protected raptor and shall not obtain more than 2 federally protected raptors for replacement during any 12-month period beginning January 1 of each year.

(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.

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

(viii) If sponsorship is terminated, the apprentice falconer permit shall be valid only if the apprentice falconer acquires a new sponsor within 30 days from the date sponsorship is terminated, and provides notification to the wildlife division permit specialist, along with the new sponsorship agreement once a new sponsor is secured. All falconry activities authorized under the apprentice falconer permit are suspended until a new sponsorship agreement is submitted to the wildlife division permit specialist. An apprentice falconer may retain possession of raptors while securing a new sponsorship. Any raptors that are in possession beyond 30 days and a sponsorship agreement has not been submitted to the wildlife division permit specialist, the raptors must be lawfully released or lawfully transferred.

(b) General falconer permit:

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

(ii) A general falconer shall have at least 24 months of falconry experience as an apprentice, or the equivalent of 24 months of falconry experience as an apprentice if obtained prior to the year 1977, or the equivalent of 24 months of falconry experience as an apprentice if obtained in a foreign country.

(iii) An apprentice falconer, upon meeting the qualifications for a general 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).

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

(v) A general falconer may not transport or possess a golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), or steller's sea eagle (*Haliaeetus pelagicus*).

(c) Master falconer permit:

(i) A master falconer shall have at least 5 years of falconry experience as a general falconer, or the equivalent of 5 years of falconry experience as a general falconer if obtained prior to the year 1977, or the equivalent of 5 years of falconry experience as a general falconer if obtained in a foreign country.

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

(iii) A master falconer shall not possess more than 10 federally protected raptors, of which no more than 5 may be wild federally protected raptors, and shall not obtain more than 2 federally protected raptors taken from the wild for replacement during any 12-month period beginning 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.

(5) As provided by part 435, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561 an individual taking an animal with the use of a raptor is required to have a license for that species.

(6) A general or master falconer shall not transport or possess, 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, 1994 PA 451, MCL 324.36501 to 324.36507.

(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.

### **10.6 Transport, possession, temporary care and holding.**

Sec 10.6 (1) A raptor may be transported or held in a temporary 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 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) An individual 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 copy of the current bird acquisition and disposition report, 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 individual caring for the raptor.

(iv) Approximately how many days the raptor will be in the temporary care of the individual named above.

(3) An individual 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. An individual not authorized to possess raptors may not fly the raptors for any reason. The raptors may not leave the ~~facilities~~ **facility**. The temporary facility must be suitable for the total number of raptors held, as required in sections 10.5 and 10.6. A falconer shall inform the department's wildlife permit specialist in writing of this action within 3 days of the initiation of this care and shall provide the following information:

(i) The location where the raptor is being held.

(ii) The reason for the temporary care.

(iii) The name of the individual caring for the raptor.

(iv) The approximate number of days the raptor will be in the temporary care of the individual named above.

(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 a raptor under their ownership to another state without obtaining a veterinarian's certificate of health, provided the importation requirements of that state are met, pursuant to section 31 of the animal industry act, 1988 PA 466, MCL 287.731(4).

### 10.10 Raptor Capture

Sec. 10.10 (1) Except as provided in section 10.4 of this order, a licensed falconer shall not capture 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 captured by all falconers, both resident and nonresident, in any one calendar year shall not exceed ~~87~~ **83** 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 cooperi*); red-tailed hawk (*Buteo jamaicensis*); sharp-shinned hawk (*Accipiter striatus*), ~~and~~ rough-legged hawk (*Buteo lagopus*); **and merlin (*Falco columbarius*)**. No more than ten American kestrels, ~~and~~ ten rough-legged hawks, **and 10 merlins** may be captured.

~~(ii) No more than 4 northern goshawks (*Accipiter gentilis*).~~

(iii) No more than 2 great horned owls (*Bubo virginianus*).

~~(iiiiv)~~ No more than 1 snowy owl (*Nyctea scandiaca*).

(b) The total number of all raptors captured by nonresident falconers in any one calendar year shall not exceed 10, which may include no more than ~~2 goshawks~~ and 1 great horned owl. Non-residents shall not capture snowy owls.

(c) Raptors shall not be captured except for use in falconry.

(d) An individual who is not a licensed falconer shall not apply for a permit to capture a wild raptor.

(e) There shall be 2 separate seasons open to capturing raptors statewide. A spring season will run from January 1 through July 19. A fall season will run from September 12 through December 31. Snowy owls **and merlins** may only be captured in the Upper Peninsula.

(f) Catching devices used to capture a passage raptor must have the name and address in legible English or the complete Michigan driver license number of the user or individual 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 individual possessing the catching device.

(g) Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may be captured when over 1 year old.

(h) Capturing raptors on state park and recreation areas shall take place only in areas where trapping is allowed as described in Chapter VII of this order.

(i) Only licensed falconers may have direct contact with a raptor nest, except that if the licensed falconer is present at the capture site, another person may capture the raptor for the licensed falconer provided that the other person gives it to the licensed falconer at the capture site. The licensed falconer is considered the person who removes the raptor from the wild and is responsible for all reporting requirements.



(j) Licensed falconers must be in compliance with section 73102 of 1994 PA 451, MCL 324.73102, when taking a raptor from the wild in the state of Michigan.

(k) An eyas may be captured 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 captured 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 capture 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 December 1. 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 captured.

(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 captured.

Issued on this 9th day of May, 2024.

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

Thomas Baird, Chair  
Natural Resources Commission

Approved as to matters over which the Director has authority.

M. Scott Bowen  
Director