Chapter X

Falconry

10.1 Meaning of words and phrases.

Sec. 10.1 For purposes of this chapter, the words and phrases defined in section 10.2 shall have the meanings ascribed to them in that section.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991.

10.2 Definitions.

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

(2) “Falconer” means an individual possessing a valid falconry permit.

(3) “Falconry” means the sport of taking game and unprotected species 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.

(5) “Falconry permit” means a document which authorizes the holder to practice falconry.

(6) “Federally protected raptor” means any raptor species in 50 CFR 10.13.

(7) “Federal regulations” means the United States fish and wildlife service regulations and standards.

(8) “Hybrid raptor” means offspring of birds listed as two or more distinct species in 50 CFR 10.13.

(9) “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.

(10) “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.

(11) “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.

(12) “Mew” means the building or room in which raptors are held and sheltered.

(13) “Service” means the United States fish and wildlife service of the department of the interior.

(14) “Passage” means a flighted raptor less than 1 year of age.

(15) “Weathering area” means an outdoor facility in which raptors are held and sheltered.

(16) “Wild raptor” means a raptor captured from the wild.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 15, 2010, Eff. Aug. 12, 2010; Am. 1, 2015, Eff. Feb 13, 2015.

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 permit from another jurisdiction within the United States moves to Michigan bringing raptors possessed under that permit, the individual shall within 45 days:

(i) notify the department of the address change;

(ii) apply for a Michigan falconry permit under this chapter; and

(iii) maintain a valid falconry permit.

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

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 15, 2010, Eff. Aug. 12, 2010; Am. 1, 2015, Eff. Feb 13, 2015; Am. 2, 2018, Eff. Feb. 9, 2018; Am. 4, 2021, Eff. May 14, 2021; Am. 4, 2024, Eff. May 9, 2024.

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 capture 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.

(b) 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. Dead raptors must be reported by submitting the completed copy of the current bird acquisition and disposition report. Live raptors may only be removed from a permittee's inventory in the following ways:

(a) Wild indigenous raptors may be transferred to a properly permitted falconer or raptor propagator, subject to sections 4.2 and 4.3 of this order, or released to the wild by submitting a completed copy of the current bird acquisition and disposition report to the department.

(b) Captive-bred and permanently injured raptors unable to survive in the wild may be transferred to a properly permitted falconer, raptor propagator, wildlife educator, or zoological park approved or accredited by the American zoo and aquarium association. The licensed falconer shall submit a completed copy of the current bird acquisition and disposition report to the department.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 17, 2009, Eff. Aug 13, 2009; Am. 1, 2012, Eff. Jan 12, 2012; Am. 1, 2015, Eff. Feb 13, 2015.

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 or wildlife permit specialist 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 smallest raptor housed 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. 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 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.

(iii) Raptors of a falconer may be temporarily held outside in the open only while under the 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 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 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.

(3) Permittees who move to a new residence or change location of their facilities within the state of Michigan prior to the permit expiration must notify the wildlife division permit specialist in writing within 5 business days of moving to a new residence or changing location of their facilities and request inspection of the facilities. The wildlife division permit specialist will determine the type of inspection, consistent with the standards in section 10.5 of this order.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 15, 2010, Eff. Aug. 12, 2010; Am. 2, 2018, Eff. Feb. 9, 2018.

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 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).

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am. 15, 2010, Eff. Aug. 12, 2010; Am. 1, 2105, Eff. Feb 13, 2015; Am. 4, 2024, Eff. May 9, 2024.

10.7 Marking.

Sec. 10.7 (1) Each raptor, regardless of origin or species, must be identified by an appropriate federal marker provided by the service or wildlife division permit specialist. Marking must be accomplished within 5 days after a falconer acquires a raptor. The wildlife division permit specialist will provide markers for raptors taken from the wild. The service will provide markers for captive-bred raptors. Loss or removal of any markers must be reported to the wildlife division permit specialist within 5 working days of the loss and must be replaced with an appropriate federal marker.

(2) Alteration, counterfeiting, or defacing of a marker is prohibited except that a falconer may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997.

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) 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.

(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.

(a) An apprentice falconer may utilize raptors held under a falconry permit or a federal raptor propagation permit for educational purposes without any additional permits if the apprentice falconer is under the direct supervision of a general or master falconer. 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.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 15, 2010, Eff. Aug. 12, 2010.; Am. 2, 2018, Eff. Feb. 9, 2018.

10.9 Repealed. Am. 7, 1991, Eff. Jul 1, 1991.

Publisher’s note: The repealed section pertained to other permit conditions or restrictions.

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 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), rough-legged hawk (Buteo lagopus); and merlin (Falco columbarius). No more than ten American kestrels, ten rough-legged hawks, and 10 merlins may be captured.

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

(iii) 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 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 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 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.

History Note: Am. 4, 1999, Eff. Apr 9, 1999; Am. 1, 2004, Eff. Feb 7, 2004; Am. 17, 2009, Eff. Aug 13, 2009; Am. 1, 2012, Eff. Jan 12. 2012; Am. 1, 2015, Eff. Feb 13, 2015; Am. 2, 2018, Eff. Feb. 9, 2018; Am. 4, 2024, Eff. May 9, 2024.