



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: March 15, 2021

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Falconry Regulations
Wildlife Conservation Order Amendment No. 4 of 2021
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 2018-2020. In keeping with efforts to stabilize falconry and raptor capture regulations, the Department recommends the following changes remain in place for 2021-2023.

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 131 licensed falconers in Michigan. For the 2021-2023 regulatory cycle, the Michigan Hawking Club reviewed the current regulations and requested an administrative change to the falconry permit program. There are no recommended biological changes to the falconry regulations this cycle.

Falconry Sponsorship Agreement

Federal regulations recognize three classes of permits to practice falconry: Apprentice, General, and Master. An apprentice permit is for a novice falconer, and federal regulations require an apprentice permit holder to have a letter from a master or general

falconer stating that they have agreed to assist the apprentice in learning about falconry. The sponsor is responsible for teaching the husbandry and training of raptors held in falconry, the relevant wildlife laws and regulations, and deciding what species of raptor is appropriate for the apprentice to possess. Michigan requires a novice falconer to submit a sponsorship agreement before obtaining an apprentice permit. The sponsorship agreement is an agreement between the sponsor and the apprentice stating the expectations and conditions for both the apprentice and the sponsor. Once a sponsorship agreement is submitted to the Department, along with an apprentice permit application and a facility inspections report, an apprentice permit is issued.

In certain situations, a sponsor may withdraw from the sponsorship, leaving the apprentice without a sponsor or valid sponsorship agreement. The sponsorship agreement outlines the expectations that shall be met in this situation; the sponsor is responsible for submitting a letter of withdrawal to the Department and must attempt to give reasonable notice to the apprentice to locate another sponsor. The apprentice is responsible for promptly finding another sponsor and cannot trap a bird without a valid sponsorship agreement on file.

In order to ensure that the expectations outlined in the sponsorship agreement are adhered to and enforceable, the Department in consultation with the Michigan Hawking Club recommends that if a 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 Department, 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 Department. 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 Department, the raptors must be lawfully released or lawfully transferred.

Issues Pros and Cons

In order for an apprentice falconer to advance to a general falconer, a recommendation from a sponsor must be submitted to the Department after a minimum of 24 months of active participation as an apprentice. The requirement for an apprentice falconer to have a sponsor and sponsorship agreement is nearly universal in the North American falconry regulations. Having a sponsorship agreement is an important document for both the apprentice and the sponsor, as it outlines the important expectations and conditions for both the apprentice and the sponsor. If a sponsorship agreement is terminated, the apprentice loses the guidance and leadership from a general or master falconer that is important when learning the sport of falconry. In addition, the Department wants to ensure that all raptors are being possessed legally if a sponsorship agreement is terminated.

The Department understands that finding a new sponsor can be challenging and time consuming, however the Department believes that 30 days is enough time to find a new sponsor and submit a new sponsorship agreement.

Other States

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

- Wisconsin: A sponsor of an apprentice is required to submit an annual progress report to the Department and to notify at any time when the progress or performance of an apprentice is unsatisfactory.
- Ohio: Falconry permits are issued only to those working under an active sponsorship agreement.
- Indiana: Written notification shall be provided to the Department within five calendar days of the sponsorship termination. The apprentice class license holder shall submit a document to the Department that is compliant with the requirement identifying a new sponsor within 30 calendar days of the termination.
- Illinois: A sponsor who wishes to withdraw sponsorship of an apprentice class permittee must notify the apprentice via a registered letter and provide the Department with a copy of the letter and receipt showing the letter was received. The apprentice shall have 45 days from the date of the letter to secure another sponsor or shall forfeit his or her permit.
- Minnesota: A permittee must notify the commissioner within ten days if there is a change in sponsorship.

Biological

The Department does not expect a biological impact.

Social

The Michigan Hawking Club supports this recommendation.

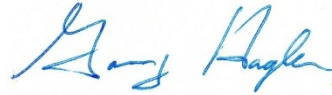
Economic

The Department does not expect an economic impact.

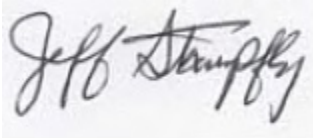
Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's March calendar and may be eligible for approval on May 13, 2021.



Jared Duquette, Chief
Wildlife Division



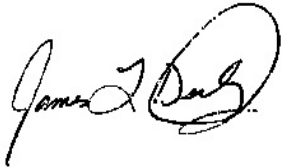
Gary Hagler, Chief
Law Enforcement Division



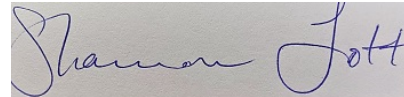
Jeff Stampfly, Chief
Forest Resources Division



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James Dexter, Chief
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Shannon Lott
Natural Resources Deputy

WILDLIFE CONSERVATION ORDER

Amendment No. 4 of 2021

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 14, 2021, 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 from another jurisdiction within the United States moves to Michigan bringing raptors possessed under that license, the individual shall within 45 days:

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

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

(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 stellar'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 an pass the basic falconry exam as specified in section 10.3(1) of this order.

Issued on this 13th day of May, 2021.

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

Carol Moncrieff Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director