

FALCONRY

House Bill 4896 (Substitute H-1) First Analysis (11-12-03)

Sponsor: Rep. Randy Richardville
Committee: Conservation and Outdoor Recreation

THE APPARENT PROBLEM:

Public Act 470 of 1998 amended Part 401 of the Natural Resources and Environmental Protection Act (concerning wildlife conservation) to require that the Department of Natural Resources issue an order establishing a season or seasons for falconers to take up to 25 live raptors per year for use in falconry. (This 25-raptor limit is cumulative, not individual.) Under the act, a "raptor" includes red-tailed hawks, Cooper's hawks, American kestrels, and sharp-shinned hawks. These birds are often trained to capture other game, and the taking of game in such a manner is known as "falconry." The above provisions are set to expire on January 4, 2004. Legislation has been introduced that would extend the sunset provision and allow falconers to capture goshawks.

THE CONTENT OF THE BILL:

Public Act 470 of 1998, which amended the Natural Resources and Environmental Protection Act to allow for the taking of raptors, has a sunset date of January 4, 2004. The bill would extend the sunset to January 4, 2009.

In addition, the bill provides that in addition to the 25-raptor yearly limit, the order establishing a season to take raptors would also have to allow for the issuance of two permits annually to take one northern goshawk per permit during the fall passage season for use in falconry.

MCL 324.40107a

BACKGROUND INFORMATION:

The Natural Resources Commission's regulations related to falconry are contained in Chapter X of the NRC's Wildlife Conservation Order. The process of becoming a falconer is quite difficult, because it is highly regulated. Prior to obtaining a permit, a person must pass an examination provided by the U.S. Fish and Wildlife Service and administered by

the Department of Natural Resources. The examination covers such topics as the basic biology, care and handling of raptors, and pertinent literature, laws and regulations. There are three classes of falconry permits: apprentice falconry, general falconry, and master falconry. An apprentice must be at least 14 years old, have a sponsor who is a general or master falconer, not own more than one raptor (which must be either an American kestrel or a red-tailed hawk taken from the wild), and pass a written examination administered by the department. A general falconer must be at least 18 years old, have at least two years of falconry apprentice experience, not own more than two raptors, and not obtain more than two raptors for replacement during a 12-month period. A master falconer must have at least five years of falconry experience, not own more than three raptors, and not obtain more than two raptors for replacement during a 12-month period. In addition, before a falconry permit is issued, an applicant's raptor housing facilities and falconry equipment must be inspected and approved by a conservation officer

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact on the state or local units of government. (HFA analysis 11-10-03)

ARGUMENTS:

For:

The bill is necessary to allow the 90 federal and state licensed falconers in the state to continue to capture wild raptor for use in falconry. Until the enactment of Public Act 470 in 1998, Michigan was one of the few states that did not allow falconers to capture raptors for use in falconry. At the time the only means of obtaining a raptor was through obtaining a falconry permit in another state, catch a raptor, and import it back to Michigan or by purchasing a raptor. The expiration of the current provision would greatly

restrict the ability of Michigan falconers to obtain a raptor.

Further, it is believed that the continuation of the capture provision would not have a significant impact on the birds. According to committee testimony, in the first four years of the capture provision, falconers have captured approximately 15-18 raptors per year out of a total of 25 possible. In all, 63 raptors were captured for falconry out of a possible 100.

For:

The bill also adds for the capture of up to two goshawks per year. Under the federal regulations related to falconry (50 CFR 21), a “raptor” is defined to mean a live migratory bird of the Order Falconiformes or the Order Strigiformes, other than a bald eagle or a golden eagle. There are five families of birds in the Order Falconiformes, including the family accipitridae, which includes 217 species of hawks, eagles, kites, Old World vultures, harriers, and buzzards. Included in this family is the goshawk (*accipiter gentiles*). This bill, then, expands the allowable types of raptors that may be captured, in a manner that is consistent with federal regulations.

POSITIONS:

The Department of Natural Resources supports the bill. (11-12-03)

The Michigan United Conservation Clubs supports the bill. (11-12-03)

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.