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BILL ANALYSIS



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Senate Bill 1085 (Substitute S-1 as reported)  
Sponsor: Senator Randy Richardville  
Committee: Natural Resources and Environmental Affairs

*(as passed by the Senate)*

Date Completed: 5-2-08

### **RATIONALE**

Public Act 470 of 1998 amended the Natural Resources and Environmental Protection Act to require the Department of Natural Resources (DNR) to issue an order establishing a season for falconers to take up to 25 live raptors per year for use in falconry, the use of birds of prey in hunting. Raptors are live migratory birds of the family Accipitridae, which include birds such as peregrines, kestrels, and red-tailed hawks. Before the legislation was enacted, licensed falconers in Michigan could acquire a raptor only through lawful importation, purchase or barter, or gift or donation. Public Act 470 included a January 2, 2004, sunset, which was delayed until January 4, 2009, under subsequent legislation. It has been suggested that the sunset be eliminated, and that specific regulations regarding the taking of live raptors be deleted from statute and left to the discretion of the DNR.

### **CONTENT**

**The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to eliminate a January 4, 2009, sunset on a section that governs the taking of live raptors for use in falconry; and eliminate specific regulations pertaining to the number of live raptors that may be taken, and the conditions under which they may be taken.**

Under Section 40107a, the DNR must issue an order establishing a season or seasons for falconers to take a total of up to 25 live raptors per year from any combination of red-tailed hawks, Cooper's hawks, American

kestrels, and sharp-shinned hawks for use in falconry. In addition to these 25 raptors, the order must allow the issuance of two permits annually to take northern goshawks during the fall passage season. The order must designate the number of raptors that may be taken and possessed and any other conditions pertaining to the taking and possession of raptors that the DNR considers advisable. The bill would eliminate the specified maximum, as well as references to the particular species and the additional northern goshawk permits.

The order also must prohibit the taking of raptors on national lakeshores, national recreation areas, and all State land. It must require licensed falconers to contact property owners or land managers and obtain written permission before making direct contact with any raptor nest. It must provide that only licensed falconers may have direct contact with the raptor nest and that a licensed falconer must leave in a nest at least two healthy young raptors. A licensed falconer must report the nest location from which a raptor is taken by county, township, range, and section to the DNR within five business days after taking the raptor. The bill would delete these provisions.

Section 40107a and an order issued under it do not designate any species of raptor as game, nor does the section prohibit the DNR from determining that any species of raptor is a protected animal.

The section is scheduled to be repealed effective January 4, 2009. The bill would delete that sunset.

(The DNR order for taking raptors must be issued under Section 40107(2), which requires the Department to comply with specific procedures when issuing animal management orders. The DNR must prepare an order after soliciting and considering comments from field personnel and interested people; provide an opportunity for public comment; and give a copy to each member of the Senate and House standing committees that consider related legislation. The committees then have 30 days to review the order and submit comments to the DNR.)

MCL 324.40107a

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

When the original legislation allowing the taking of raptors for falconry was enacted in 1998, it contained a sunset to allow for an assessment of the effect on the raptor population. Amendments enacted in 2003 delayed the sunset until 2009 and added two permits for northern goshawks beyond the 25-bird maximum. Since 1999, the DNR has developed an extensive permitting and management program. The number of licensed falconers in Michigan has increased since the original legislation was enacted, but not at a rate that has had a negative impact on the State's raptor population. In fact, the sport of falconry potentially could have a positive impact. Many raptors do not survive their first winter; the mortality rate of birds of prey in the first year is about 70%. Some falconers trap the birds in the fall, give them training and experience through the hunting season, and set them free in the spring. These birds are better equipped to survive in the wild and grow to reproductive age. In light of the sport's benefits to the raptor population as well as recreation and tourism, the sunset should be eliminated.

#### **Supporting Argument**

The statute requires the DNR to issue an order prescribing conditions for the taking of

raptors, in addition to the conditions specified in the Act. Chapter 10 of the Wildlife Conservation Act Order contains extensive provisions governing falconry, including rules for the taking of raptors. By eliminating the statutory maximum and references to particular species, as well as the other specific regulations, the bill would enable the DNR to assess the status of the raptor population and establish limits and other policies based on sound data in a timely manner.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.