

SUBSTITUTE FOR
SENATE BILL NO. 1085

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40107a (MCL 324.40107a), as amended by 2003 PA
242.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40107a. (1) The department shall issue an order in the
2 manner provided in section 40107(2) establishing a season or
3 seasons for falconers to take ~~not more than a total of 25 live~~
4 ~~raptors per year from any combination of red tailed hawks (Buteo~~
5 ~~jamaicensis), Cooper's hawks (Accipiter cooperii), American~~
6 ~~kestrels (Falco sparverius), and sharp-shinned hawks (Accipiter~~
7 ~~striatus), for use in falconry. In addition to these 25 raptors,~~
8 ~~the order shall allow the issuance of 2 permits annually to take~~
9 ~~northern goshawks (Accipiter gentilis) during the fall passage~~

Senate Bill No. 1085 (S-1) as amended December 11, 2008

1 ~~season for use in falconry. Each permit for northern goshawks shall~~
2 ~~allow the taking of 1 live bird. The order shall designate the~~
3 ~~numbers of raptors that may be taken and possessed and any other~~
4 ~~conditions pertaining to the taking and possession of raptors that~~
5 ~~the department considers advisable.~~

6 ~~—— (2) The order shall prohibit the taking of raptors on national~~
7 ~~lakeshores and national recreation areas and all state lands. The~~
8 ~~order shall require licensed falconers to contact property owners~~
9 ~~or land managers and obtain written permission before making direct~~
10 ~~contact with any raptor nest. The order shall provide that only~~
11 ~~licensed falconers may have direct contact with the raptor nest and~~
12 ~~that a licensed falconer shall leave in a nest a minimum of 2~~
13 ~~healthy young raptors. A licensed falconer shall report the nest~~
14 ~~location from which a raptor is taken by county, township, range,~~
15 ~~and section to the department within 5 business days after the~~
16 ~~raptor is taken. Within 1 year of the issuance of the order, the~~
17 ~~department shall establish a public education program regarding~~
18 ~~raptors and shall institute a study to establish survey protocols~~
19 ~~to monitor raptor populations likely to be used for falconry~~
20 ~~purposes.~~

21 ~~(2) (3)~~ This section does not, and an order issued under this
22 section shall not, designate any species of raptor as game. This
23 section does not prohibit the department from determining that any
24 species of raptor is a protected animal.

25 ~~—— (4) This section is repealed effective January 4, 2009.~~

[Enacting section 1. This amendatory act does not take effect
unless House Bill No. 5741 of the 94th Legislature is enacted into law.]