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SFA



BILL ANALYSIS

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Senate Bill 1283 (as enrolled)
Sponsor: Senator George A. McManus, Jr.
Senate Committee: Hunting, Fishing and Forestry
House Committee: Conservation, Environment and Recreation

PUBLIC ACT 470 of 1998

Date Completed: 1-8-99

RATIONALE

Raptors are live migratory birds of the family Accipitridae, which include birds such as peregrines, kestrels, and red-tailed hawks but not birds such as the bald eagle, great horned owl, or snowy owl. Under the Wildlife Conservation Order issued by the Natural Resources Commission, a person may possess, transport, and use raptors for falconry purposes in the State provided the person obtains a falconry permit from the wildlife division permit specialist. (See **BACKGROUND** for more information on falconry.) A licensed falconer in Michigan, however, may acquire a raptor only through lawful importation, purchase or barter, or gift or donation. Some people believe falconers licensed in the State also should be able to sell, buy, breed, and take live raptors for use in falconry.

CONTENT

The bill amended Part 365 (Endangered Species Protection) of the Natural Resources and Environmental Protection Act (NREPA) to allow, subject to any permits required by the Department of Natural Resources (DNR), the possession, transfer, transportation, importation, or exportation or the transport or receipt for shipment by a common or contract carrier of a raptor or the captive-bred progeny of a raptor, a raptor egg, or raptor semen acquired in accordance with applicable State and Federal laws and regulations that allow raptors, raptor eggs, or raptor semen to be used in falconry or in the captive propagation of raptors for use in falconry.

Further, subject to any permit required by the DNR, the bill allows a person to sell, offer for sale, buy, or offer to buy a raptor that was captive-bred or semen from a raptor that was captive-bred in accordance with applicable State and Federal laws and regulations that allow raptors or raptor semen to be used in falconry or in captive propagation of

raptors for use in falconry.

The bill also added a provision to Part 401 (Wildlife Conservation) of the NREPA to require the DNR to issue an order in the manner provided in the Act, establishing a season or seasons for falconers to take up to a total of 25 live raptors per year in any combination of red-tailed hawks, Cooper's hawks, American kestrels, and sharp-shinned hawks, for use in falconry. The order must designate the numbers 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.

In addition, the order must prohibit the taking of raptors on national lakeshores, national recreation areas, and all State lands; require licensed falconers to contact property owners or land managers and obtain written permission before making direct contact with any raptor nest; provide that only licensed falconers may have direct contact with the raptor nest; require a licensed falconer to leave a minimum of two healthy young raptors in a nest; and require a licensed falconer to report the nest location from which a raptor is taken, by township, range, and section, to the DNR within five business days.

Under the bill, within one year after the order is issued, the DNR must establish a public education program regarding raptors and institute a study to establish survey protocols to monitor raptor populations likely to be used for falconry purposes.

The bill's provision and an order issued under it, does not designate any species of raptor as game. The bill, however, does not prohibit the DNR from determining that any species of raptor is a protected animal.

The bill's provisions are repealed five years after the bill's effective date.

MCL 324.36505 et al.

BACKGROUND

Under the Wildlife Conservation Order, "falconry" means the sport of taking quarry by means of a trained raptor. 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. According to the DNR, there are currently 66 licensed falconers in the State.

Evidently, the process of training a raptor comprises several phases. The first phase is known as "manning", when the raptor learns to be carried on the falconer's glove and experiences the food reward system. In the second phase, the raptor is tied to a creance, or light training tether, and is called over greater and greater distances while eventually hunting a "lure" that resembles quarry. The final stage is known as "entering", when the raptor is introduced to wild quarry and the sport of falconry begins. In addition to the training, the raptors require ongoing physical conditioning and exercise.

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

Falconry is a highly regulated and monitored sport. Apparently, 48 states allow a person to capture a wild raptor in the state to breed and train for falconry purposes. Previously, in Michigan a falconer only could obtain a permit to catch or sell a raptor in a neighboring state and then lawfully import it back to Michigan. Since the raptors used in the sport of falconry are not considered an endangered species, the bill allows licensed falconers to take, sell, buy, and breed live raptors in Michigan.

Opposing Argument

The bill requires the DNR to issue an order to establish a season or seasons for falconers to take live raptors for use in falconry. It is inappropriate to take wildlife, such as raptors, from their natural habitat for possession and training toward a sport.

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: G. Cutler

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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.