

Chapter X

Falconry

10.1 Meaning of words and phrases.

Sec. 10.1 For purposes of this chapter, the words and phrases defined in section 10.2 shall have the meanings ascribed to them in that section.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991.

10.2 Definitions.

Sec 10.2 (1) "Eyasses" means young birds not yet capable of flight.

(2) "Falconer" means a person possessing a valid falconry permit.

(3) "Falconry" means the sport of taking game and unprotected species by means of a trained raptor.

(4) "Falconry hacking" means the temporary release of a raptor held for falconry to the wild to survive on its own.

(5) "Falconry permit" means a document which authorizes the holder to practice falconry.

(6) "Federal regulations" means the United States fish and wildlife service regulations and standards.

(7) "Hybrid raptor" means offspring of birds listed as two or more distinct species in 50 CFR 10.13.

(8) "Imping" means the repair of a broken feather on a raptor by attaching a molted feather or feather from another bird to the stub of the damaged feather.

(9) "Imprinted raptor" means a raptor that is hand-raised in isolation from the sight of other raptors from 2 weeks of age until it has fledged.

(10) "Marker" means the federal identification device bearing a serial number or ISO-compliant (134.2 kHz) microchip which must be attached to a raptor used in the sport of falconry.

(11) "Mew" means the building or room in which raptors are held and sheltered.

(12) "Service" means the United States fish and wildlife service of the department of the interior.

(13) "Passage" means a flighted raptor less than 1 year of age.

(14) "Weathering area" means an outdoor facility in which raptors are held and sheltered.

(15) "Wild raptor" means a raptor taken from the wild.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 15, 2010, Eff. Aug. 12, 2010.

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 person 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 person 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.

(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 raptor and shall not obtain more than 2 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.

(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 raptors and shall not obtain more than 2 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 raptors, of which no more than 5 may be wild raptors, and shall not obtain more than 2 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 a person 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.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 15, 2010, Eff. Aug. 12, 2010.

10.4 Sources of raptors; retrapping; reporting requirements.

Sec. 10.4 (1) A falconer may acquire a raptor only from the following sources:

(a) Lawful importation as provided by section 4.2 of this order.

(b) Lawful purchase or barter as provided by section 4.3 of this order.

(c) A gift or donation of a lawfully possessed raptor.

(d) Lawful taking as provided in section 10.10 of this chapter.

(e) Lawful taking of threatened or endangered species by permit issued by the department endangered species specialist.

(2) A raptor marked as specified in section 10.7 may be retrapped at any time.

(3) Any change in a permittee's live bird inventory shall be reported to the wildlife division permit specialist within 5 days of the change by submitting the completed blue copy of federal form 3-186A, migratory bird acquisition and disposition report.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 17, 2009, Eff. Aug 13, 2009.

10.5 Facilities, inspections, equipment, maintenance, and care.

Sec 10.5 (1) Before a falconry permit is issued, an applicant's raptor housing facilities and falconry equipment shall be inspected and approved by a department conservation officer as meeting the following standards:

(a) The raptor housing facility shall provide protection from the environment, predators, and undue disturbance. The facility may be classified as either indoor or outdoor and shall meet the following as applicable:

(i) An indoor facility (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than 1 raptor is kept in the mew, the raptors shall be tethered or separated by partitions, and the area for each shall be large enough to allow the raptor to fully extend its wings. Untethered raptors may be housed together if compatible with each other. If the raptors are untethered, all walls, including those that are not solid, must prevent ingress and egress. There shall be at least 1 window, which shall have vertical bars installed which are spaced narrower than the width of the smallest raptor housed with a secure door that can be easily closed. The floor of the mew shall permit effective cleaning and shall be well drained. At least one perch for each raptor shall be provided. Raptors may be kept in a falconer's place of residence without modification to windows or other openings of the structure. Raptors kept in a falconer's place of residence must be tethered when they are not being moved into or out of the location in which they are kept.

(ii) Outdoor facilities shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and attack by predators. The enclosed area shall be large enough to ensure the raptor(s) cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each raptor. At least one covered perch for each raptor shall be provided.

(iii) Raptors of a falconer may be temporarily held outside in the open only while under the watch of the falconer or the falconer's designee.

(b) The following equipment shall be in the possession of an applicant before a falconry permit shall be issued:

(i) Jesses—At least 1 pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional, one-piece jesses may be used on raptors when not being flown.

(ii) Leashes and swivels—At least 1 flexible, weather resistant leash and 1 strong swivel of acceptable falconry design.

(iii) Bath container—At least 1 container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design for each raptor.

(v) Weighing device—A reliable scale or balance suitable for weighing a raptor, graduated to increments of not more than 1/2 ounce (15 grams).

(c) All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Raptors held in captivity shall be handled in a sanitary and humane manner and kept free from parasites, sickness, or disease.

(2) Inspections may be made without advance notice at any reasonable time of day. Inspections must be conducted in the presence of the falconry permit applicant.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr 9, 1999; Am. 15, 2010, Eff. Aug. 12, 2010.

10.6 Transport, possession, temporary care and holding.

Sec 10.6 (1) A raptor may be transported or held in A temporary facility which shall be provided with an adequate perch and protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance for a period not to exceed 120 days. The temporary facility must be suitable for the total number of raptors held, as required in sections 10.5 and 10.6 of this order.

(2) A person otherwise authorized to possess raptors may care for the raptor of a falconer for up to 120 consecutive calendar days if the raptor is accompanied at all times by a completed migratory bird acquisition and disposition report (form 3-186A), designating the falconer as the possessor of record, and accompanied by a signed and dated statement from the falconer authorizing the temporary possession. The temporary facility must be suitable for the total number of raptors held, as required in sections 10.5 and 10.6 of this order. The falconer shall inform the wildlife division permit specialist in writing of this action within 3 days of the transfer and shall provide the following information:

(i) The location where the raptor is being held.

(ii) The reason for the transfer.

(iii) The name of the person caring for the raptor.

(IV) Approximately how many days the raptor will be in the temporary care of the person named above.

(3) A person not authorized to possess raptors may care for the raptor of a falconer at the falconer's facility or up to 45 consecutive calendar days. A person not authorized to possess raptors may not fly the raptors for any reason. The raptors may not leave the facilities. The temporary facility must be suitable for the total number of raptors held, as required in sections 10.5 and 10.6.

(4) Any location at which a raptor is held for more than 120 days must be inspected and approved as required in section 10.5 of this order.

(5) A falconer may transport or export and import a raptor under their ownership to another state without obtaining a veterinarian's certificate of health, provided the importation and exportation requirements of that state are met. A falconer from another state may import and export a raptor under their ownership without obtaining a veterinarian's certificate of health.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am. 15, 2010, Eff. Aug. 12, 2010.

10.7 Marking.

Sec. 10.7 (1) Each raptor, regardless of origin or species, must be identified by an appropriate federal marker provided by the service or wildlife division permit specialist. Marking must be accomplished within 5 days after a falconer acquires a raptor. The wildlife division permit specialist will provide markers for raptors taken from the wild. The service will provide markers for captive-bred raptors. Loss or removal of any markers must be reported to the wildlife division permit specialist within 5 working days of the loss and must be replaced with an appropriate federal marker.

(2) Alteration, counterfeiting, or defacing of a marker is prohibited except that a falconer may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997.

10.8 Other conditions or restrictions.

Sec 10.8 (1) A falconer shall obtain written authorization from the wildlife division permit specialist before any species not indigenous to Michigan is intentionally released for return to the wild. The federal marker from any indigenous or nonindigenous raptor to be intentionally released for return to the wild shall

be removed and surrendered to the wildlife division permit specialist. A standard federal bird band shall be attached to such raptors by a state- or service-authorized bird bander whenever possible.

(2) Feathers that are molted or those feathers from raptors held in captivity that die, may be retained and exchanged by falconers only for imping purposes.

(3) A general or master falconer may utilize raptors held under a falconry permit or a federal raptor propagation permit for educational purposes without any additional permits. Educational purposes include exhibitions of the practice of falconry and school or public displays where the biology of birds of prey is presented. Raptors used for this purpose shall at all times be under the control of the falconer.

(4) Any prey killed by a falconry bird without the intent of the falconer, including game animals taken outside of the legal season, may be consumed by the falconry bird, but shall not be possessed by the falconer.

(5) Any state or federally listed threatened or endangered species killed by a falconry bird must be reported by the falconer to the wildlife division endangered species coordinator and the carcass disposed of in a manner specified by the wildlife division endangered species coordinator.

(6) General and master falconers may release raptors in their possession for the purpose of falconry hacking.

(a) A falconry hacked raptor shall be included in the possession limit of the falconer who released the bird.

(b) Any hybrid raptor released for falconry hacking shall have two attached functioning radio transmitters during hacking.

(c) Raptors shall be falconry hacked at locations only where the hacked raptor is unlikely to harm a state or federally listed threatened or endangered species, as determined by the department's endangered species coordinator.

(7) A hybrid raptor shall have at least two attached radio transmitters while being flown free.

History: Eff. Mar 31, 1989; Am. 7, 1991, Eff. Jul 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 15, 2010, Eff. Aug. 12, 2010.

10.9 Repealed. Am. 7, 1991, Eff. Jul 1, 1991.

Publisher's note: The repealed section pertained to other permit conditions or restrictions.

10.10 Taking

Sec. 10.10 (1) except as provided in section 10.4 of this order, a licensed falconer shall not take any raptor from the wild in the state of Michigan without first applying for and receiving either a general raptor capture permit or a limited raptor capture permit from the wildlife division permit specialist. Permits will be issued subject to all of the following requirements and conditions:

(a) The total number of raptors taken by all falconers, both resident and nonresident, in any one calendar year shall not exceed 86 and shall be limited to the following numbers and species:

(i) No more than 80 raptors in any combination of American kestrel (*falcosparverius*), Cooper's hawk (*accipiter cooperi*); red-tailed hawk (*buteo jamaicensis*); and sharp-shinned hawk (*accipiter striatus*). No more than ten American kestrels may be taken.

(ii) No more than 4 northern goshawks (*accipiter gentiles*).

(iii) No more than 2 great-horned-owls (*bubo virginianus*).

(b) The total number of all raptors taken by nonresident falconers in any one calendar year shall not exceed 10, which may include no more than 1 goshawk and 1 great horned owl.

(c) Raptors shall not be taken except for use in falconry.

(d) A person who is not a licensed falconer shall not apply for a permit to take a wild raptor.

(e) There shall be 2 separate seasons open to take raptors statewide. Eyaas raptors may be taken from May 12 through July 19. A late passage season will run from September 12 through December 31.

(f) Catching devices used to take a passage raptor must have the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(g) Only American kestrels (*falco sparverius*) and great horned owls (*bubo virginianus*) may be taken when over 1 year old.

(h) Taking of raptors on national lakeshores, national recreation areas, and state park and recreation areas is prohibited.

(i) Only licensed falconers may have direct contact with a raptor nest.

(j) Licensed falconers must obtain written permission from property owners or land managers before making direct contact with any raptor nest or setting any capture device.

(k) An eyaa may be taken only if at least 2 healthy young raptors are left in the nest.

(l) A licensed falconer shall make written application for a general raptor capture permit and the following provisions apply:

(i) A licensed falconer may not possess more than one raptor capture permit to take a bird from the following list of species during any of the raptor seasons:

(1) American kestrel.

(2) Cooper's hawk.

(3) Red-tailed hawk.

(4) Sharp-shinned hawk.

(ii) General raptor capture permits for the calendar year shall not be issued between December 24 and December 31.

(iii) A licensed falconer is responsible to maintain current contact information with the wildlife division permit specialist.

(iv) A falconer who has legally taken a raptor may obtain another general raptor capture permit after submitting the used capture permit to the wildlife division permit specialist with the date of capture, species taken, and permittee's signature.

(v) Unused general raptor capture permits may be revoked by the department after the total take of raptors has reached 80 statewide and any catching device used under the authority of the permit shall be made inoperable and removed from the field within 24 hours of notification by the department.

(m) A licensed falconer shall make written application for a limited raptor capture permit and the following provisions apply:

(i) Limited raptor capture permits will be available for 4 northern goshawks and 2 great horned owls.

(ii) Permit applications must be submitted to the wildlife division permit specialist prior to March 31. A drawing will be used to identify successful applicants for the northern goshawk and great horned owl capture permits. Successful applicants will be contacted by the wildlife division permit specialist.

(n) A licensed falconer shall report the capture of a raptor to the wildlife division permit specialist within 24 hours after the raptor is taken. A licensed falconer shall submit their used permit to the wildlife division permit specialist within 5 business days after the raptor is taken.

(o) A licensed falconer shall report the nest location from which an eyas is taken by county, township, range, and section, to the wildlife division permit specialist within 5 business days after the raptor is taken.

History Note: Am. 4, 1999, Eff. Apr 9, 1999; Am. 1, 2004, Eff. Feb 7, 2004; Am. 17, 2009, Eff. Aug 13, 2009.