

SUBSTITUTE FOR  
HOUSE BILL NO. 4896

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 40107a (MCL 324.40107a), as added by 1998 PA  
470.

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 ~~in~~ **from** any combination of red-tailed hawks  
5 (Buteo jamaicensis), ~~cooper's~~ **Cooper's** hawks (Accipiter  
6 cooperii), American kestrels (Falco sparverius), and  
7 sharp-shinned hawks (Accipiter striatus), for use in falconry.  
8 **In addition to these 25 raptors, the order shall allow the**  
9 **issuance of 2 permits annually to take northern goshawks**  
10 **(Accipiter gentilis) during the fall passage season for use in**

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

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

21 (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  
24 any species of raptor is a protected animal.

25 (4) This section is repealed effective ~~5 years after its~~  
26 ~~effective date~~ **January 4, 2009.**