

MONTANA

Falconry

Guidelines



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STATE OF MONTANA
GENERAL FALCONRY GUIDELINES

INTRODUCTION

Thank you for your inquiry about Falconry, which is the hunting of wild quarry using a trained bird of prey, such as a falcon, hawk, owl, or eagle (Sometimes referred to as "raptors"). Perhaps your interest in this ancient sport, which is over 2,000 years old, was generated from reading a book on the subject, watching various TV programs, or perhaps by watching falconry practiced in a field setting. Whatever the case may be, these guidelines are intended to provide general information about the sport of falconry, its principles, practices and the application procedures which must be followed if you decide you want to become a licensed falconer.

Any person interested in becoming a licensed falconer needs to understand that it is a serious commitment of time, money, and personal effort which requires constant attention 365 days a year. Unlike hunting with a bow or rifle a falconry bird cannot be put up at the end of the hunting season and left until next fall. Additionally, you cannot leave your bird to be attended to for any long term by an unskilled and unknowledgeable neighbor or friend. Care of your bird during your long term absence must be provided by a licensed falconer.

During the falconry hunting season, which begins September 1 and runs to the end of March, a licensed falconer is expected to hunt his bird on a regular basis. Persons who cannot hunt their birds at least 24 days of the week during the hunting season should not consider becoming a falconer. Additionally, the keeping of a bird of prey as a pet is not condoned by practicing falconers, or state and Federal agencies, and it is unlikely a falconry permit will be issued for this purpose.

Falconry has specific requirements, most of which are mandated by state and federal law, that require all falconers to provide proper food, shelter, and equipment necessary to properly keep their bird. You can expect to spend between \$500-\$1,500 just to get started. This does not include the additional expenses associated with traveling to and from hunting areas, medical expenses, or purchasing reference books or other falconry equipment in the future. Your costs can be minimized by making your own equipment and constructing the necessary facilities.

If you decide that you have more than a casual interest in falconry the guidelines and other information contained in this brochure will further your knowledge of the requirements necessary to become a licensed falconer. Whatever your personal decision may be, we hope that you will retain an interest in birds of prey, their conservation and management.

Thanks again for you interest.

Montana Department of Fish, Wildlife & Parks
Montana Falconer's Association

GENERAL REQUIREMENTS TO BECOME A LICENSED FALCONER

Step 1. Obtain a Sponsor

Federal and state laws (Attachments A and B) require that anyone interested in becoming a licensed falconer serve a two year apprenticeship under a sponsor who is a licensed General or Master Falconer. This mandate is designed to teach the beginner about the special facilities, equipment, hunting practices, feeding, and handling techniques necessary to become a falconer.

Persons interested in becoming a falconer are advised that many potential sponsors will not accept an apprentice who does not show a genuine interest and commitment to the sport of falconry. The best way to show your interest, and to obtain more information about falconry, is to contact a local falconer and express your desire to become an apprentice, and ask if you can go with them to observe the actual practice of falconry, both at home and in the field. The more effort you are willing to expend in showing your interest, the better your chances are of finding a falconer willing to sponsor you throughout the two year apprentice program. This initial contact provides the novice with valuable insight regarding the commitment necessary to practice falconry. It also helps a potential sponsor decide if they want to sponsor a particular individual.

Step 2. Payment of Fees: Taking the Falconry Exam

Once you have obtained a sponsor, you will need to study for and take the falconry exam. The purpose of this exam is to determine your knowledge regarding the identification of birds of prey and their natural history, how to care for falconry birds in captivity, and assess your knowledge and understanding of various falconry techniques and applicable laws and regulations.

A \$50.00 falconry application fee allows a first time apprentice applicant that has never held a falconry license to take the exam. If you are reinstating an apprentice falconry license that has lapsed, the application fee is \$125. Applicants may not take the exam more than three times in one year, and only at 30 day intervals. If the applicant fails the exam 3 times, an additional \$25.00 is required to retake the exam the following year. The total fee, which is paid prior to taking the examination, to obtain a 3-year falconry license is \$50 for the first time apprentice and \$125 for all others. This payment must be made payable to the Department. The check must be sent to the Department at: MT. Dept. Fish, Wildlife & Parks, Enforcement Division, 1420 East 6th Street, P.O. Box 200701 Helena, MT, 59620-0701.

The exam may be taken by persons 12 years of age and older and consists of 100 questions. A minimum score of 80% is necessary to receive a passing grade. The exam is difficult and students are advised to read and research as much about the sport of falconry as possible before taking the exam. Your sponsor can help you by providing reference materials and by coaching you about some of the questions that may be on the exam. The student is expected to obtain all reference material and other information on his own, as a study guide is not provided. The exam is administered by the Montana Department of Fish, Wildlife & Parks (Department), or by a designated Master Falconer, and may be taken by contacting one of the Department's Regional offices (Attachment C).

Within 2 weeks after you take the exam the Department will notify you of your score. You will not be told which questions you got right or, which questions you got wrong. Passing the exam does not automatically result in the issuance of a falconry license. A license will only be issued after you have constructed the proper facilities and had them inspected by a Department official.

Step 3. Constructing Facilities; Hawk Furniture; Inspection Requirements

A. Constructing the Mews and/or Weathering Area (Figure 1)

Federal and state laws require that facilities necessary to adequately house raptors for falconry purposes be designed to optimize their health and safety, and to avoid undue disturbance. The applicant must have one or both of the following facilities:

1. An indoor shelter (referred to as the “Mews”) must be constructed that is large enough to allow easy access for caring of the bird, consist of at least one window protected by vertical bars, spaced narrower than the width of the bird’s body, and have a secure door. The floor must permit easy cleaning and be well drained. Additionally, sufficient perches (usually padded to protect the birds feet from abrasion) must be installed. For a Redtail Hawk, or a Kestrel, a mews with dimensions not less than 8'L x 8'W x 6'H is recommended.
2. The outdoor facilities (referred to as the “Weathering Area”), must be completely covered and roofed with netting or wire, except that an outside perch more than 6 ½ feet high (not recommended for apprentices), need not be covered or roofed. The enclosed area must be large enough to prevent the bird from striking the net or wire if it bates (jumps/flies) from its center perch, to which it is tethered. Protection from excessive sun, wind, and inclement weather must be provided. Perches should be padded. An outside enclosure with dimensions not less than 10'L x 10'W x 6'H is recommended.

You may construct your falconry facilities any time after you have located a sponsor. However, to avoid unnecessary and potential out-of-pocket expenses, it is recommended that you forego any construction efforts until after you have passed the falconry exam.

B. Hawk Furniture (Figure 2)

Falconry equipment, or “hawk furniture” is necessary in order to handle and to provide safe and proper management of your bird. Before obtaining a bird the following equipment must (should) be in the falconer’s possession: All furniture must be of acceptable falconry design.

1. **Jesses, anklets, swivel & leash (Required)** .At least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material, that can be attached to the birds leg via a grommeted anklet, and to be used when any bird is flown free; traditional onepiece jesses may be used on birds when they are not being flown. A strong leash to secure the bid to the swivel, falconer’s glove, or perch is also necessary.
2. **Scale (Required)**. A reliable scale or balance graduated in increments of not more than ½ ounce (15 grams) is required. The scale is used to check the birds weight on a regular basis as an indication of the birds overall health and proper flying weight.
3. **Bath Container (Required)**. At least 1 bath container, 2 to 6 inches deep and wider than the length of the bird for drinking and bathing is required.
4. **Perch (Required)**. A block perch, bow perch, shelf perch or other suitable perch covered with astroturf, indoor-outdoor carpeting or other suitable material is required for both the Mews and Weathering Area.
5. **Hood (Optional)**. A hood, properly designed to fit over the birds head and used to keep it calm is recommended.
6. **Falconry Glove (Optional)**. A leather glove with a short leash attached to secure the bird while it sits on the fist, and to reduce injury to the falconer from the birds talons is recommended.
7. **Hawking Bag/Vest (Optional)**. The practice of falconry is made easier if the falconer has a bag or vest

in which to carry essential items such as spare swivels, jesses, leash, food, etc. Duck hunting or fishing vests can be purchased at local sporting stores at a reasonable price for this purpose.

8. Telemetry Equipment (Optional). Radio telemetry is often used in falconry to locate lost birds. Such equipment is expensive ranging from \$500- \$2,500+. However, most falconers, as they progress in experience, eventually purchase this equipment to reduce the possibility of losing their birds. Telemetry equipment is required for any falconers that fly hybrid raptors.

In addition to the above, the falconer needs to have a dependable food supply to maintain the health of his/her bird. Birds of prey require whole bird or whole animal diets to maintain good flying condition and overall health. It is virtually impossible for a falconer, with demands on time, to shoot or trap enough game to support even a single bird of prey, therefore, many falconer's raise their own chickens, quail, rabbits, mice, etc. to feed to their birds. Because of the potential for disease or latent poisoning, the feeding of barn pigeons and field mice is discouraged. Numerous commercial vendors are available that sell high quality birds and animals (live or frozen) that are safe for falconry purposes.

C. Inspection Requirements

Once you have constructed the Mews and/or Weathering Area and have obtained the required hawk furniture you should contact the Department and arrange to have one of the local game warden or a department designee inspect your facilities and equipment. Once you have paid the application fees, passed the examination if an apprentice, and your mews and equipment have passed inspection, a falconry license will be issued.

Step 4. Obtaining a Bird

Apprentices may trap and possess first year passage birds trapped from the wild, may be transferred a bird from another falconer, or may possess a raptor propagator bird that has not been imprinted. Apprentice falconers may not take nestling raptors. There are limitations on the species of wild raptors that may be possessed – check with your sponsor or the department on the regulations. The apprentice must decide which bird is best suited for his/her purposes. Generally, the apprentice should try and match the bird to the availability of game to be hunted. Later, when the General or Master license has been obtained a variety of other falconry birds may be held in possession of the falconer.

Most falconry birds can be trapped using different trapping techniques that involve the use of small mammals or birds such as gerbils, chipmunks, hamsters or pigeons. Your sponsor can advise you of the appropriate trapping methods to use, and assist you in making trapping equipment. Generally, rather than having a bird transferred to them, apprentices are expected to trap their own birds, however, it is recommended they do so with their sponsor in attendance. In Montana, birds of prey begin their southerly migration in the fall. These "passage" birds of appropriate species may be trapped by the apprentice falconer.

Step 5. Manning, Hunting, and Fair Chase

Once you have trapped your bird you will need to spend an intensive amount of time training and taming it. The initial taming process is referred to as "**Manning**" and is one of the most rewarding aspects of falconry. Throughout the manning process and afterwards, there are certain training techniques involved that must be mastered by both the hawk and the falconer in order to be a successful. Your sponsor can coach you on the various techniques necessary to tame and train your hawk. Although some beginning falconer's are successful in their first year, it generally requires at least 2 years of falconry practice before both falconer and hawk begin to be successful at catching wild game. Like many other sports, you only get out of falconry what you put into it. Taking of any upland game birds in the sport of falconry requires that

the falconer hold a Montana upland game bird license. Taking of migratory waterfowl requires the standard federal duck stamp.

The practice of falconry also requires that the principles of "fair chase" be observed. This includes the legal obligation of the falconer to observe all state and federal laws. It also requires that the falconer obtain a knowledge of, and respect for, the quarry being pursued. Most importantly, the falconer must learn to temper the action of the hunt with good judgement, and in a manner that recognizes the importance of the quality of the hunt, rather than in the quantity of the game taken. When these components are applied in a prudent manner, the end result is a fair chase.



**FIGURE 1:
EXAMPLES OF MEWS WITH ATTACHED WEATHERING AREA**



FIGURE 2

HAWK FURNITURE



- 1. SCALE
- 2. FALCONRY GLOVE
- 3. LEASH
- 4. JESSES
- 5. SWIVEL
- 6. ANKLETS
- 7. HOODS

ATTACHMENT A

**U.S. FISH AND WILDLIFE SERVICE
CODE OF FEDERAL REGULATIONS (50CFR)**

PART 21.28 - FALCONRY PERMITS

AND

PART 21.29 - FEDERAL FALCONRY STANDARDS



(Red-Tailed Hawk "Mantling" Over Caught Rabbit)

ATTACHMENT A

**U.S FISH & WILDLIFE SERVICE
CODE OF FEDERAL REGULATIONS**

50 CFR 21.29

FALCONRY STANDARDS AND FALCONRY PERMITTING

ATTACHMENT A

Title 50: Wildlife and Fisheries
PART 21—MIGRATORY BIRD PERMITS
Subpart C—Specific Permit Provisions

§ 21.29 Falconry standards and falconry permitting.

(a) *Background*—(1) *The legal basis for regulating falconry.* The Migratory Bird Treaty Act prohibits any person from taking, possessing, purchasing, bartering, selling, or offering to purchase, barter, or sell, among other things, raptors (birds of prey) listed in §10.13 of this subchapter unless the activities are allowed by Federal permit issued under this part and part 13 of this chapter, or as permitted by regulations in this part.

(i) This section covers all Falconiformes (vultures, kites, eagles, hawks, caracaras, and falcons) and all Strigiformes (owls) listed in §10.13 of this subchapter ("native" raptors), and applies to any person who possesses one or more wild-caught, captive-bred, or hybrid raptors protected under the MBTA to use in falconry.

(ii) The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) provides for the taking of golden eagles from the wild to use in falconry. It specifies that the only golden eagles that may be used for falconry are those that would be taken because of depredations on livestock or wildlife (16 U.S.C. 668a).

(2) *" Possession" and short-term handling of a falconry raptor.* We do not consider short-term handling, such as letting any other person hold or practice flying a raptor you possess under your permit, to be possession for the purposes of this section if you are present and the person is under your supervision.

(3) *Regulatory year for governing falconry.* For determining possession and take of raptors for falconry, a year is any 12-month period for take defined by the State, tribe, or territory.

(b) *Federal approval of State, tribal, and territorial falconry programs*—(1) *General.* (i) A State (including the District of Columbia), tribe, or territory under the jurisdiction of the United States that wishes to allow falconry must establish laws and regulations (hereafter referred to as laws) that meet the standards established in this section. To allow the practice of falconry on tribal lands by tribal members or residents, a tribe may either certify that it has adopted Service-approved State laws if those laws are fully enforceable on tribal lands, or issue its own laws and request our approval.

(ii) The U.S. Fish and Wildlife Service (Service) Director must determine that a State, tribal, or territorial falconry permitting program meets the requirements and standards of this section. The Director must certify no later than January 1, 2014, that a State, tribe, and territory willing to allow falconry meets the federal standards. At that time, all Federal falconry permits and the Federal permitting program will end. Falconry will not be permitted in a State or territory or by a tribe after this date until that State, tribe, or territory develops a permitting program the Director certifies to be in compliance with these regulations. Also see paragraph (b)(12) of this section.

(iii) State, tribal, or territorial laws may be more restrictive than these Federal standards but may not be less restrictive. For instance, a State, tribe, or territory may choose not to allow possession of some species of raptors otherwise allowed in this section. State, tribal, and territorial laws must be consistent with the terms contained in any convention between the United States and any foreign country for the protection of raptors and the Migratory Bird Treaty Act.

(2) *State, tribal, or territorial submission for approval.* A State, tribe, or territory that wishes to allow falconry must submit to the Director:

(i) The data required by paragraph (b)(1) of this section;

(ii) A copy of the State's, tribe's, or territory's Apprentice Falconer examination, which must at a minimum cover laws and regulations, raptor biology and raptor identification, trapping methods, facilities requirements, care of raptors held for falconry, and diseases and health problems of raptors, and training methods; and

(iii) Copies of the laws and regulations governing falconry of the State, tribe, or territory, and certification that the laws and regulations meet the requirements of this section.

(3) *Electronic reporting.* The State, tribe, or territory must work with us to ensure that the electronic 3-186A reporting system (<http://permits.fws.gov/186A>) for reporting take, transfers, and loss of falconry birds is fully operational for residents of that jurisdiction.

(4) *Federal approval and terms.* If we concur that the regulations and the examination meet the requirements of this section, we will publish a rule in the Federal Register adding the State, tribe, or territory to the list of those approved for allowing the practice of falconry. We will terminate Federal falconry permitting in any State certified under these regulations on January 1st of the calendar year following publication of the rule.

(i) An approved State, tribe, or territory must notify the Service Director of any substantive revisions of their laws governing falconry and certify that they meet the requirements of this section.

(ii) We must approve the falconry examination any time it is revised.

(5) *Review of a State, tribal, or territorial falconry program* . We may review the administration of an approved State's, tribe's, or territory's falconry program if complaints from the public or law enforcement investigations that indicate the need for a review, or revisions to the State's, tribe's, or territory's laws or falconry examination. The review may involve, but is not limited to:

- (i) Inspecting falconers' facilities to ensure that facilities standards in this section are met;
- (ii) Processing time of applications;
- (iii) Reviewing approved applications for completeness;
- (iv) Determining that permits issued are appropriate for the experience of the applicants;
- (v) Determining the adequacy of the State's, tribe's, or territory's recordkeeping for the needs of State, tribal, or territorial and Federal law enforcement;
- (vi) Reviewing laws to determine if they meet the requirements of this section; and
- (vii) Reviewing a revised falconry examination to determine if it meets the requirements of this section.

(6) *Suspension of a State's, tribe's, or territory's certification* .(i) We may propose to suspend, and may suspend the approval of a State, tribal, or territorial falconry program in accordance with the procedures in paragraph (b)(6)(ii) of this section if we determine that the State, tribe, or territory has deficiencies in one or more items in paragraph (b)(5) of this section.

(ii) When we propose to suspend approval of a State, tribal, or territorial falconry program, we will first provide written notice to the State, tribe, or territory. Any such notice will include the basis for our determination that suspension is warranted. We will identify the actions that would, if implemented by the State, tribe, or territory, allow us to cancel the proposed suspension of approval.

(iii) The State, tribe, or territory will have 2 years from the date of our notification to correct the deficiencies. The State, tribe, or territory must respond in writing within that time to the proposed suspension, specifying the reasons why the certification should not be suspended. We will give due consideration to any objections and evidence raised by the State, tribe, or territory.

(iv) If we continue to believe that suspension is warranted, we will provide written notice of suspension, including the rationale for suspension, and respond to any objections to the suspension.

(A) The suspension of approval of the State's, tribe's, or territory's falconry program will be effective 180 days from the date of the Service's final notification of suspension.

(B) The State, tribe, or territory must then inform all falconry applicants and permittees of the impending cancellation of permitting.

(v) We will honor all falconry permits in that jurisdiction for 2 years from the date of our final notification of suspension of certification. At the end of the 2 years, you must transfer all raptors (including captive-bred raptors) held under permits from the State, tribal, or territorial falconry program to other falconry permittees in other States or territories, or to Federal raptor propagation or education permittees, institutions exempt from the Federal permit requirements, or permanently released to the wild (if it is allowed by the State, tribe, or territory and by this section), or euthanized. However, you may not permanently release hybrid raptors to the wild.

(7) *Appeal of a decision to suspend State, tribal, or territorial certification* . The State, tribe, or territory may appeal a decision to suspend certification to the Director within 180 days of the date of the Director's decision. The Director will then respond to the State, tribe, or territory within 180 days of receipt of the appeal. The State, tribe, or territory certification will remain effective until the Director makes a final decision on the appeal.

(8) *Recertification of compliance with this section if a State's, tribe's, or territory's falconry permitting authority has been suspended* . If a State, tribe, or territory has had its falconry permitting authority suspended but has corrected its problems, it must submit a request for approval of its permitting activities. We will then either recertify the program, or report in writing why we do not believe that earlier permitting problems have been rectified.

(9) *Authority to suspend or revoke a falconry permit issued by a State, tribe, or territory* . Suspension or revocation of a falconry permit is the responsibility of the State, tribe, or territory. However, compliance with all provisions of these regulations remains under the purview of the Fish and Wildlife Service.

(10) *Standards in effect in your place of residence*.

If your legal residence is in	you may
(i) Mississippi, Montana, Oklahoma, Pennsylvania, Texas, or Utah,	practice falconry as permitted in these regulations if you have a permit from

	your State, tribe, or territory.
(ii) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, or Wyoming,	practice falconry under the Federal regulations in effect on November 7, 2008 (if falconry was allowed in your State at that time) until your State has certified that it meets the requirements in these regulations or until January 1, 2014.

(11) *Compliance date for the regulations in this section.* A State with existing Federally-approved falconry regulations wishing to continue to allow falconry after January 1, 2014 must certify to the Director of the Fish and Wildlife Service that it is in compliance with this section. This section will be applicable for a State upon publication in the Federal Register of our notice of approval of the State's certification. Any State certified to allow falconry under the Federal falconry regulations contained in §§21.28 and §21.29 in effect prior to November 7, 2008 may continue to allow falconry under those provisions until:

(i) We publish a notice of our approval of the State's certification in the Federal Register; or

(ii) January 1, 2014.

(12) *What will happen if a State with falconry regulations certified under earlier regulations does not come into compliance with this section by January 1, 2014?* If a State does not come into compliance with this section by the compliance date, we will require that all raptors held for falconry in that State or (including captive-bred raptors) be transferred to falconers in other jurisdictions, transferred to captive propagation programs, permanently released to the wild (if that is allowed by the State and by this section), or euthanized. However, you may not permanently release hybrid raptors to the wild.

(c) *Practicing falconry—(1) Practicing falconry where you reside.*

If your legal residence is in	you may	because your place of residence
(i) the District of Columbia, Hawaii, on any tribal land, or in any U.S. territory,	not practice falconry	has not met the Federal falconry standards or does not allow the practice of falconry.
(ii) any State other than Hawaii, in the District of Columbia, on any tribal land, or in any U.S. territory,	practice falconry after you receive your State, tribal, or territorial falconry permit, if your State, tribe, or territory is in compliance with these regulations	has met the Federal standards and allows the practice of falconry.

(2) *Permits and inspections to practice falconry.* You must have a valid falconry permit from the State, tribe, or territory in which you reside (or the tribe on whose land you wish to practice falconry if you reside on tribal land or are a tribal member), to take, possess, or transport raptors for falconry, or to hunt with them. Depending on the game you hunt as a falconer and where you hunt, you also may need a Federal Migratory Bird Hunting and Conservation Stamp (a "Duck Stamp"), and State, tribal, or territorial hunting permits or stamps to hunt with a raptor.

(i) Some State, tribal, territorial, or local governments may require you to have additional permits or licenses to practice falconry or to take a raptor from the wild.

(ii) You must comply with all regulations governing migratory bird permitting.

(iii) If you reside for more than 120 consecutive days in a State or territory or on tribal lands other than the location of your primary residence, your falconry facilities in the second location must meet the standards in paragraph (d) of this section and of the corresponding State, tribal, or territorial lands, and your facilities must be listed on your falconry permit.

(3) *Classes of permit to practice falconry.* We recognize Apprentice, General, and Master Falconer levels. Each State, tribe, or territory may have any number of permit levels, but the standards for them must be at least as restrictive as these Federal standards. Your State, tribe, or territory may have more restrictive laws or regulations governing falconry.

(i) Requirements and possession options for an Apprentice Falconer.

(A) You must be at least 12 years of age.

(B) If you are under 18 years of age, a parent or legal guardian must sign your application and is legally responsible for your activities.

(C) You must have a letter from a Master Falconer or a General Falconer with a valid State, tribal, or territorial falconry permit who is at least 18 years old and has at least 2 years experience at the General Falconer level, stating that he or she will assist you, as necessary, in:

(1) Learning about the husbandry and training of raptors held for falconry;

(2) Learning and about relevant wildlife laws and regulations, and

(3) Deciding what species of raptor is appropriate for you to possess while an Apprentice.

(D) Regardless of the number of State, tribal, or territorial falconry permits you have, you may possess no more than one raptor for use in falconry.

(E) You may possess a raptor of any Falconiform or Strigiform species, including wild, captive-bred, or hybrid individuals, except a federally listed threatened or endangered species, a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), a Steller's sea-eagle (*Haliaeetus pelagicus*), or a golden eagle (*Aquila chrysaetos*).

(F) You do not need to capture a wild raptor yourself; it can be transferred to you by another falconry permittee.

(G) You may not possess a raptor taken from the wild as a nestling.

(H) You may not possess a bird that is imprinted on humans.

(I) Your raptor facilities must pass inspection by your State, tribe, or territory before you may be granted a permit.

(ii) Requirements and possession options for a General Falconer.

(A) You must be at least 16 years of age.

(B) If you are 16 or 17 years of age, a parent or legal guardian must sign your application and must be legally responsible for your activities.

(C) You must submit a document from a General Falconer or Master Falconer (preferably your sponsor) to your State, tribal, or territorial wildlife agency stating that you have practiced falconry with raptor(s) at the Apprentice Falconer level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for least 4 months in each year. That practice may include capture and release of falconry raptors.

(D) You may not substitute any falconry school program or education to shorten the period of 2 years at the Apprentice level.

(E) You may take and possess any species of Falconiform or Strigiform except a golden eagle, a bald eagle, a white-tailed eagle, or a Steller's sea-eagle. You may use captive-bred individuals and hybrids of the species you are allowed to possess.

(F) Regardless of the number of State, tribal, or territorial falconry permits you have, you may possess no more than 3 raptors.

(iii) Requirements and possession options for a Master Falconer.

(A) You must have practiced falconry with your own raptor(s) at the General Falconer level for at least 5 years.

(B) You may take and possess any species of Falconiform or Strigiform except a bald eagle. However, you may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea eagle only if you meet the qualifications set forth under paragraph (c)(3)(iv).

(C) You may possess any captive-bred individuals or hybrids of species your State, tribe, or territory allows you to possess for use in falconry.

(D) Regardless of the number of State, tribal, or territorial falconry permits you have, you may possess no more than 5 wild raptors, including golden eagles.

(E) You may possess any number of captive-bred raptors. However, you must train them in the pursuit of wild game and use them in hunting.

(iv) If you meet the requirements in paragraph (c) of this section for falconry you may possess up to 3 eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea eagle.

(A) Your State, tribal, or territorial agency that regulates falconry must document the following before approving your request to possess an eagle to use in falconry:

(1) Your experience in handling large raptors, including information about the species you have handled and the type and duration of the activity in which you gained the experience.

(2) At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess your ability to care for eagles and fly them in falconry.

(B) A golden eagle, white-tailed eagle, or Steller's sea-eagle you hold will count as one of the raptors you are allowed to possess for use in falconry.

(4) Taking a test to qualify for a falconry permit. Before you are issued an Apprentice permit you must correctly answer at least 80 percent of the questions on an examination administered by the State, tribe, or territory under which you wish to obtain a falconry permit. The examination must cover care and handling of falconry raptors, Federal, State or territorial, and tribal (if applicable) laws and regulations relevant to falconry, and other appropriate subject matter. Contact your State, tribal, or territorial agency that regulates falconry for information about permits and taking the test.

(5) Reinstatement of a lapsed falconry permit if your State, tribe, or territory allows it. (i) If your permit has lapsed for fewer than 5 years, it may be reinstated at the level you held previously if you have proof of your certification at that level.

(ii) If your permit has lapsed for 5 years or longer, you must correctly answer at least 80 percent of the questions on an examination administered by the State, tribe, or territory in which you wish to obtain a falconry permit. If you pass the exam, your permit may be reinstated at the level you previously held. Your facilities must pass State, tribal, or territorial inspection before you may possess a falconry bird.

(6) Permit to practice falconry at an appropriate level if you have experience in falconry but are a new resident in the United States. You may qualify for the falconry permit appropriate for your experience. To demonstrate your knowledge of U.S. falconry laws and regulations, you must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the State, tribe, or territory under which you wish to obtain a falconry permit. If you pass the test, the State, tribe, or territory will decide for which level of falconry permit you are qualified, consistent with the class requirements in paragraph (c)(3) of this section. To do so, the State, tribe, or territory should base its decision on your documentation of your experience. Your falconry facilities must meet the standards in paragraph (d)(1) of this section before you may keep a raptor to use in falconry.

(7) Banding or tagging raptors used in falconry. (i) If you take a goshawk, Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) from the wild or acquire one from another falconer or a rehabilitator, and if the raptor is not already banded, you must band it with a permanent, nonreusable, numbered U.S. Fish and Wildlife Service leg band that your State, tribal, or territorial agency will supply. If you wish, you may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in addition to the band. You must report the band number when you report your acquisition of the bird. Contact your State, tribal, or territorial agency for information on obtaining and disposing of bands. Within 10 days from the day on which you take the raptor from the wild, you must report take of the bird by entering the required information (including the band number) in the electronic database at <http://permits.fws.gov/186A> or, if required by your permitting agency, by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry. You may request an appropriate band from your State, tribal, or territorial agency in advance of any effort to capture a raptor. Your State, tribe, or territory may require that you band other species taken from the wild.

(ii) A raptor bred in captivity must be banded with a seamless metal band (see §21.30). If you must remove a seamless band or if it is lost, within 10 days from the day you remove or note the loss of the band, you must report it and request a replacement U.S. Fish and Wildlife Service nonreusable band from your State, tribe, or territory. You must submit the required information electronically immediately upon rebanding the raptor at <http://permits.fws.gov/186A> or, if required by your permitting agency, by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry. You must replace a seamless band that is removed or lost. You may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition to the seamless band.

(iii) If the band must be removed or is lost from a raptor in your possession, you must report the loss of the band within 5 days, and you must then do at least one of the following:

(A) Request a U.S. Fish and Wildlife Service nonreusable band from your State, tribal, or territorial agency that regulates falconry. You must submit the required information within 10 days of rebanding the raptor at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A form to your State, tribal, or territorial agency that governs falconry.

(iv) You must not alter, deface, or counterfeit a band. You may remove the rear tab on a band on a raptor you take from the wild, and you may smooth any imperfect surface if you do not affect the integrity of the band or the numbering on it.

(v) If you document health or injury problems for a raptor you possess that are caused by the band, the State, tribe, or territory may provide an exemption to the requirement for that raptor. In that case, you must keep a copy of the exemption paperwork with you when transporting or flying the raptor. If your bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, you must replace the band with an ISO-compliant microchip that we will supply to your State, tribe, or territory. We will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless you have demonstrated that a band causes an injury or a health problem for the bird.

(vi) You may not band a raptor removed from the wild with a seamless numbered band.

(8) *Carrying your permit(s) when conducting falconry activities.* You must have your permit(s) or legible copies of them in your immediate possession if you are not at the location of your falconry facilities and you are trapping, transporting, working with, or flying your falconry raptor(s).

(9) *Transporting a falconry raptor or raptors to other States or territories.* If you have a valid falconry permit, you may possess and transport for falconry purposes a lawfully possessed raptor through other States or territories. However, any State, tribe, or territory may further regulate such transport.

(d) *Facilities and care requirements —(1) Facilities you must have and maintain.* You must keep all raptors you hold under your falconry permit in humane and healthful conditions.

(i) Whether they are indoors (a "mews") or outdoors (a "weathering area"), your raptor facilities must protect raptors in them from the environment, predators, and domestic animals. You are responsible for the maintenance and security (protection from predators) of raptors you possess under your permit.

(ii) You must have raptor housing facilities approved by your State, tribe, or territory before you may obtain a bird to use in falconry. Your State, tribe, or territory may require that you have both indoor and outdoor facilities. A representative of your agency that regulates falconry, or its designee, must certify that your facilities and equipment meet the following standards:

(A) For housing raptors indoors or outdoors, the facility must protect raptors from predators and domestic animals.

(1) The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors inside.

(2) You may house untethered raptors together if they are compatible with each other.

(3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.

(4) Each falconry bird must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(B) An indoor facility must be large enough to allow easy access for the care and feeding of raptors kept there.

(1) If raptors you house in this indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor you house in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

(2) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(C) You may keep a falconry raptor or raptors inside your place of residence if you provide a suitable perch or perches. If you house your raptor(s) inside your home, you do not need to modify windows or other openings of the structure. Raptors kept in your home must be tethered when they are not being moved into or out of the location in which they are kept.

(D) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

(1) The facility must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.

(2) The facility must be large enough to insure that the birds cannot strike the enclosure when flying from the perch.

(3) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements above and are approved by the State, tribal, or territorial authority regulating falconry.

(iii) You may keep falconry raptors outside in the open if they are under watch, such as by you or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

(iv) You must inform your State, tribal, or territorial agency within 5 business days if you change the location of your facilities.

(2) *Falconry facilities on property you do not own.* (i) Your falconry facilities may be on property owned by another person where you reside, or at a different location. Regardless of location, the facilities must meet the standards in paragraph (d)(1) of this section and those of the State, tribe, or territory from which you have a falconry permit.

(ii) You must submit to your State, tribal, or territorial agency that regulates falconry a signed and dated statement showing that you agree that the falconry facilities and raptors may be inspected without advance notice by State, tribal (if applicable), or territorial authorities at any reasonable time of day, but you must be present. If your facilities are not on property that you own, you must submit a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected by State, tribal (if applicable), or territorial authorities at any reasonable time of day in the presence of the property owner; except that the authorities may not enter the facilities or disturb the raptors unless you are present.

(3) *Equipment you must have and maintain.* You must have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptor(s) you possess.

(4) *Facilities you must have for a raptor when you are transporting it, using it for hunting, or are away from your home with it.* You must be sure that the bird has a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A "giant hood" or similar container is acceptable for transporting or housing a raptor when you are away from the permanent facility where it is housed.

(5) *Temporarily housing a raptor outside of your permanent facilities when you are not transporting it or using it for hunting.* You may house a raptor in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(6) *Care of falconry raptors by another falconry permittee.* Another falconry permittee may care for a raptor or raptors for you at your facilities or at that person's facilities for up to 120 consecutive calendar days. The other person must have a signed and dated statement from you authorizing the temporary possession, plus a copy of FWS form 3-186A that shows that you are the possessor of each of the raptors. The statement must include information about the time period for which he or she will keep the raptor(s), and about what he or she is allowed to do with it or them.

(i) Your raptor(s) will remain on your falconry permit, and will not be counted against the possession limit of the person caring for your raptors.

(ii) If the person caring for your raptor(s) holds the appropriate level falconry permit, he or she may fly your raptor(s) in whatever way you authorize, including hunting.

(iii) This care of your raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The State, tribe, or territory may consider such instances on a case-by-case basis.

(7) *Care of falconry raptors by someone who does not have a falconry permit.* Another person may care for falconry birds you possess at your facilities for up to 45 consecutive calendar days.

(i) The raptor(s) will remain on your falconry permit.

(ii) The raptors must remain in your facilities.

(iii) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency.

(iv) The person(s) caring for your raptors may not fly them for any reason.

(8) *Residence part of the year in another jurisdiction.* (i) The State, tribe, or territory in which you live part-time may require that you obtain its falconry permit. You must contact the State, tribal, or territorial agency that regulates falconry to determine whether you need a permit.

(ii) If you live for more than 120 consecutive days in a State or territory or on tribal lands other than where you maintain your primary residence, your falconry facilities in the second State must meet the standards in this section.

(9) Falconry equipment and records may be inspected in the presence of the permittee during business hours on any day of the week by State, tribal, or territorial officials.

(e) *Taking, possessing, and transporting raptors for falconry—(1) Raptor species you may take from the wild to use for falconry.* (i) You may not intentionally capture a raptor species that your classification as a falconer does not allow you to possess for falconry. If you capture a bird you are not allowed to possess, you must release it immediately.

(ii) On some tribal lands and in some States there may be State, tribal, or Federal restrictions on the take or use of these species, and you may need a tribal or State permit or permits to capture a bird.

(lii) State, tribal, or territorial regulations on take may be more restrictive than those in this section.

(iv) Take of any species must be in compliance with these regulations.

(v) If you are a Master Falconer and your State, tribe, or territory allows you to possess golden eagles, in any year you may take up to two golden eagles from the wild and only in a livestock depredation area during the time the depredation area and associated depredation permit or depredation control order are in effect. A livestock depredation area is declared by USDA Wildlife Services and permitted under §22.23, or upon the request of a State governor and authorized by the Service Director pursuant to §§22.31 and 22.32.

(2) *How and when you may take raptors from the wild to use in falconry.* You may take no more than two raptors from the wild each year to use in falconry.

(i) If you transfer a bird you take from the wild to another permittee in the same year in which you capture it, the bird will count as one of the raptors you are allowed to take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.

(ii) If you are a General or Master Falconer, you may remove nestlings from a nest or aerie in accordance with tribal (if applicable), State, territorial, and Federal restrictions.

(iii) You may not take raptors at any time or in any manner that violates any law of the State, tribe, or territory on whose land you are trapping.

(iv) If you are responsible for reporting take of a raptor from the wild, you can report by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry. You must do this at your first opportunity to do so, but no later than 10 days after the capture of the bird.

(v) If you are present at the capture site, even if another person captures the bird for you, you are considered the person who removes the bird from the wild. You are responsible for filing a 3-186A form reporting take of the bird from the wild. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for you and gives it to you at the tree or cliff.

(vi) If you are not at the immediate location where the bird is taken from the wild, the person who removes the bird from the wild must be a General or Master Falconer, and must report take of the bird. If that person then transfers the bird to you, you must both file 3-186A forms reporting the transaction at your first opportunity to do so, but no later than 10 days after the transfer. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird you took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to you.

(vii) If you have a long-term or permanent physical impairment that prevents you from attending the capture of a species you can use for falconry, a General or Master Falconer may capture a bird for you. You are then responsible for filing a 3-186A form reporting take of the bird from the wild, and the bird will count against the take of wild raptors that you are allowed in any year.

(viii) You must promptly release any bird you capture unintentionally.

(i) If you are an Apprentice Falconer, you may take raptors less than 1 year old, except nestlings, from the wild during any period or periods specified by the State, tribe, or territory. You may take any raptor species from the wild except a federally listed threatened or endangered species or the following species: Bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), golden eagle (*Aquila chrysaetos*), American swallow-tailed kite (*Elanoides forficatus*), Swainson's hawk (*Buteo swainsoni*), peregrine falcon (*Falco peregrinus*), flammulated owl (*Otus flammeolus*), elf owl (*Micrathene whitneyi*), and short-eared owl (*Asio flammeus*).

(3) *Other restrictions on taking raptors from the wild for falconry.* (i) If you are an Apprentice Falconer, you may take raptors less than 1 year old, except nestlings, from the wild during any period or periods specified by the State, tribe, or territory. You may take any raptor species from the wild except a federally listed threatened or endangered species or the following species: Bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), golden eagle (*Aquila chrysaetos*), American swallow-tailed kite (*Elanoides forficatus*), Swainson's hawk (*Buteo swainsoni*), peregrine falcon (*Falco peregrinus*), flammulated owl (*Otus flammeolus*), elf owl (*Micrathene whitneyi*), and short-eared owl (*Asio flammeus*).

(ii) If you are a General or Master Falconer, you may take only raptors less than 1 year of age from the wild during any period or periods specified by the State, tribe, or territory. However, you may take an American kestrel or great horned owl of any age from the wild during any period or periods specified by the State, tribe, or territory.

(iii) If you are a Master Falconer authorized to possess golden eagles for use in falconry, you may capture a golden eagle in a livestock or wildlife depredation area during the time the depredation area and associated depredation permit or depredation control order are in effect.

(A) You may capture an immature or subadult golden eagle.

(B) You may take a nestling from its nest in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area has determined that the adult eagle is preying on livestock or wildlife.

(C) You may take a nesting adult golden eagle only if a biologist representing the agency responsible for declaring the depredation area has determined that the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to an individual authorized to possess it.

(D) You must determine the locations of the livestock or wildlife depredation areas declared by USDA Wildlife Services, or published in the Federal Register by the Service in response to a State governor's request. We will not notify you about them.

(E) Before you begin any trapping activities, you must inform our regional Law Enforcement office of your capture plans. You must notify the offices in person, in writing, or via facsimile or email at least 3 business days before you start trapping. You may send an email to with your trapping plans to lawenforcement@fws.gov, or

If you plan to trap a golden eagle in	you must notify
(1) California, Idaho, Nevada, Oregon, or Washington,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement 911 NE 11th Avenue Portland, Oregon 97232-4181 503-231-6125 facsimile 503-231-6197
(2) Arizona, New Mexico, Oklahoma, or Texas,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 329 Albuquerque, New Mexico 87103 505-248-7889 facsimile 505-248-7899
(3) Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, or Wisconsin,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 45 Federal Building Fort Snelling, Minnesota 55111-0045 612-713-5320 facsimile 612-713-5283
(4) Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, or Tennessee,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 49226 Atlanta, Georgia 30359

	404-679-7057 facsimile 404-679-7065
(5) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, or West Virginia,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 659 Hadley, Massachusetts 01035-0659 413-253-8274 facsimile 413-253-8459
(6) Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, or Wyoming,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement P.O. Box 25486 Denver Federal Center (60130) Denver, Colorado 80225-0486 303-236-7540 facsimile 303-236-7901
(7) Alaska,	U.S. Fish and Wildlife Service Special Agent in Charge - Law Enforcement 1011 East Tudor Road Suite 155 Anchorage, Alaska 99503-6199 907-786-3311 facsimile 907-786-3313

(F) You also must meet all requirements of the State or territory in which you plan to trap, or the tribe on whose lands you plan to trap.

(G) You must have permission from the landowner to capture an eagle; or if you wish to capture one on public land, the responsible agency must allow it.

(iv) You may recapture a falconry bird you have lost at any time. We do not consider recapture of a wild bird to be taking a bird from the wild.

(v) You may recapture a raptor wearing falconry equipment or a captive-bred bird at any time - even if you are not allowed to possess the species. The bird will not count against your possession limit, nor will its take from the wild count against your limit. You must report your recapture of the bird to your State, tribal, or territorial agency that regulates falconry no more than 5 working days after the recapture. You must return a recaptured falconry bird to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the State, tribe, or territory.

(vi) You may take any raptor that you are authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory aluminum band except that you may not take a banded peregrine falcon from the wild.

(A) If a raptor (including a peregrine falcon) you capture is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, you must report your capture of the bird to your State, tribal, or territorial agency that regulates falconry no more than 5 working days after the capture. You must return a recaptured falconry bird to the person who lost it. If that person cannot possess the bird or does not wish to possess it, you may keep it. Otherwise, disposition of a bird whose legal possession cannot be determined will be at the discretion of the State, tribe, or territory. While you keep a bird for return to the person who lost it, the bird will not count against your possession limit or your limit on take of raptors from the wild if you have reported possessing the bird to your State, tribal, or territorial falconry permit office.

(B) If you capture a peregrine falcon that has a research band (such as a colored band with alphanumeric codes) or a research marking attached to it, you must immediately release the bird, except that if the falcon has a transmitter attached to it, you are authorized to possess the bird up to 30 days if you wish to contact the researcher to determine if he or she wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his or her designee can make the change or allow you to do so before you release the bird. If the researcher does not wish to keep the transmitter on the falcon, you may keep the bird if you captured it in circumstances in which capture of wild peregrines is allowed.

(C) If a raptor you capture has any other band, research marking, or transmitter attached to it, you must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.

(1) You may contact the researcher and determine if he or she wishes to replace a transmitter attached to a bird you capture. If so, you are authorized to possess the bird up to 30 days until the researcher or his or her designee does so, or until you can replace it yourself. Disposition of the bird will be at the discretion of the researcher and your State, tribal, or territorial agency that regulates falconry.

(2) If you possess such a bird temporarily, it will not count against your possession limit for falconry raptors.

(vi) You must leave at least one young from any nest or aerie from which you take a nestling.

(vii) If you are an Apprentice Falconer, you may not take a nestling from the wild.

(ix) If you are a Master Falconer with a permit to do so, you may take, transport, or possess up to three eagles, including golden eagles, white-tailed eagles, or Steller's sea-eagles, subject to the requirements in paragraph (c)(3)(iv) of this section and §22.24 of this part. A golden eagle, white-tailed eagle, or Steller's sea-eagle you possess counts as a bird to be included under your possession limit.

(x) If you are a General or Master Falconer, you may take no more than one bird of a threatened species from the wild each year if the regulations in part 17 of this subchapter allow it and if you obtain a Federal endangered species permit to do so before you take the bird. You also may need a State, tribal, or territorial endangered species permit to take a listed species.

(4) *Take of a species or subspecies that was recently removed from the Federal List of Endangered and Threatened Wildlife to use in falconry.* We must first publish a management plan for the species. If take is allowed in the management plan, you may do so in accordance with the provisions for take in the plan.

(5) *Raptors injured due to falconer trapping efforts.* You have two options for dealing with a bird injured by your trapping efforts. In either case, you are responsible for the costs of care and rehabilitation of the bird.

(i) You may put the bird on your falconry permit. You must report take of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry at your first opportunity to do so, but no more than 10 days after capture of the bird. You must then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will count against your possession limit.

(ii) You may give the bird directly to a veterinarian, or a permitted wildlife rehabilitator, or an appropriate wildlife agency employee. If you do so, it will not count against your allowed take or the number of raptors you may possess.

(6) *Acquisition, transfer, loss, or rebanding of a raptor.* (i) If you acquire a raptor; transfer, reband, or microchip a raptor; if a raptor you possess is stolen; if you lose a raptor to the wild and you do not recover it within 30 days; or if a bird you possess for falconry dies; you must report the change within 10 days by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(ii) If a raptor you possess is stolen, you must report the theft to your State, tribal, or territorial agency that regulates falconry and to your Fish and Wildlife Service Regional Law Enforcement office (see paragraph (e)(3)(ii)(C) of this section) within 10 days of the theft of the bird.

(iii) You must keep copies of all electronic database submissions documenting take, transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after you have transferred or lost the bird, or it has died.

(7) *Acquiring a bird for falconry from a permitted rehabilitator.* You may acquire a raptor of any age of a species that you are permitted to possess directly from a rehabilitator. Transfer to you is at the discretion of the rehabilitator.

(i) If you acquire a bird from a rehabilitator, within 10 days of the transaction you must report it by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(ii) If you acquire a bird from a rehabilitator, it will count as one of the raptors you are allowed to take from the wild that year.

(B) *Flying a hybrid raptor in falconry.* When flown free, a hybrid raptor must have attached at least two functioning radio transmitters to help you to locate the bird.

(9) *Releasing a falconry bird to the wild.* You must follow all applicable State or territorial and Federal laws and regulations before releasing a falconry bird to the wild.

(i) If the raptor you wish to release is not native to the State or territory, or is a hybrid of any kind, you may not permanently release the bird to the wild. You may transfer it to another falconry permittee.

(ii) If the species you wish to release is native to the State or territory and is captive-bred, you may not release the bird to the wild unless you have permission from the State, tribe, or territory to release the bird. If you are permitted to do so, you must hack the bird (allow it to adjust) to the wild at an appropriate time of year and an appropriate location. You must remove its falconry band (if it has one) and report release of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(iii) If the species you wish to release is native to the State and was taken from the wild, you may release the bird only at an appropriate time of year and an appropriate location. You must remove its falconry band and report release of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(10) *Restrictions on transfers of falconry raptors from other falconers.* We do not restrict the number of wild-caught or captive-bred raptors transferred to you, but you may not exceed your possession limit.

(f) *Additional information on the practice of falconry—(1) Raptors removed from the wild for falconry are always considered "wild" raptors.* No matter how long such a bird is held in captivity or whether it is transferred to another permittee or permit type, it is always considered a "wild" bird. However, it is considered to be taken from the wild only by the person who originally captured it. We do not consider the raptor to be taken from the wild by any subsequent permittee to whom it is legally transferred.

(2) *"Hacking" of falconry raptors.* Hacking (temporary release to the wild) is an approved method for falconers to condition raptors for falconry. If you are a General Falconer or a Master Falconer, you may hack a falconry raptor or raptors.

(i) You may need permission from your State, tribal, or territorial wildlife agency to hack a bird you possess for falconry. Check with your State, tribal, or territorial agency that regulates falconry to determine if hacking is allowed.

(ii) Any bird you are hacking counts against your possession limit and must be a species you are authorized to possess.

(iii) Any hybrid you hack must have two attached functioning radio transmitters during hacking.

(iv) You may not hack a falconry bird near a nesting area of a Federally threatened or endangered bird species or in any other location where the raptor is likely to harm a Federally listed threatened or endangered animal species that might be disturbed or taken by your falconry bird. You should contact your State or territorial wildlife agency before hacking a falconry bird to ensure that this does not occur. You can contact the State Fish and Wildlife Service office in your State or territory for information on Federally-listed species.

(3) *Use of other falconry training or conditioning techniques.* You may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons, or kites in training or conditioning falconry raptors. You also may fly falconry birds at bird species not protected under the Migratory Bird Treaty Act or at pen-raised animals.

(4) *Selling or trading raptors under a falconry permit.* (i) If allowed by your State, tribe or territory, you may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred raptors marked with seamless bands to other permittees who are authorized to possess them.

(ii) You may not purchase, sell, trade, or barter wild raptors. You may only transfer them.

(5) *Transfer of wild-caught raptors captured for falconry to another type of permit.* Under some circumstances you may transfer a raptor to another permit type if the recipient of the bird (which could be you) possesses the necessary permits for the other activity.

(i) If your State, tribe, or territory allows you to do so, you may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel). When you transfer the bird, you must provide a copy of the 3-186A form documenting acquisition of the bird by the propagator to the Federal migratory bird permit office that administers the propagation permit.

(ii) You may transfer a wild-caught bird to another permit type in less than 2 years (1 year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel) if the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry.

(A) Within 10 days of transferring the bird, you must provide a copy of the 3-186A form documenting acquisition of the bird to the Federal migratory bird permit office that administers the other permit type.

(B) When you transfer the bird, you must provide a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in falconry to the Federal migratory bird permits office that administers the other permit type.

(B) *Transfer of captive-bred falconry raptors to another type of permit*. You may transfer captive-bred falconry raptors if the holder of the other permit type is authorized to possess the bird(s). Within 10 days you must report the transfer by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a standard paper form 3-186A to your State, tribal, or territorial agency that governs falconry.

(7) *Use of raptors held under a falconry permit in captive propagation*. You may use raptors you possess for falconry in captive propagation if you or the person overseeing the propagation has the necessary permit(s) (see §21.30). You do not need to transfer a bird from your falconry permit if you use it for fewer than 8 months in a year in captive propagation, but you must do so if you permanently transfer the bird for propagation. The bird must then be banded as required in §21.30.

(8) *Use of falconry raptors in conservation education programs*. If you are a General or Master Falconer, you may use a bird you possess in conservation education programs presented in public venues.

(i) You do not need a Federal education permit to conduct conservation education activities using a falconry raptor held under a State, tribal, or territorial falconry permit.

(ii) You may present conservation programs as an Apprentice Falconer if you are under the supervision of a General or Master Falconer when you do so.

(iii) You must use the bird primarily for falconry.

(iv) You may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup your costs.

(v) In conservation education programs, you must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. You may not give presentations that do not address falconry and conservation education.

(vi) You are responsible for all liability associated with conservation education activities you undertake (see 50 CFR 13.50).

(9) *Other educational uses of falconry raptors*. You may allow photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though you may not be paid for doing so.

(i) You may not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry.

(ii) You may not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions:

(A) You may use a falconry raptor to promote or endorse a nonprofit falconry organization or association.

(B) You may use a falconry raptor to promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education materials, and scientific research and publication.

(10) *Assisting in rehabilitation of raptors to prepare them for release*. If your State, tribe, or territory allows you to do so, and if you are a General or Master Falconer, you may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. You may keep a bird you are helping to rehabilitate in your facilities.

(i) The rehabilitator must provide you with a letter or form that identifies the bird and explains that you are assisting in its rehabilitation.

(ii) You do not need to meet the rehabilitator facility standards. You need only meet the facility standards in this section; your facilities are not subject to inspection for compliance with the standards in §21.31.

(iii) You do not have to add any raptor you possess for this purpose to your falconry permit; it will remain under the permit of the rehabilitator.

(iv) You must return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day timeframe in which the rehabilitator is authorized to possess the bird, unless the issuing office authorizes you to retain the bird for longer than 180 days.

(v) Upon coordination with the rehabilitator, you must release all releaseable raptors to the wild or return them to the rehabilitator for release within the 180-day timeframe in which the rehabilitator is authorized to possess the birds, unless the issuing office authorizes you to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to you to hold under your falconry permit.

(11) *Using a falconry bird in abatement activities.* (i) If you are a Master Falconer, you may conduct abatement activities with a bird or birds you possess for falconry, if you have a Special Purpose Abatement permit. If you are a General Falconer, you may conduct abatement activities only as a subpermittee of the holder of the abatement permit.

(ii) You may receive payment for providing abatement services if you have a Special Purpose Abatement permit.

(12) *Feathers that a falconry bird or birds molts.* (i) For imping (replacing a damaged feather with a molted feather), you may possess flight feathers for each species of raptor you possess or previously held for as long as you have a valid falconry permit. You may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and you may give feathers to them. You may not buy, sell, or barter such feathers.

(ii) You may donate feathers from a falconry bird, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from the permit requirement under §21.12.

(iii) Except for primary or secondary flight feathers or retrices from a golden eagle, you are not required to gather feathers that are molted or otherwise lost by a falconry bird. You may leave the feathers where they fall, store them for imping, or destroy them. However, you must collect molted flight feathers and retrices from a golden eagle. If you choose not to keep them for imping, you must send them to the National Eagle Repository.

(iv) We request that you send all feathers (including body feathers) that you collect from any falconry golden eagle and that you do not need for imping, to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the Repository is 303-287-2110.

(v) If your permit expires or is revoked, you must donate the feathers of any species of falconry raptor except a golden eagle to any person or any institution exempt from the permit requirement under §21.12 or authorized by permit to acquire and possess the feathers. If you do not donate the feathers, you must burn, bury, or otherwise destroy them.

(13) *Disposition of carcasses of falconry birds that die.* (i) You must send the entire body of a golden eagle you held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository.

(ii) You may donate the body or feathers of any other species of falconry raptor to any person or institution exempt under §21.12 or authorized by permit to acquire and possess such parts or feathers.

(iii) If the bird was banded or microchipped prior to its death, you may keep the body of any falconry raptor except that of a golden eagle. You may keep the body so that the feathers are available for imping, or you may have the body mounted by a taxidermist. You may use the mount in giving conservation education programs. If the bird was banded, you must leave the band on the body. If the bird has an implanted microchip, you must leave the microchip in place.

(iv) If you do not wish to donate the bird body or feathers or keep it yourself, you must burn, bury, or otherwise destroy it or them within 10 days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. You must take appropriate precautions to avoid such poisonings.

(v) If you do not donate the bird body or feathers or have the body mounted by a taxidermist, you may possess the flight feathers for as long as you have a valid falconry permit. However, you may not buy, sell, or barter the feathers. You must keep the paperwork documenting your acquisition of the bird.

(14) *Visitors practicing falconry in the United States.* (i) A visitor to the United States may qualify for a temporary falconry permit appropriate for his or her experience.

(A) The permit may be valid for any period specified by the State, tribe, or territory.

(B) To demonstrate knowledge of U.S. falconry laws and regulations, the visitor must correctly answer at least 80 percent of the questions on the supervised examination for falconers administered by the tribe, State, or territory from which he or she wishes to obtain a temporary falconry permit. If the visitor passes the test, the tribe, State, or territory will decide for what level of temporary permit the person is qualified. The decision should be based on the individual's documentation of his or her experience.

(C) If you hold a temporary falconry permit, you may possess raptors for falconry if you have approved falconry facilities.

(D) A holder of a temporary falconry permit may fly raptors held for falconry by a permitted falconer.

(E) A holder of a temporary falconry permit may not take a bird from the wild to use in falconry.

(ii) For the duration of a permit from a State, tribe, or territory, a visitor may use any bird for falconry that he or she possess legally in his or her country of residence for that purpose, provided that import of that species to the United States is not prohibited, and provided that he or she has met all permitting requirements of his or her country of residence.

(A) A visitor must comply with the provisions in this section, those of the State, tribe or territory where he or she wishes to conduct falconry, and all States through which he or she will travel with the bird.

(B) The visitor may transport registered raptors. He or she may need one or more additional permits to bring a raptor into the United States or to return home with it (see 50 CFR part 14 (importation, exportation, and transportation of wildlife), part 15 (Wild Bird Conservation Act), part 17 (endangered and threatened species), part 21 (migratory bird import and export permits), and part 23 (endangered species convention)).

(C) Unless the visitor has the necessary permit(s) to bring a raptor into the United States and leave it here, he or she must take raptors brought into the country for falconry out of the country when he or she leaves. If a raptor brought into the United States dies or is lost while in this country, the visitor must document the loss before leaving the United States by reporting the loss to the State, tribal, or territorial agency that governs falconry where the bird was lost.

(D) When flown free, any bird brought to this country temporarily must have two attached radio transmitters that will allow the falconer to locate it.

(E) There also may be tribal or State restrictions on nonresidents practicing falconry or importing a raptor or raptors held for falconry.

(15) *Taking falconry raptors to another country to use in falconry activities* . A permit issued under this section authorizes you to export and then import raptors you legally possess for falconry to another country to use in falconry without an additional migratory bird import/export permit issued under §21.21.

(i) You must meet any requirements in 50 CFR 14 subpart B.

(ii) You may need one or more additional permits to take a bird from the United States or to return home with it (see 50 CFR part 15 (Wild Bird Conservation Act), part 17 (endangered and threatened species), and part 23 (endangered species convention)).

(iii) Unless you have the necessary permit(s) to permanently export a raptor from the United States, you must bring any raptor you take out of the country for falconry back to the United States when you return. Each raptor must be covered by a CITES certificate of ownership issued under part 23 of this chapter. You must have full documentation of the lawful origin of each raptor (a copy of a propagation report with band number or a 3-186A report), and each must be identifiable with a seamless band or a permanent, nonreusable, numbered Fish and Wildlife Service leg band issued by the Service or an implanted microchip for identification.

(iv) If the raptor dies or is lost, you are not required to bring it back but must report the loss immediately upon your return to the United States in the manner required by the falconry regulations of your State, and any conditions on your CITES certificate.

(16) *Permission to capture, fly, or release a falconry bird at any location*. You do not need special or written permission for any of these activities on public lands if it is authorized. However, you must comply with all applicable Federal, State, tribal, or territorial laws regarding falconry activities, including hunting. Your falconry permit does not authorize you to capture or release raptors or practice falconry on public lands if it is prohibited on those lands, or on private property, without permission from the landowner or custodian.

(17) *Practicing falconry in the vicinity of a Federally listed threatened or endangered animal species*. In practicing falconry you must ensure that your activities do not cause the take of Federally listed threatened or endangered wildlife. "Take" under the Endangered Species Act means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (Endangered Species Act §3(18)). Within this definition, "harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and "harm" means an act that actually kills or injures wildlife (50 CFR 17.3). To obtain information about threatened or endangered species that may occur in your State or on tribal lands where you wish to practice falconry, contact your State, tribal, or territorial agency that regulates falconry. You can contact your State Fish and Wildlife Service office for information on Federally-listed species.

(18) *Trapping a bird for use in falconry in areas used by the northern aplomado falcon*. Capture of a northern aplomado falcon (*Falco femoralis septentrionalis*) is not authorized because it is a violation of the Endangered Species Act. To avoid trapping northern aplomado falcons, you must comply with the following conditions when trapping a bird for use in falconry in the following counties.

If you trap in	You may trap a bird for falconry in the following counties if you comply with the conditions below.
(i) Arizona,	Cochise, Graham, Pima, Pinal, or Santa Cruz.
(ii) New Mexico,	Doa Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, or Socorro.

(iii) Texas,	Aransas, Brewster, Brooks, Calhoun, Cameron, Culberson, Duval, Ector, El Paso, Hidalgo, Hudspeth, Jackson, Jeff Davis, Kenedy, Kinney, Kleberg, Matagorda, Maverick, Midland, Nueces, Pecos, Presidio, Reeves, Refugio, San Patricio, Starr, Terrell, Val Verde, Victoria, Webb, Willacy, or Zapata.
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(iv) If you are an Apprentice Falconer, you must be accompanied by a General or Master Falconer when trapping in one of these counties.

(v) You may not begin trapping if you observe a northern aplomado falcon in the vicinity of your intended trapping effort.

(vi) You must suspend trapping if a northern aplomado falcon arrives in the vicinity of your trapping effort.

(19) *Prey item killed by a falconry bird without your intent, including an animal taken outside of a regular hunting season.* (i) You may allow your falconry bird to feed on the animal, but you may not take the animal into your possession.

(ii) You must report take of any federally listed threatened or endangered species to our Ecological Services Field Office for the location in which the take occurred.

(20) *Take of bird species for which a depredation order is in place.* With a falconry bird, you may take any species listed in parts 21.43, 44, 45, or 46 of this subchapter at any time in accordance with the conditions of the applicable depredation order, as long as you are not paid for doing so.

(21) *Transfer of falconry raptors if a permittee dies.* A surviving spouse, executor, administrator, or other legal representative of a deceased falconry permittee may transfer any bird held by the permittee to another authorized permittee within 90 days of the death of the falconry permittee. After 90 days, disposition of a bird held under the permit is at the discretion of the authority that issued it.

(g) *Applying for a falconry permit.* If you apply for a falconry permit, you must include the following information plus any other information required by your State, tribe, or territory.

(1) The completed application form from your State, tribal, or territorial agency that regulates falconry permits.

(2) Proof that you have passed the falconry test administered by the State, tribe, or territory where you maintain your legal residence, or proof that you have previously held a falconry permit at the level you seek.

(3) For an Apprentice permit, you must provide the following:

(i) A letter from a General or Master Falconer stating that he or she has agreed to assist you in learning about the husbandry and training of raptors held for falconry and about relevant wildlife laws and regulations, and in deciding what species of raptor is appropriate for you to possess while an Apprentice.

(ii) An original, signed certification that you are particularly familiar with §10.13 of this subchapter, the list of migratory bird species to which the Migratory Bird Treaty Act applies; part 13 of this subchapter, general permit regulations; part 21 of this subchapter, migratory bird permits; and part 22 of this subchapter, eagle permits. The certification can be incorporated into tribal and State application forms, and must be worded as follows:

I certify that I have read and am familiar with the regulations in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, and that the information I have submitted is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

(4) For an Apprentice or General Falconry permit, a parent or legal guardian must co-sign your application if you are under 18.

(5) For a General Falconer permit:

(i) Information documenting your experience maintaining falconry raptors, including a summary of what species you held as an Apprentice Falconer and how long you possessed each bird, and

(ii) A letter from a General Falconer or Master Falconer (preferably your sponsor) attesting that you have practiced falconry with raptor(s) at the Apprentice Falconer level for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year.

(6) For a Master Falconer permit, you must attest that you have practiced falconry at the General Falconer level for at least 5 years.

(h) *Updating a falconry permit after a move.* If you move to a new State or outside the jurisdiction of your tribe or territory and take falconry birds with you, within 30 days you must inform both your former State, tribe, or territory and the permitting authority for your new place of residence of your address change. To obtain a new falconry permit, you must follow the permit application procedures of the authority under which you wish to acquire a new permit. You may keep falconry birds you hold while you apply for a new falconry permit. However, the State, tribe, or territory into which you move may place restrictions on your possession of falconry birds until you meet the residency requirements there.

(i) *Restoration of revoked permits.* Upon request of the person whose permit has been revoked, the State, tribe, or territory may restore the person's falconry permit at the end of the revocation period.

(j) *Information collection requirements.* The information collection required for falconry applications and for falconry bird disposition on FWS Form 3-186A is approved by the Office of Management and Budget under control number 1018-0022. The information is necessary to determine take of raptors from the wild for falconry.

(k) *Database required of States, tribes, and territories.* Each State, tribe, or territory that permits falconry must maintain information in a database. The information will enable enforcement of this section.

(1) The State, tribal, or territorial database must be compatible with the database that we maintain. The State, tribal, or territorial database must contain the following information:

(i) The current address of each person with a falconry permit.

(ii) The classification of each person with a falconry permit - Apprentice Falconer, General Falconer, or Master Falconer.

(iii) The address of the falconry facilities of each person with a falconry permit.

(iv) The Federal falconry identifier number assigned via the 3-186A system to each person with a falconry permit.

(v) Whether each permittee is authorized to possess eagles.

(vi) Information on the status of each person's permit: whether it is active, suspended, or revoked.

(2) Information on each permit granted, including changes in status from Apprentice Falconer to General Falconer or General Falconer to Master Falconer, and moves of falconers or their facilities must be entered into the State's, tribe's, or territory's database within 30 days of the granting of the permit or a falconer's change in status. New additions to the State, tribal, or territorial database must be forwarded to us monthly.

ATTACHMENT B

**STATE OF MONTANA
MONTANA CODE ANNOTATED 87-5-201 THROUGH 87-5-210**

AND

**ADMINISTRATIVE RULES OF MONTANA
12.6.1101 THROUGH 12.6.1136**

FALCONRY LICENSE REGULATIONS



Montana Fish, Wildlife & Parks

WILD BIRDS - REGULATION OF RAPTORS

87-5-201. Protection of wild birds and their nests and eggs. (1) It is unlawful for a person to hunt, capture, kill, possess, purchase, offer or expose for sale, ship, or transport any wild bird, other than a game bird, or any part of the plumage, skin, or body of the bird, irrespective of whether the bird was captured or killed within the state, or to take or destroy the nest or eggs of a wild bird, except under a certificate, falconer's license, or permit issued by the director.

(2) This section does not apply to:

- (a) the hunting, trapping, or killing of house sparrows, crows, starlings, rock doves, blackbirds, magpies, and other birds the department designates or to the taking or destruction of their nests and eggs;
- (b) the possession or transportation of parts or plumage of eagles used for religious purposes by a member of an Indian tribe when possessed or transported as permitted by 16 U.S.C. 668a.

87-5-202. Definition of raptors. "Raptors", when used in this part, means all birds of the orders falconiformes and strigiformes, commonly called falcons, hawks, eagles, ospreys, and owls.

87-5-203. Regulation of raptors. A person may not at any time hunt, capture, kill, possess, purchase, offer or expose for sale, or transport a raptor except as provided in this part.

87-5-204. License and rules for falconry and raptors.

(1) The commission shall adopt specific rules for the keeping of records and for the trapping, taking, possession by residents and nonresidents, selling or transfer of possession, or training of raptors used in the practice of falconry and may authorize the issuance of licenses to persons for the practice of falconry and set license qualifications and fees. Rules adopted under this section are intended to conform to standards and regulations adopted under federal law by being at least as restrictive. Except as provided in 87-5-210, it is unlawful for any person to possess a raptor or to train a raptor in the practice of falconry without a license.

(2) Licensees must have in possession a valid falconer's license when engaged in the practice of falconry. In addition, falconers loosing raptors at game birds must have in possession a valid resident or nonresident upland game bird license or waterfowl stamp, as appropriate.

(3) Falconry licenses or permits are not transferable and may be revoked for due cause at any time by the department.

87-5-205. Restrictions on species allowed for falconry. (1) Bald eagles, any raptors listed pursuant to 50 CFR, part 17, and any species that has been listed pursuant to 87-5-107 may not be captured in this state for the sport of falconry.

(2) Species of raptors that are native to North America may be brought into Montana for the purpose of falconry unless that action is specifically prohibited by this part, the laws of other states, or the rules of the federal government. Those raptors may be possessed, subject to this part. A person bringing a raptor into this state must be able to show proof of the area of origin.

87-5-206. Repealed. Sec. 4, Ch. 243, L. 1991.

87-5-207. Restrictions on use of raptors. (1) Raptors may not be used to intentionally flush or harass big game.

(2) Raptors may not be loosed intentionally at protected mammals and birds. Game bird limits and all seasons and other rules relating to game birds must be obeyed.

87-5-208. Nonresidents allowed raptors in state. (1) A nonresident who possesses a valid federal falconry license may practice falconry in the state of Montana with legally acquired and permitted raptors. A nonresident is allowed to hunt with falcons in the state of Montana subject to all Montana laws and rules.

(2) A nonresident is not allowed to capture raptors from the wild in the state of Montana for falconry or captive breeding purposes.

87-5-209. Destruction of eagles or predatory hawks and owls. Predatory hawks and owls destroying livestock or poultry may be killed at any time by the livestock or poultry owners. Eagles may be killed in compliance with federal law and regulation.

87-5-210. Captive breeding of raptors -- permit -- transfer and revocation -- rules.

(1) The department may grant permits to a person, whether or not licensed under this part, for the taking and holding of raptors for captive breeding purposes under such conditions, consistent with this part and with rules adopted by the commission, as the department may specify in the permit. The commission may set permit qualifications and fees by rule.

(2) Captive breeding permits are not transferable and may be revoked at any time by the department for violation of any conditions of the permit or regulations of the commission.

(3) The commission shall adopt rules regarding raptors taken and held for captive breeding projects. Rules adopted under this section are intended to conform to standards and regulations adopted under federal law by being at least as restrictive.

MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS
ENFORCEMENT
SUBCHAPTER 11
FALCONER LICENSE REGULATIONS

12.6.1101 DEFINITIONS

For purposes of this subchapter, the following definitions apply:

- (1) "Bred in captivity" or "captive-bred" means raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.
- (2) "Commission" means the Fish, Wildlife and Parks Commission provided for in 2-15-3402, MCA.
- (3) "Department" means the Department of Fish, Wildlife and Parks provided for in 2-15-3401, MCA.
- (4) "Director" means the director of Fish, Wildlife and Parks provided for in 2-15-3401, MCA.
- (5) "Falconry" means caring for, training, and transporting raptors for the pursuit of wild game and the hunting of wild game with raptors. Falconry includes the taking of raptors from the wild.
- (6) "Hacking" means the temporary release of a raptor held for falconry to the wild so that it must survive on its own.
- (7) "Hybrid" means the offspring of birds listed as two or more distinct species in 50 C.F.R. 10.13 of subchapter B or offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 C.F.R. 10.13 subchapter B.
- (8) "Imprint" means a bird that is hand raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered.
- (9) "Livestock depredation area" means a specific geographic location in which depredation by golden eagles has been recognized. The boundaries and duration of a livestock depredation area are declared by USDA Wildlife Services or by a state governor.
- (10) "Raptor" means all birds of the order Falconiformes and Strigiformes, commonly called falcons, hawks, eagles, ospreys, and owls. The following raptors shall not be used for falconry:
 - (a) those raptors listed in 87-5-205, MCA; and
 - (b) those raptors listed in 50 C.F.R. part 17 as endangered or threatened.
- (11) "Service" means the Fish and Wildlife Service, U.S. Department of Interior.
- (12) "Sponsor" means a master or general falconer with a valid permit who is at least 18 years old and has at least two years experience at the general falconer level.
- (13) "Warden" means a Montana fish, wildlife and parks game warden.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, 87-5-205, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 535, Eff. 9/24/77; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1103 FALCONRY PERMIT CLASSES

The department issues three classes of permits.

(1) An apprentice permittee:

- (a) must be at least 12 years old;
- (b) if under 18 years of age, a parent or legal guardian, who is legally responsible for falconry activities, must sign the application;
- (c) must have a sponsor who holds a general or master falconry permit for the first two years in which an apprentice permit is held, regardless of age of permittee. A sponsor may not have more than three apprentices at any one time;
- (d) may possess only one raptor as described in 50 C.F.R. 21.29 (c)(3)(i)(E) and may not take more than two raptors from the wild during any calendar year;
- (e) does not need to capture a wild raptor; a wild raptor can be transferred to the permittee by another falconry permittee. If the apprentice permittee takes a raptor from the wild, it must be less than one year of age;
- (f) may not possess a raptor taken from the wild as a nestling;
- (g) may not possess a bird that is imprinted on humans; and
- (h) must have the raptor facilities pass inspection before a permit may be granted.

(2) A general class permittee:

- (a) must be at least 16 years old;
- (b) if under 18 years of age, a parent or legal guardian, who is legally responsible for falconry activities, must sign the application;
- (c) must submit documentation from a sponsor to the department stating that the permittee has practiced falconry at the apprentice falconer level or equivalent for at least two years, including maintaining, training, flying, and hunting raptors for at least four months in each year. That practice may include capture and release of falconry raptors.
- (d) must possess and train or hunt with a raptor for portions of at least two seasons in the practice of falconry at the apprentice level and must be recommended by the sponsor;
- (e) may possess up to three raptors and shall not take more than two raptors from the wild during any calendar year;
- (f) may take and possess any species of Falconiform or Strigiform except a golden eagle, a bald eagle, a white-tailed eagle, or a Steller's sea-eagle; and
- (g) may use captive-bred raptors and hybrids of the species permitted to possess.

(3) A master class permittee:

- (a) must have at least five years of experience in the practice of falconry at the general class level;
- (b) may possess any number of captive-bred birds or hybrids of species considered native to North America provided they are used for the sport of falconry;
- (c) shall not possess more than five wild raptors and may not take more than two raptors from the wild during any calendar year;
- (d) may not take from the wild any species listed as endangered in 50 C.F.R. 17.11, but may transport, or possess such species in accordance with said regulations;

- (e) may take and possess any species of Falconiform or Strigiform except a bald eagle;
- (f) may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea eagle only if meeting the qualifications set forth under (3)(h)(i);
- (g) shall not take from the wild in any calendar year, as a part of the five-bird limitation, more than one raptor listed as threatened in 50 C.F.R. 17.11, and then only in accordance with those regulations; and
- (h) may possess up to three eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea eagle. The department must document the following before approving a request to possess an eagle to use in falconry:
 - (i) experience in handling large raptors, including information about species handled and the type and duration of the activity where the experience was gained; and
 - (ii) at least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the applicant's ability to care for eagles and fly them in falconry.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, 87-5-205, 87-5-206, MCA; Eff. 12/31/72; AMD, Eff. 5/1/77; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1106 HANDLING EQUIPMENT

(1) A permittee must have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances, capable of weighing to the gram or half ounce, in the permittee's possession.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, MCA; Eff. 12/31/72; AMD, Eff. 5/1/77; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1109 EXAMINATION

(1) Before an applicant is issued an apprentice permit he or she must correctly answer at least 80 percent of the questions on an examination administered by the department.

(2) The examination must cover care and handling of falconry raptors, federal and state laws and regulations relevant to falconry, and other appropriate subject matter.

(3) Any applicant failing to score 80 percent will only be allowed to retake the written examination at 30-day intervals. Applicants may not take the examination more than three times in one calendar year.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, MCA; Eff. 12/31/72; AMD, Eff. 5/1/77; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1112 TAKING, POSSESSING, AND TRANSPORTING RAPTORS FOR FALCONRY

- (1) A permittee may not intentionally capture a raptor species that their classification as a falconer does not allow them to possess. If a permittee captures such a bird, it must be released immediately.
- (2) No more than two raptors may be taken from the wild each calendar year to use in falconry.
 - (a) Take of peregrine falcons from the wild is limited to time periods specified by commission rules. Take is limited to permittees who have received a peregrine take permit from the department and the conditions associated with that permit.
 - (b) Transfer of a bird taken from the wild to another permittee in the same calendar year of capture will count as one of the raptors allowed to be taken from the wild that year for the permittee who captured the bird. It will not count as a capture by the recipient, though it will always be considered a wild bird.
 - (c) A general or master falconer may remove nestlings from a nest or aerie.
 - (d) Raptors may not be taken at any time or in any manner that violates any law of the state, tribe, or agency on whose land a permittee is trapping.
 - (e) A raptor taken from the wild must be reported by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department. Reporting must be done at the first opportunity to do so, but no later than ten days after the capture of the bird.
 - (f) If a permittee who intends to possess a bird is present at the capture site, he or she is considered the person who removes the bird from the wild and is responsible for filing a 3-186A form or by submitting the information electronically as authorized by the department reporting take of the bird from the wild even if another person captures the bird for the permittee.
 - (g) If a permittee is not at the immediate location where the bird is taken from the wild, the person who removes the bird from the wild must be a general or master falconer, and must report take of the bird. If that person then transfers the bird to the permittee, both must file 3-186A forms or submit the information electronically as authorized by the department reporting the transaction at the first opportunity to do so, but no later than ten days after the transfer. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird the permittee took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to the permittee.
 - (h) If a permittee has a long-term or permanent physical impairment that prevents the permittee from attending the capture of a species for falconry, a general or master falconer may capture a bird for the permittee. The permittee is then responsible for filing a 3-186A form or by submitting the information electronically as authorized by the department reporting the take of the bird from the wild and

the bird will count against the take of wild raptors that the permittee is allowed in any year.

(3) Other restrictions on taking raptors from the wild for falconry:

(a) A general or master falconer may take raptors less than one year of age from the wild. However, an American kestrel or great horned owl of any age may be taken from the wild.

(b) A master falconer authorized to possess golden eagles for use in falconry, may capture an immature or subadult golden eagle in a livestock or wildlife depredation area during the time the depredation area is in effect and only in compliance with regulations contained in 50 C.F.R. 21.29(e)(3)(iii).

(c) Recapture of a lost falconry bird can be done at anytime. Recapture of a wild bird is not considered to be taking a bird from the wild.

(d) Recapture of a raptor wearing falconry equipment or a captive-bred bird may be done at any time even if possession of that species is not allowed. The recaptured bird will not count against possession limit or the take from the wild limit. Recapture of the bird must be reported to the department no more than five working days after the recapture. The bird must be returned to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the department.

(e) A bird banded with a Federal Bird Banding Laboratory aluminum band may be taken from the wild except a banded peregrine falcon.

(f) At least one young must be left in the nest or aerie when taking a nestling.

(g) An apprentice falconer may not take a nestling from the wild.

(h) A general or master falconer with a valid federal endangered species permit and an endangered species permit from the department may take no more than one bird of a threatened species from the wild each year if the regulations in 50 C.F.R.21.17 allow it.

(4) If a raptor is injured due to falconer trapping efforts, there are two options for dealing with the injured bird:

(a) The bird may be reported as take by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department at the first opportunity to do so, but no more than ten days after capture of the bird. The bird must be treated by a veterinarian or a permitted wildlife rehabilitator and the bird will count against the permittee's possession limit.

(b) The bird may be given directly to a veterinarian, a permitted wildlife rehabilitator, or an appropriate wildlife agency employee. It will not count against the permittee's allowed take or the number of raptors possessed.

(5) If a permittee acquires a raptor; transfers, rebands, or microchips a raptor; if a raptor is stolen; if a raptor is lost to the wild and not recovered within 30 days; or if a bird for falconry dies, the permittee must report the change within ten days by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department.

(6) If a raptor is stolen, the theft must be reported to the department and to the fish and wildlife service regional law enforcement within ten days of the theft of the bird.

- (7) A raptor of any age may be acquired directly from a rehabilitator at the discretion of the rehabilitator. A bird acquired from a rehabilitator:
- (a) must be reported within ten days of the transaction by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department; and
 - (b) will count as one of the raptors the permittee is allowed to take from the wild that calendar year.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, 87-5-206, MCA; Eff. 12/31/72; AMD, Eff. 5/1/77; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1116 FEATHERS

(1) A permittee may possess flight feathers for each species of raptor currently or previously in possession for the purpose of replacing a damaged feather with a molted feather (imping). Feathers for imping may be received from other permitted falconers, wildlife rehabilitators, or propagators in the United States. Feathers may not be bought, sold, or bartered.

(2) Feathers from a falconry bird, other than those from a golden eagle, may be donated to any person or institution with a valid permit to have them or to any person exempt from the permit requirement under 50 C.F.R. 21.12.

(3) Except for primary or secondary flight feathers or retrices from a golden eagle, feathers that are molted or otherwise lost by a falconry bird are not required to be gathered. Feathers can be left where they fall, stored for imping, or destroyed. Molted flight feathers and retrices from a golden eagle must be collected for imping or sent to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal Building 128, Commerce City, Colorado 80022. The telephone number at the repository is 303-287-2110.

(4) If a permit expires or is revoked, all feathers of any species of falconry raptor, except a golden eagle, may be donated to any person or any institute exempt from the permit requirement under 50 C.F.R. 21.12 or authorized by permit to acquire and possess the feathers. Any feathers not donated must be burned or destroyed. Feathers from a golden eagle must be sent to the National Eagle Repository.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, MCA; Eff. 12/31/72; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1118 ENFORCEMENT

(1) Falconry birds, facilities, equipment, and records may be inspected only in the presence of the permittee during normal business hours on any day of the week by department officials.

History: 87-1-201, 87-5-204, MCA; IMP, 87-5-204, MCA; Eff. 12/31/72; AMD, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1119 PERMIT REQUIREMENTS

(1) A Montana falconry permit, or for nonresidents, a valid falconry permit from another state meeting federal falconry standards, is required before any person may possess, transport, sell, purchase, barter, or offer to sell, purchase or barter raptors for falconry purposes or practice falconry in the state of Montana.

History: Sec. 87-5-204, MCA; IMP, Sec. 87-5-204 MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92.

12.6.1120 FALCONRY PERMITS

(1) The director may issue falconry permits in response to applications received on forms provided by the department, provided an applicant meets the requirements and otherwise complies with the provisions of this rule.

(a) Permits are valid for a period of three years or portion thereof, and shall expire on the date designated on the face of the permit unless amended or revoked. Permits are renewable.

(b) Only a person who is a resident of Montana as defined in section 87-2-102, MCA may apply for a permit under this rule.

(c) Applicants shall submit payment of a \$125 state permit fee with the application.

(d) Upon program certification by the service, a first-time apprentice falconer permit will be issued for a reduced fee of \$50. That first-time permit application fee must be submitted prior to taking the falconry examination.

(2) The department may reinstate a lapsed falconry permit.

(a) If a permit has lapsed for fewer than five years, it may be reinstated at the level previously held if proof of certification at that level can be provided.

(b) If a permit has lapsed for five years or longer, an examination administered by the department must be taken and passed with a score of at least 80 percent to have a permit reinstated at the level previously held. Falconry facilities must also pass state inspection before a falconry bird may be possessed.

(3) The department will recognize valid falconry permits from other states while an individual is in the process of moving to Montana. Within 120 days of moving to Montana, the department must inspect falconry facilities. Once the department residency requirements are satisfied, the department will recognize time spent practicing falconry in other service-approved states and will grant permits at the same class as permits previously held.

(4) The department may grant new residents to the United States with experience in falconry a permit to practice falconry in Montana and allow them to possess a raptor for use in falconry at an appropriate level after:

(a) taking and passing the falconry examination with at least an 80 percent score to demonstrate knowledge of falconry laws and regulations;

(b) providing documentation of experience with falconry in the applicant's country of origin;

(c) construction and inspection of falconry facilities determined by the department to be in compliance with ARM 12.6.1122; and

(d) a determination by the department of the appropriate level of falconry for which the applicant is qualified.

(5) A falconer must have permits or legible copies of them in their possession if they are not at the location of their falconry facilities and are trapping, transporting, working with, or flying falconry raptors.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1122 FACILITIES

- (1) Permittees must keep all raptors held under their falconry permit in humane and healthful conditions.
- (2) Whether indoors (mews) or outdoors (weathering area), raptor facilities must protect raptors from the environment, predators, and domestic animals. Permittees are responsible for the maintenance, security, and protection of raptors they possess under a permit.
- (3) Permittees must have raptor housing facilities approved by the department before obtaining a bird to use in falconry. The department requires that the permittee have either an indoor or outdoor facility or both. A representative of the department, or its designee, must certify that facilities and equipment meet the following standards:
 - (a) All facilities must protect raptors from predators and domestic animals.
 - (b) The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors.
 - (c) Untethered raptors may be housed together if they are compatible with each other.
 - (d) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.
 - (e) In most cases, each raptor should have a pan of clean water available. However, at the discretion of the permittee, this requirement is waived if weather conditions, the perch type used, or some other factor makes it inadvisable to have water available to the raptor.
 - (f) An indoor facility must be large enough to allow easy access for the care and feeding of raptors.
 - (i) If raptors are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.
 - (ii) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.
 - (g) A falconry raptor or raptors may be kept inside the permittee's place of residence if a suitable perch or perches are provided. If raptors are housed inside the home, windows or other openings of the structure do not need to be modified. Raptors kept in the home must be tethered when they are not being moved in or out of the location in which they are kept.

- (h) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.
- (i) The facility must be covered and have at least a covered perch to protect a raptor from predators and weather.
- (ii) The facility must be large enough to ensure that the birds cannot strike the enclosure when flying from the perch.
- (4) Falconry raptors may be kept outside in the open if they are under watch, such as by the permittee or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.
- (5) A permittee must inform the department within five business days if there is a change in the location of their facilities.
- (6) Falconry facilities on property not owned by the permittee:
- (a) must meet the standards in this rule; and
- (b) the permittee must submit to the department a signed and dated statement showing that the permittee and the property owner agree that the falconry facilities, equipment, and raptors may be inspected without advance notice by the department at any reasonable time of day. Inspections must be in the presence of the permittee.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1123 REPORTING

- (1) No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless the permittee submits a federal form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the service and the department within five calendar days of any transaction.
- (2) No raptor may be possessed under authority of a falconry permit unless the permittee has a properly completed form 3-186A for each bird possessed. A copy of form 3-186A for each raptor shall accompany the permit and be available for inspection by appropriate department representatives while the permittee is involved in permitted activities.

History: Sec. 87-5-204, MCA; IMP, Sec. 87-5-204 MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92.

12.6.1124 MARKING

- (1) If a goshawk (*Accipiter gentiles*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) is taken from the wild, acquired from a rehabilitator, or from another falconer, the raptor must be banded with a permanent, nonreusable, numbered service leg band provided by the department. An International Organization for Standardization (ISO) compliant (134.2 kHz) microchip may be purchased and implanted in the bird in addition to a band. Contact the department for information on obtaining and disposing of bands. Within ten days from the day on which the raptor is taken

from the wild, it must be reported, including band number and/or microchip information, by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department. An appropriate band may be requested from the department in advance of any effort to capture a raptor.

(2) A raptor bred in captivity must be banded with a seamless metal band, in accordance with 50 C.F.R. 21.30. It also may have an implanted ISO-compliant (134.2 kHz) microchip. If a seamless band is removed or lost, a request for a replacement service nonreusable band must be requested from the department and the required information must be reported immediately upon rebanding or microchipping the raptor by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department. A band that is removed or lost, must be replaced or an ISO-compliant (134.2 kHz) microchip must be implanted in the bird and the microchip information reported by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized.

(3) If the band must be removed or is lost from a raptor, the loss of the band must be reported within five days, and then the permittee must do at least one of the following:

(a) request a service nonreusable band from the department and submit the required information immediately upon rebanding the raptor by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department; or

(b) purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information by submitting a 3-186A form to the department or by submitting the information electronically as authorized by the department.

(4) A band must not be altered, defaced, or counterfeit. The rear tab of a band on a raptor taken from the wild may be removed and an imperfect surface may be smoothed if the integrity of the band or the numbering is not affected.

(5) The department may provide an exemption if health or injury problems caused by the band are documented. A copy of the exemption paperwork must be kept by the permittee when transporting or flying the raptor. If the bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the band must be replaced with an ISO-compliant microchip that the service will supply to the department. The service will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless it has been demonstrated that a band causes an injury or a health problem for the bird.

(6) A raptor removed from the wild may not be banded with a seamless numbered band.

(7) Copies of all electronic database submissions documenting take, transfer, loss, rebanding, or microchipping of each falconry raptor must be kept until five years after the bird has been transferred, lost, or died.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1125 TEMPORARY HOLDING OF RAPTORS

- (1) A raptor may be housed temporarily for up to 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.
- (2) A permittee's raptor may be cared for by another falconry permittee for up to 120 consecutive calendar days. The permittee caring for the raptor must have a signed and dated statement authorizing temporary possession, plus a copy of form 3-186A showing the permit under which the bird is held. The statement must include information about the time period of care and the allowable activities to be done with the bird.
- (3) The raptors will remain on the original falconry permit and will not be counted against the possession limit of the person caring for the raptors.
- (4) If the person caring for the raptors holds the appropriate level falconry permit, the raptors may be flown in an authorized manner, including hunting.
- (5) The temporary care of the raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The department will consider such instances on a case-by-case basis.
- (6) Someone who does not have a falconry permit may care for falconry birds at the permittee's facilities for up to 45 consecutive calendar days.
 - (a) The raptors will remain on the falconry permit;
 - (b) the raptors must remain in the facilities;
 - (c) this care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency; and
 - (d) the person(s) caring for the raptors may not fly them for any reason.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1126 TRANSFER OF WILD RAPTORS

- (1) Wild raptors held by a permittee may be permanently transferred to a resident authorized to possess raptors for falconry purposes provided:
 - (a) the permittees submit a federal form 3-186A or submit the information electronically as authorized by the department;
 - (b) no money, barter or any other consideration is involved in the transfer.
- (2) Wild raptors held by a permittee may be permanently transferred to a nonresident authorized to possess raptors for falconry purposes provided:
 - (a) the permittees submit a federal form 3-186A or submit the information electronically as authorized by the department;
 - (b) an export permit has been issued by the department in advance of export from the state; and
 - (c) no money, barter, or any other consideration is involved in the transfer. The species and number of raptors transferred, held, or replaced is limited in accordance with the permit classes section of this regulation.
- (3) Captive-bred raptors held by a permittee may be permanently transferred to residents or nonresidents authorized to possess raptors, provided the permittees submit a federal form 3-186A or submit the information electronically as

authorized by the department in accordance with the reporting requirements of ARM 12.6.1103.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1127 TEMPORARY TRANSPORT

(1) Holders of Montana falconry permits may temporarily remove raptors from Montana and return them to the state, provided all necessary permits or licenses are obtained from the states or other legal authority into which the raptors are transported.

(2) A falconer may transport a raptor if a suitable perch and protection from extreme temperatures, wind, and excessive disturbance are provided. A "giant hood" or similar container is acceptable for transporting or housing a raptor.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1128 SALE OF RAPTORS

(1) A permittee:

(a) may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred raptors marked with seamless bands or ISO compliant microchips to other permittees who are authorized to possess the raptors.

(b) may not purchase, sell, trade, or barter wild raptors. Wild raptors may only be transferred.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1129 PROPAGATION PERMIT

(1) A falconry permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued in accordance with appropriate federal and state regulations.

History: Sec. 87-5-204, MCA; IMP, Sec. 87-5-204 MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92.

12.6.1130 RELEASE OF RAPTORS

(1) A raptor not native to Montana or a hybrid raptor may not be released into the wild, but may be transferred to another falconry permittee.

(2) A permittee must have permission from the department to release a captive-bred raptor that is a native species to Montana.

(a) The raptor must be hacked to the wild at an appropriate time of year and location;

(b) the falconry band must be removed; and

(c) the release must be reported by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department.

(3) A raptor taken from the wild that is a native species to Montana may be released.

(a) The raptor must be released to the wild at an appropriate time of year and location;

(b) the falconry band must be removed; and

(c) the release must be reported by submitting a paper form 3-186A to the department or by submitting the information electronically as authorized by the department.

(4) Hybrid raptors may not be permanently released to the wild.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 1992 MAR p. 2381, Eff. 10/30/92; AMD, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1131 FLYING A HYBRID RAPTOR

(1) When flown free, a hybrid raptor must have at least two attached radio transmitters to locate the bird.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1132 UNINTENTIONAL TAKE OF PREY

(1) If prey is killed by a falconry bird without the permittee's intent, including an animal taken outside of a regular hunting season, the permittee:

(a) may allow the falconry bird to feed on the animal;

(b) may not take possession of the animal; and

(c) must report take of any federally listed threatened or endangered species to the service field office in which the kill occurred.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1133 TRANSFER OF RAPTOR TO ANOTHER TYPE OF PERMIT

(1) Under some circumstances a permittee may transfer a raptor to another permit type if the recipient of the bird, including the permittee, possesses the necessary permits for the other activity.

(2) A permittee may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least two years, except one year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel. Upon transfer, a copy of form 3-186A documenting acquisition of the bird by the propagator must be provided to the federal migratory bird permit office that administers the propagation permit. The bird must be banded with a permanent, nonreusable, numbered band issued by the department.

(3) Raptors held under a falconry permit may be used for captive propagation if the person overseeing the propagation has the necessary propagation permits. The raptor does not need to be transferred from the falconry permit if it is used

for fewer than eight months in a year in captive propagation. If used more than eight months, the bird must be permanently transferred to the propagation permit. The bird must then be banded with a permanent, nonreusable, numbered band issued by the department.

(4) A permittee may transfer a wild-caught bird to another permit type in less than two years, except one year for a sharp-shinned hawk, a Cooper's hawk, a merlin, or an American kestrel if the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry.

(a) When the bird is transferred, a copy of form 3-186A documenting acquisition of the bird must be provided to the federal migratory bird permit office that administers the other permit type; and

(b) a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in falconry must be provided to the federal migratory bird permits office that administers the other permit type.

(5) Captive-bred falconry raptors may be transferred to another type of permit if the holder of the other permit type is authorized to possess the bird. Within ten days, the transfer must be reported by submitting a standard paper form 3-186A to the department.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1134 DISPOSITION OF CARCASSES OF FALCONRY BIRDS THAT DIE

(1) The carcass of a golden eagle held for falconry, including all feathers, talons, and other parts must be sent to the National Eagle Repository.

(2) The body or feathers of any other species of falconry raptor may be donated to any person or institution exempt under 50 C.F.R. 21.12 or authorized by permit to acquire and possess such parts or feathers.

(3) If a falconry bird was banded or microchipped prior to its death, a permittee who possessed the bird may keep the body of any falconry raptor except that of a golden eagle. The permittee may keep the body so that the feathers are available for imping or may have the body mounted by a taxidermist. The permittee may use the mount in giving conservation education programs. If the bird was banded, the band must be left on the body. If the bird has an implanted microchip, the microchip must be left in place.

(4) If a permittee does not wish to donate or keep the body or feathers, the body must be burned, buried, or otherwise destroyed within ten days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. Appropriate precautions must be taken to avoid such poisonings.

(5) If a permittee does not donate the bird body or feathers or have the body mounted by a taxidermist, the flight feathers may be possessed from the bird for as long as the permittee has a valid falconry permit. The permittee may not buy,

sell, or barter the feathers and must keep the paperwork documenting acquisition of the bird.

History: 87-5-204, MCA; IMP, 87-5-204; NEW, 2009 MAR p. 1470, Eff. 8/28/09.

12.6.1135 RAPTORS USED FOR EDUCATION

- (1) A general or master falconer may use a bird in conservation education programs presented in public venues.
 - (a) A federal education permit is not needed to conduct conservation education activities using a falconry raptor.
 - (b) An apprentice falconer may present conservation programs under the supervision of a general or master falconer.
 - (c) The bird must be used primarily for falconry.
 - (d) A fee may be charged for the presentation of a conservation education program. The fee may not exceed the amount required to recoup the costs of the presentation.
 - (e) Conservation education programs must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. Falconry birds may not be used for presentations that do not address falconry and conservation education.
 - (f) The permittee is responsible for all liability associated with conservation education activities.
- (2) Photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, is allowable. The permittee may not be paid for these activities.
 - (a) Falconry raptors may not be used to make movies, commercials, or in other commercial ventures that are not related to falconry.
 - (b) Falconry raptors may not be used for entertainment; for advertisements; promotion or endorsement of any products, merchandise, goods or services; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, except for products related directly to falconry, such as hoods, telemetry equipment, giant hoods, perches, and materials for raptor facilities.
- (3) A general or master falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for release to the wild. A rehabilitating bird may be kept at the falconer's facilities.
 - (a) The rehabilitator must provide a letter or form that identifies the bird and explains that the falconer is assisting in the raptor's rehabilitation.
 - (b) The falconer's facilities do not need to meet the standards and are not subject to inspection for compliance of the standards of a rehabilitator facility.
 - (c) A raptor possessed for the purpose of rehabilitation does not need to be added to the falconry permit. It will remain under the permit of the rehabilitator.
 - (d) If a raptor cannot be permanently released to the wild, it must be returned to the rehabilitator within 180 days unless the department authorizes an extension or the raptor is transferred to another permit.

(e) All raptors able to be released into wild must be released or returned to the rehabilitator for release.

(4) A master falconer may conduct abatement activities with a bird or birds possessed for falconry, with a special purpose abatement permit. With a special purpose abatement permit, payment may be received for providing abatement services. A general falconer may conduct abatement activities only as a subpermittee of the holder of the abatement permit.

History: 87-5-204, MCA; IMP, 87-5-204, MCA; NEW, 2009 MAR p. 1470, Eff. 8/28/09.

ATTACHMENT C

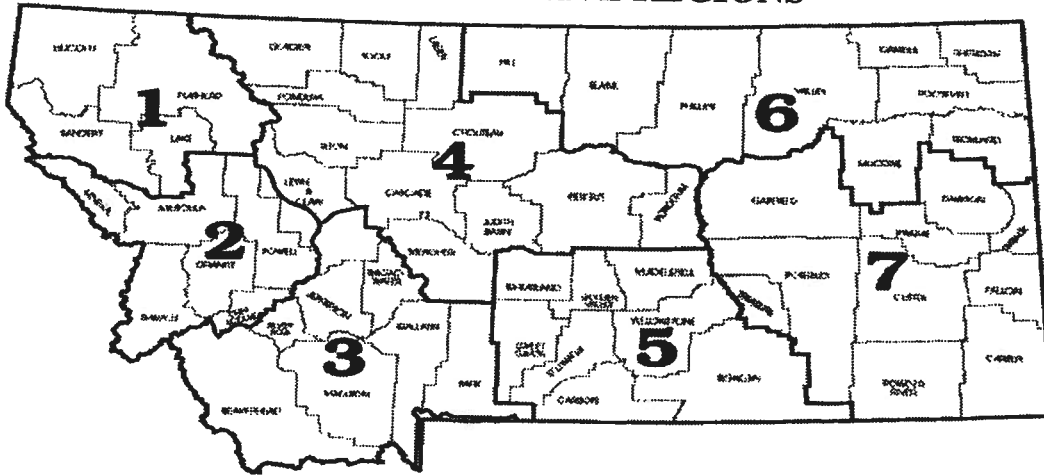
LOCATION OF MONTANA FISH, WILDLIFE & PARKS

REGIONAL HEADQUARTERS



(Licensed Falconer and Red-Tailed Hawk)

ADMINISTRATIVE REGIONS



**STATE
HEADQUARTERS**
MT Fish, Wildlife & Parks
1420 East 6th Ave
PO Box 200701
Helena, MT 59620-0701
(406) 444-2535

REGION 3
1400 South 19th Ave
Bozeman, MT 59718
(406) 994-4042

**LEWISTOWN Area
Resource Office (LARO)**
215 W Aztec Dr
PO Box 938
Lewistown, MT 59457
(406) 538-4658

REGION 1
490 North Meridian Rd
Kalispell, MT 59901
(406) 752-5501

**HELENA Area Resource Office
(HARO)**
930 Custer Ave W
Helena, MT 59620
P.O. Box 200701
(406) 495-3260

REGION 5
2300 Lake Elmo Dr
Billings, MT 59105
(406) 247-2940

**LIBBY Area Resource
Office**
385 Fish Hatchery Rd
Libby, MT 59923
(406) 293-4161

**BUTTE Area Resource Office
(BARO)**
1820 Meadowlark Ln
Butte, MT 59701
(406) 494-1953

REGION 6
54078 US Hwy 2 W
Glasgow, MT 59230
(406) 228-3700

**THOMPSON FALLS
Resource Area Office**
P.O. Box 35
601 No Columbia Street
Thompson Falls, MT
59873
(406) 827-4389

REGION 4
4600 Giant Springs Rd
Great Falls, MT 59405
(406) 454-5840

**HAVRE Area Resource
Office (HvARO)**
2165 Hwy 2 East
Havre, MT 59501
(406) 265-6177

REGION 2
3201 Spurgin Rd
Missoula, MT 59804
(406) 542-5500

REGION 7
352 I-94 Business Loop
PO Box 1630
Miles City, MT 59301
(406) 234-0900

ATTACHMENT D

SUGGESTED READING

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