

# American Falconry Conservancy

## Model Set of State Falconry Regulations

2023 Revision

Note: This model is to be used as a resource for state fish and game departments and falconry clubs when making decisions related to their state falconry regulations. It incorporates Federal requirements but clarifies provisions that were previously unclear. This is important to minimize misunderstanding or misinterpretation of these regulations

### Definitions

- “Abatement permit”** A special purpose permit issued by FWS that allows the use of raptors to control nuisance wildlife.
- “Bate”** or **“bating”** To flutter off the gauntlet (glove) or perch in an attempt to fly when the bird is restrained by jesses or leash.
- “Brancher”** A young hawk which has left the nest or eyrie, but which has not yet left the immediate vicinity.
- “Bred in captivity”** or **“captive-bred”** Raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity. The raptors may also be referred to as “domestic bred.”
- “Classes of permits to practice falconry”** We recognize Apprentice, General, and Master Falconer permit levels.
- “Commercial display”** Activities conducted for commercial display purposes.
- “Commissioner/Director”** The executive manager of the Fish & Game Department of the State.
- “Department”** The State Fish & Game Department.
- “Educational display”** Activities conducted for the purpose of encouraging an understanding of falconry, the management and conservation of raptors, or furthering awareness and understanding among the general public of the biology and ecological roles of protected wildlife.
- “Eyass”** A young raptor which is still in the eyrie (nest) and is not yet capable of flying.
- “Falconry”** Caring for and training raptors to hunt wild game with a falconer. Falconry includes the taking of raptors from the wild to use in the sport.
- “Federal Falconry Regulations”** 50 CFR Parts [21](#) (Sec. 21.82) and [22](#) (Eagle Permits) Migratory Bird Permits, Final Rule, October 8, 2008.
- “Giant hood”** An enclosed box with an access door to place raptor in or remove raptor from box.
- “Hacking”** The temporary release of a raptor held for falconry to the wild so that it may gain strength and flying experience for falconry or to survive on its own.
- “Hood”** Head cover to block raptor’s vision of surroundings in order to keep it calm under any condition.
- “Haggard”** A wild raptor which is greater than one year old.
- “Hybrid”** Offspring of birds of two or more distinct species, one or more of which are listed in [§ 10.13](#) of Subchapter B of Chapter 1.

**“Imping”** Using a molted feather, or feather from a deceased raptor, to replace a broken feather of a raptor.

**“Imprint”** A bird that is hand-raised in isolation from the sight of other raptors from 2 weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

**“MBTA”** Migratory Bird Treaty Act.

**“Mews”** The building or room in which hawks are kept, i.e., housing facilities.

**“Passager”** or **“passage”** A raptor from the wild which is less than one year old and is not a nestling, brancher, or a haggard.

**“Raptor”** A live native migratory bird of the family Accipitridae or of the family Falconidae or of the family Strigidae listed in § 10.13, including the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*).

**“Secretary”** The Secretary of the U.S. Department of the Interior.

**“Service”** The U.S. Fish and Wildlife Service (FWS), U.S. Department of the Interior.

**“Sponsor”** A person who possesses a valid General or Master falconry permit with at least 2 years experience at the General falconry permit level and who is responsible for individually instructing and training an apprentice falconer in the fundamentals of falconry.

**“Take”** To trap or capture, or attempt to trap or capture, a wild raptor for the purpose of falconry.

**“Transfer”** The change of possession of a raptor from one permittee to another by mutual agreement, i.e., the transfer of ownership in contrast to loaning a raptor.

**“Weathering area”** An outdoor facility that exposes raptors to outdoor conditions. A certain amount of sunlight and rainfall is healthy for them.

## 1. **Falconry Permits**

- a) Each individual engaged in falconry shall possess a current State falconry permit and may use his or her raptors for all other purposes not expressly prohibited. In addition, a hunting license will be required to hunt in the field. This includes a Federal and State duck stamp when hunting waterfowl.
- b) Each individual possessing a valid falconry permit from one State and wishing to move to another State, with the intent to establish residency, shall apply for a falconry permit within 30 days after moving to the new State, if such individual intends to practice falconry in that State.
- c) Each falconry permit shall be valid from the date of issuance through December 31 or until renewal cycle in the third calendar year after issuance.
- d) A falconry permit may be renewed without the permit holder retaking a written or verbal examination.
- e) You must have your falconry permit or legible copy of it 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).

## 2. **Falconry Permit Classes and Requirements**

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

2. 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 two years' experience at the General Falconer level, stating that he or she will assist you, as necessary, in:
  - i. Learning about the husbandry and training of raptors held for falconry;
  - ii. Learning about relevant wildlife laws and regulations;
  - iii. Deciding what species of raptor is appropriate for you to possess while an Apprentice.
3. Each applicant for an Apprentice Class permit shall be at least 12 years of age.
4. A permit shall not be issued to an applicant for Apprentice Class unless the applicant passes an examination and the applicant's raptor housing facilities and equipment have been inspected and certified by the Department or a Department representative, such as a Master Falconer, as meeting minimum standards.
5. An Apprentice Falconer shall be instructed by a Sponsor during the first two seasons that the apprentice falconry permit is in force, and each apprentice falconer shall notify the Department within 30 days of any change in Sponsorship.
6. Each Apprentice Falconer shall possess no more than one raptor at a time, for the purposes of falconry, and shall not take more than one replacement raptor from the wild during a one-year period from January 1<sup>st</sup> through December 31<sup>st</sup>.
7. You may possess a wild-caught or domestic-bred raptor of any Falconiform or Strigiform species, or hybrids thereof. Excluding those prohibited raptors, and raptors listed as threatened or endangered, an Apprentice Falconer and his Sponsor shall determine which raptor is best suited for the Apprentice Falconer. You may take raptors less than one year old, except nestlings, from the wild. You do not need to capture a wild raptor yourself; it may be transferred to you by another falconer. You may **not** possess a raptor that is imprinted on humans.

b) General Class

1. Each applicant for a General Class permit must submit a document from your Sponsor to your State wildlife agency stating that you have practiced falconry 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. That practice may include capture and release of wild raptors.
2. Each applicant for a General Class permit shall be at least 16 years of age.
3. Each General Falconer shall possess no more than three raptors for the purposes of falconry, and shall not take more than two raptors from the wild during any 12-month period beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of the year.
4. You may possess wild-caught or domestic-bred raptors of any Falconiform or Strigiform species, or hybrids, except those raptors prohibited in FWS regulations.

c) Master Class

1. Each applicant for a Master Class permit shall have at least five years of experience at the General Class level.
2. Master Class Falconers may possess up to five wild raptors to use in falconry with the allowance of an annual take of no more than two raptors from the wild during any 12-month period beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup>. Raptors

removed from the wild for falconry are always considered “wild” raptors for regulatory purposes. 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” raptor to avoid confusion with domestic bred raptors. 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 as it relates to the 12-month, two wild raptor limit.

3. There is no limit on how many MBTA listed domestic bred and/or non-indigenous (not MBTA listed) raptors a Master Class Falconer may possess; however, you must train them in the pursuit of wild game.
  4. 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 your State, Tribal, or Territorial agency that regulates falconry documents the following before approving a request to possess an eagle to use in falconry:
    - i 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.
    - ii At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks, or great horned owls. 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.
  5. If you meet the requirements of this section to possess eagles for use in falconry, the permitted golden eagle, white-tailed eagle, or Steller’s sea-eagle, you possess will count as one of the wild raptors you are allowed to possess for use in falconry.
- d) Sponsors
1. Each Sponsor of an Apprentice Falconer shall possess a Master or General Class permit with at least five years total experience in the sport of falconry.
  2. Each Sponsor shall supervise no more than three Apprentice Class falconers at any one time.
  3. If a Sponsor of an Apprentice Falconer withdraws sponsorship, the Sponsor shall notify the Apprentice Falconer immediately upon withdrawing sponsorship and shall notify the Department in writing within 30 days of withdrawing sponsorship.

### **3. Examination**

Each applicant for a new Apprentice falconry permit shall successfully pass a supervised examination administered by the Department prior to receiving his or her permit.

- a) The examination shall cover topics including basic biology, disease & treatment, training, care & handling of raptors, literature, law, State and Federal regulations, and other appropriate subject matter relating to falconry and raptors.

- b) A score of 80 percent shall be required as a minimum passing score.
- c) Each applicant failing an examination may reapply for another test.
- d) Any applicant possessing a valid falconry permit from another State shall **not** be required to take an examination when applying for a similar falconry permit in a new State when changing residency.

#### 4. Applying for a Falconry Permit

To apply for a falconry permit, you must include the following information:

- a) Completed application form;
- b) Proof of a passed falconry examination, or proof that you have previously held a falconry permit at the level you seek;
- c) For an Apprentice permit, you must provide the following:
  - i A letter from a General or Master Falconer permitted in your State stating that he or she has agreed to Sponsor and assist you in learning about the husbandry and training of raptors held for falconry and about relevant wildlife laws and regulations.
  - ii An original, signed certification that you are particularly familiar with [§ 10.13](#), List of Migratory Birds species to which the Migratory Bird Treaty Act applies; part [13.12](#) , General Information Requirements on Applications for Permits; part [21.82](#) , Falconry Standards and Falconry Permitting; and part [22](#), 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.*

- d) For an Apprentice or General Falconry permit, a parent or legal guardian must co-sign your application if you are under 18.
- e) 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.
- f) For a Master Falconer permit, you must attest that you have practiced falconry at the General Falconer level for at least 5 years.

#### 5. Updating a Falconry Permit After a Move

If you move to a new State 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 possess 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.

## **6. Reinstatement**

- a) If your permit has lapsed for fewer than five years, it may be reinstated at the level you held previously if you have proof of your certification at that level.
- b) If your permit has lapsed for five 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.

## **7. Restoration of Revoked Permits**

Upon request of the person whose permit has been revoked, the State shall restore the person's falconry permit at the end of the revocation period.

## **8. Facilities**

- a) All permitted falconers shall maintain humane and healthful housing facilities which adequately protect each raptor from predators, domestic animals, excessive sun and wind, and inclement weather
  1. You may keep a falconry raptor or raptors inside your place of residence if you provide at least one suitable perch.
  2. If a mews is to be used:
    - i. It must be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe or other suitable material and you assure that each chamber is large enough to allow easy access for the caring of raptors housed therein, and if raptors are tethered, they should be able to fully extend wings while bating without potential for damaging feathers or contacting other raptors;
    - ii. If windows are provided, they are to be protected on the inside by vertical bars, spaced at intervals narrower than the width of the raptor's body;
    - iii. At least one opening for sunlight is provided;
    - iv. The floor of the mews permits easy cleaning and/or shall be well drained;
    - v. At least one perch per raptor is provided;
    - vi. A pan of clean water should be made available if weather and circumstances allow. When freezing temperatures do not permit drinking water, sufficient fat in the diet provides an alternative to drinking water.<sup>1</sup>
  3. If an outdoor weathering area is to be used, the applicant shall assure that:
    - i. the enclosed area is large enough that the raptor cannot strike the enclosure when bating from the perch; and
    - ii. at least one perch per raptor is provided;

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<sup>1</sup> The camel's hump is an example of this physiological ability; hence the reason LE officers are the inappropriate inspectors of humane and healthful housing facilities, diet, and equipment for raptors.

- iii. You may keep falconry raptors outside in the open if they are under watch, such as by you or another person at any location or, for example, by a designated individual in a weathering yard at a falconry field meet.
4. You must submit to your State, Tribal, or Territorial agency a signed and dated statement that you agree that the falconry facilities and raptors may be inspected by a Department biologist<sup>2</sup> without advance notice by State, Tribal, 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 provide a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected by State, Tribal, 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.<sup>3</sup>
5. *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 permittee's facilities for up to 120 consecutive calendar days. The other permittee must have a signed and dated statement from you authorizing the temporary possession, plus copies of FWS form 3-186A that show you are the owner 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/them. Your raptor(s) will remain on your falconry permit, and will not be counted against the possession limit of the permittee caring for your raptors.
6. *Care of falconry raptors by another raptor permittee:* Another raptor permittee may care for a raptor or raptors for you at your facilities or at that permittee's facilities for up to 120 consecutive calendar days. The other permittee must have a signed and dated statement from you authorizing the temporary possession, plus copies of FWS form 3-186A that show you are the owner 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/them. Your raptor(s) will remain on your falconry permit.
7. *Care of falconry raptors by someone who does not hold a falconry permit:* A person who does not hold a falconry permit (such as a family member) may care for your raptors at your facility for 45 days. The raptors must stay in your facility. The raptors may not be flown. The care may be extended indefinitely in extenuating circumstances such as illness, military service or family emergency.

## 9. Equipment

- a) Each applicant shall possess the following equipment prior to receiving a permit:
  1. at least one pair of aliyeri jesses, or jesses of a similar type, or materials with which to make them;

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<sup>2</sup> The intent of inspections is to determine healthful, humane conditions and to assist falconers in complying with permit requirements. Inspections cannot be used for law enforcement activities unless a warrant is acquired from a magistrate with the pertinent Fourth Amendment constraints attending the warrant request.

<sup>3</sup> FWS believes it possesses authority to require unannounced inspections of falconers' raptor facilities based on the *closely regulated industry* doctrine, which is inappropriately applied here (see [City of Los Angeles, Calif. v. Patel et al.](#) for explanation), but without such an unconstitutional provision, FWS will challenge a State's regulatory authority. Therefore, a provision must be provided for, for the time being. This perceived authority is currently being litigated by the Pacific Legal Foundation on behalf of American Falconry Conservancy at the appellate level.

2. at least one leash and one strong swivel;
3. at least one bath container for each raptor;
4. a scale or balance suitable for weighing raptors that is graduated to increments of not more than ½ ounce (15 grams);
5. suitable indoor and outdoor perches for the type of raptor possessed.

## 10. Acquisition, Transfer, and Loss of Raptors

- a) Whether acquired from the wild or domestic bred, raptors are the private property of the falconer.<sup>4</sup> However, as in all property rights, ownership is not unconditional.
- b) Every falconer obtaining a raptor shall possess a falconry permit or other permit authorizing possession of a raptor.
- c) Purchase – No person, other than a person in possession of a valid raptor propagation permit, raptor education permit, or raptor abatement permit issued by the Service or a valid State wildlife agency falconry permit, may sell, purchase, or acquire by barter, any domestic bred raptor for falconry purposes. A raptor taken from the wild may not be bought or sold or bartered (i.e., exchange goods or services without money), hence its permanent designation as “wild.” *Barter* is not to be confused with *transfer*.
- d) Each falconer shall purchase, receive, sell, barter, or transfer raptors only in compliance with all applicable Federal regulations.
- e) A State hunting permit is required to trap raptors.<sup>5</sup>
- f) Wild acquired goshawks, Harris’s hawks, peregrine falcons, and gyrfalcons, must be banded (with a permanent, nonreusable, numbered Fish and Wildlife Service leg band that your State will supply) or microchipped (ISO – International Organization for Standardization – compliant (134.2 kHz) microchip).
- g) 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 band number and/or microchip information if applicable) in the electronic database at <http://permits.fws.gov/186A><sup>6</sup> or by submitting a paper Migratory Bird Acquisition and Disposition Report, Form 3-186A,<sup>7</sup> to your State. The falconer must retain a copy of the 3-186A.
- h) Any transfer of a raptor from or to another raptor permittee, or rehabilitator, requires you report it within 10 days by entering the required information (including band number and/or microchip information, if applicable) in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper Migratory Bird Acquisition and

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<sup>4</sup> See [Hughes v. Oklahoma, 441 U.S. 322 \(1979\)](#).

<sup>5</sup> Some States require a specific raptor trapping permit, but since few are requested, it simply adds to agency workloads. Hunting permits are far more efficient. Some States require only that you possess a valid falconry permit.

<sup>6</sup> Those falconers who choose to use the electronic database system understand that their electronic device(s) used for this purpose may be confiscated should an investigation by law enforcement officers be necessary under authority of a magistrate’s warrant.

<sup>7</sup> Those who choose to use the paper 3-186A form understand that they must show a copy to law enforcement officers if requested to do so.

Disposition Report, Form 3-186A, to your State. The falconer must retain a copy of the 3-186A.

- i) Depredating raptors may be trapped by falconers for use in falconry if they are passagers or they may be caught and released at another location within the State. A State hunting license is required for this purpose.
- j) You may transfer raptors between all raptor permits you possess.
- k) Within 10 days of loss due to escape (if not recovered within 30 days), release, theft or death, or re-banding (due to loss or illegibility of previously attached band) requires you report it by entering the required information (including band number and/or microchip information, if applicable) in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper Migratory Bird Acquisition and Disposition Report, Form 3-186A, to your State. The falconer must retain a copy of the 3-186A.
- l) If a species you wish to release is native to the State, you may release the bird to the wild at an appropriate time of year and an appropriate location. In addition, 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. The falconer must retain a copy of the 3-186A.
- m) If a band is injurious or causes a health problem for your raptor, a microchip can replace the band.
- n) 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.
- o) The season for taking wild raptors shall have no limits.
- p) Eyasses may be taken only by General and Master Falconers.
- q) At least one eyass shall be left in the eyrie when a wild eyass is taken.
- r) Passagers may be taken from the wild or otherwise obtained by Apprentice, General, and Master Falconers.
- s) Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may be taken as haggards by Apprentice, General, and Master Class Falconers.
- t) No species listed by the State as endangered shall be taken from the wild within the State unless authorized. Only one raptor of any species listed by the State as threatened may be authorized per year for any General or Master Class Falconer. Breeding by falconers, who possess a raptor propagation permit, of threatened or endangered species shall be encouraged to build a domestic breeding population to relieve public expense of such fail-safe endeavors.
- u) Nothing shall prohibit a resident falconer from legally obtaining from outside the home State a species listed by the home State as threatened or endangered, providing the falconer complies with the requirements of the State from which the raptor species is acquired.
- v) Raptors marked with falconry bands or carrying falconry equipment may be recaptured at any time. This will not be considered a "Take."

- w) Permittees shall maintain for a period of five years complete records of information required in the Migratory Bird Acquisition and Disposition Reports of all raptors acquired, transferred, lost, or released.
- x) A nonresident falconer may acquire a raptor from the wild in any State that permits falconry as long as he possesses a current falconry permit issued by his home State, follows laws and regulations in the nonresident State, and the home State also provides reciprocal trapping provisions for nonresident falconers.
- y) Nonresidents shall require a letter of authorization from the Department in order to trap raptors in the nonresident State; and a State hunting license is required for this activity.
- z) Raptors may be captured only using traps or nets that are safe in design and operation. Swedish goshawk traps, or other stationary or compartment type traps, must be attended regularly at least at eight (8) hour intervals during daylight hours. All other trapping devices must be constantly attended while in use.
- aa) Rehabilitated raptors, or raptors taken or held under special purpose Federal permits, may be transferred to General or Master level falconers for use in falconry. Rehabilitators may use General or Master level falconers to complete the rehabilitation process in order to ensure that raptors are self-sufficient prior to permanently releasing them. If there are numerical restrictions on the take of any species of raptor, raptors rehabilitated by falconers in this fashion will not be considered for purposes of those numerical restrictions.
- bb) *Transporting a falconry raptor or raptors to other States:* If you have a valid falconry permit, you may possess and transport for falconry purposes a lawfully possessed raptor through other States. However, any State may further regulate such transport.

## 11. Other Provisions

- a) If all Federal and State requirements are met, any raptor possessed under authority of a falconry permit may be temporarily held and cared for by a person other than the permittee.
- b) Feathers and carcasses of raptors may be retained and exchanged by falconers or other raptor permittees such as educators, rehabilitators, etc.
- c) Nonresident falconers may import their raptors into the State for hunting and for all other uses that are not expressly prohibited.
- d) A falconer may export a raptor to another State for any purpose not expressly prohibited if the falconer is in compliance with all Federal laws and regulations and the laws and regulations of the State to which the raptor is to be exported.
- e) Each falconer shall notify the Department of any permanent change of address within 30 days after the change.
- f) Markers on deceased, destroyed, or released raptors must be returned to the Department within 30 days of the death or release of each such raptor if the State requires it.
- g) The season for taking game birds by falconry shall be at the discretion of the State based on sustainable-take science.

- h) The season for taking waterfowl by falconry shall be at the discretion of the State within Federal limits.
- i) Falconers may possess hen pheasants that are taken by falconry means during the established falconry game bird season.
- j) Conviction for violation of any falconry regulation while hunting with a raptor may result in suspension or revocation of a falconry permit. Another raptor type permit will be required for the owner to keep the raptor unless a conviction requires confiscation of the raptor.<sup>8</sup>
- k) If a permittee's hunting raptor accidentally kills quarry that is out of season or prohibited for take, the falconer shall leave the dead quarry where it lies, except that the raptor may feed upon the quarry prior to leaving the site of the kill. This is referred to as "incidental take."
- l) Any subspecies-cross or hybrid raptor shall have a marker and two functioning radio telemetry transmitters attached to it whenever flown free. These raptors shall never be permanently released to the wild.
- m) Raptors not native to a State shall not intentionally be permanently released to the wild in the State.
- n) *Feathers that a falconry bird or birds molt:* You may possess 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 raptor permittees in the United States, and you may transfer feathers to them. You may not buy, sell, or barter such feathers.
- o) *Use of falconry raptors in education programs:* If you are a General or Master Falconer, you may use raptors you possess in education programs presented in public venues. You do not need a Federal education permit to conduct education activities using a falconry raptor held under a State falconry permit. However, the bird's use must be primarily for falconry.
- p) *Use of falconry raptors for commercial purposes:* If you are a General or Master Falconer, you may be compensated for use of raptors you possess for commercial purposes.<sup>9</sup> However, the bird's use must be primarily for falconry. If you are an Apprentice, you may present conservation programs if you are under the supervision of a General or Master Falconer when you do so.
- q) *Using a falconry bird in abatement activities:* If you are a Master Falconer, you may conduct abatement activities with birds you possess for falconry, if you have a Federal Special Purpose Abatement permit. If you are a General Falconer, you may conduct abatement activities only as a sub-permittee of the possessor of the abatement permit.

**12. Federal Raptor Propagation and "Special Use" permits: Application, Reporting and General Provisions in [50 CFR 21.30](#) and [50 CFR 21.27](#).**

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<sup>8</sup> The U.S. Constitution's [Fifth Amendment](#) Property Clause does not provide an exception for wildlife ownership. In addition, the [Eighth Amendment](#) must be observed in assigning punishments to various violations.

<sup>9</sup> The Service agreed to this in a lawsuit American Falconry Conservancy initiated with the Pacific Legal Foundation.

Only falconry permits are managed by the State, Tribal, or Territorial authorities.

- a) Any person desiring to possess a raptor solely for propagation purposes, with the intention of selling the progeny, shall submit a copy of the person's application for a Federal raptor propagation permit to the Secretary. A letter of approval issued by the Secretary shall satisfy the Department's raptor propagation permit requirement, but shall not be effective until the applicant has been issued a Federal raptor propagation permit by the U.S. Fish and Wildlife Service.
- b) Each person issued a Federal raptor propagation permit shall submit to the Department a copy of the approved Federal permit and copies of all reports required by the Federal permit.
- c) You may use a raptor you possess for falconry in propagation if you or the person overseeing the propagation has the necessary permits. You do not need to transfer a bird from your falconry permit if you use it for fewer than 8 months a year in propagation, but you must do so if you permanently transfer the bird for propagation. The bird must then be banded as required in [50 CFR 21.85](#).
- d) Each permittee shall allow for inspection of his or her raptor propagation records by Department officials.
- e) Sale – No person may sell, barter, or transfer to another person any domestic bred raptor or raptor egg(s) without that person having a valid permit authorizing such possession.
- f) All native domestic bred raptors purchased, sold or bartered, or offered for sale or barter must be marked with a Service seamless numbered band provided to the propagator by the Service.
- g) You may use raptors specifically authorized and attached to Federal raptor Propagation, Abatement, and Education permits, that are not used in falconry, for activities covered under those permits in the State. In addition, you may use Federally permitted propagation and abatement raptors in education programs and for commercial endeavors within the State.

### **13. Minimum Requirements**

States should have these minimum requirements for harmonization purposes so that each State can respect the falconry permits and provisions of all other States.<sup>10</sup>

- a) Statutes, as opposed to administrative orders, should be in place that recognize or declare falconry and the taking of raptors from the wild for falconry purposes, as legitimate and allowable activities.
- b) State wildlife statutes, being the foundation of regulations, must be clear and concise so that regulations will be well connected and complimentary to State natural resource management goals of sustainable use. They must also make it very clear that citizens

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<sup>10</sup> The U.S. Constitution's [Full Faith and Credit](#) principles must be embraced – in the same way drivers' licenses are respected across the Country.

have a right to natural resource use and acquisition and that it is not a “privilege,” as though the government dispenses liberties as it sees fit.<sup>11</sup>

- c) Ensure that all game species can be taken by raptors for falconry.
- d) Ensure falconers can use purchased domestic bred game animals for falconry purposes.
- e) Hunting/trapping roadway and domicile buffer restrictions should be removed for falconry.
- f) Orange hat and clothing laws should be removed for falconry.
- g) Both eyass and passage birds should be allowed to be taken by falconers. (Several States do not provide for eyass take).
- h) Provide for the use in raptor training with pigeons, starlings, collared doves and English sparrows (non-native species) in either code or regulation so that they do not fall under humane animal act regulations by default.
- i) All activities pertaining to falconry should fall under State preemption authority (i.e., local governments, such as municipalities or counties, are not authorized to regulate or restrict raptor use or possession – only the State wildlife agency has jurisdiction).
- j) The removal of daylight hour restrictions for falconry (consider hunting with owls as well as abatement efforts). In addition, falconry is nowhere near as efficient in harvesting wildlife as gun hunting.
- k) Falconry and falconry raptors should be covered under wildlife code and regulations and ensure the exclusion from humane animal laws, which are typically under the jurisdiction of State agriculture departments.
- l) Enact the right to retrieve one’s raptor and game on private property with a statutory anti-litigation clause.

[Include language that references FWS falconry regulations as the primary source of authority for State falconry regulations and wherever State regulations fall short or are silent, seek authoritative provisions from FWS falconry regulations in order to avoid confusion between the public and government agencies. This is important to check the power of prejudicial law enforcement personnel, which is not uncommon as it relates to falconry and other uses of raptors.]

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<sup>11</sup> This offensive medieval monarchical view embraced by some wildlife managers, needs to be eradicated from the American political system.