

Examination Guidance Document

FALCONRY REGULATIONS, FACILITIES & EQUIPMENT

As required by the Virginia Department
of Wildlife Resources and the
U.S. Fish and Wildlife Service

January 1, 2012

For further information, contact:
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Resources
Permits Section
P. O. Box 3337
Henrico, VA 23228

NOTE: By 2014, all state wildlife agencies must update state falconry regulations to be compliant with new federal regulations, must have an active data management tool to capture and convey information about falconers and transactions of birds, and must have an updated falconry exam. The U.S. Fish and Wildlife Service has delegated fully permitting for falconry to the Virginia Department Wildlife Resources, effective January 1, 2012. As of that time, no Federal permit will be required by individuals permitted by the Department.

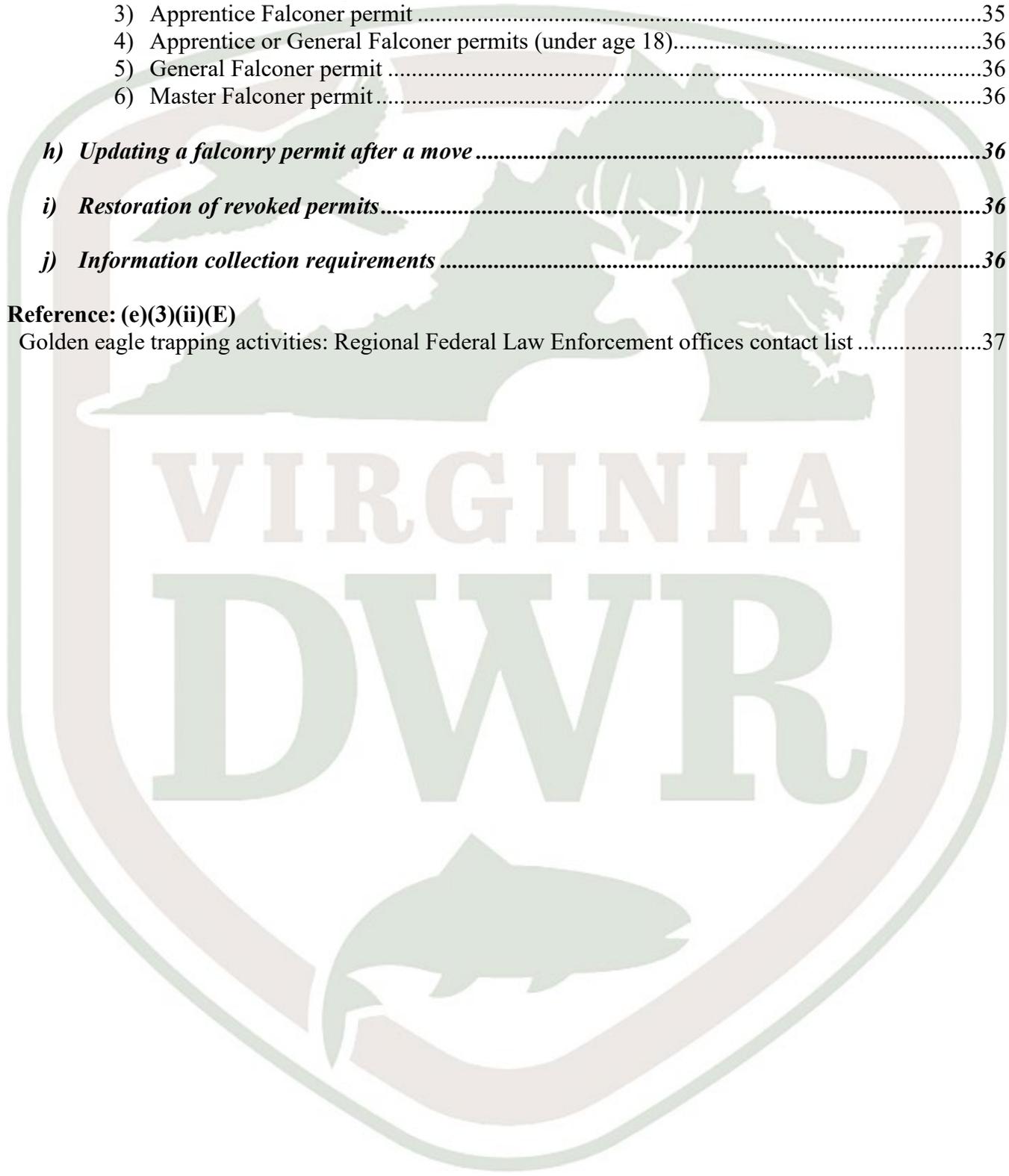
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STATE QUALIFYING EXAMINATION FOR A FALCONRY PERMIT

Purpose

The examination is designed to determine the applicant's knowledge of raptor identification, natural history, care in captivity, falconry techniques, and applicable laws and regulations.

Legal Requirement

Regulations require that before any falconry permit is issued, the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination approved by the U.S. Fish and Wildlife Service, and administered by the State. The test deals with basic biology, care, and handling of raptors; the literature, laws, and regulations surrounding the practice of falconry; and other appropriate subject matter. The State exam consists of 105 questions, of which 84 must be answered correctly to achieve a passing score.

Once an applicant has passed the examination, no future examination is required by State regulation for permit renewal or for changes in permit class or State of residence.

Administering Agency

Virginia Department of Wildlife Resources personnel or agency representatives will administer the examination.

Content of Examination

100 multiple-choice questions, each with four possible answers, are distributed into three general categories: raptor identification/biology; maintenance of raptors in captivity; and falconry practices/regulations. Five additional Virginia-specific questions are included for a total of 105 questions.

While a more detailed distribution of questions can be provided by subject, many questions fall into more than one subject category. For example, an applicant would need to know both the definition of "eyass" and the regulations, to correctly answer a question regarding the handling of eyasses.

Subject

Literature Review/Definitions

Raptor Biology

Species/Gender/Age I.D.

Ecology (Habitat/Food/Behavior/Distribution)

Breeding Biology

Falconry

Equipment & Facilities

Taking & Initial Handling of Raptors

General Health Factors

Injuries/Disease/Parasites

Training/Hunting Practices

Ethics

Regulations

Other

Additional Virginia-Specific Questions

Those intending to take the examination should first and foremost secure a sponsor (General class permittee or higher) who will help guide examination preparation and facilities/equipment requirements. A thorough review of the raptor literature and falconry regulations is a minimum requirement. Exam questions emphasize the practical aspects and obligations of being a falconer. Knowledge of scientific names and obscure publications is not required.

The statistical probability of being able to pass the exam without study is less than one in a million.

Failure to Pass

A person who fails the examination may apply to retake this or a similar examination. The schedule for re-examination will be determined by the Virginia Department of Wildlife Resources.

FACILITIES AND EQUIPMENT

Regulations provide that before a Virginia Falconry Permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the Virginia Department of Wildlife Resources as meeting the following standards.

Facilities

The primary consideration for raptor housing facilities, whether indoors (mews) or outdoors (weathering area), is protection from the elements, predators, or undue disturbance. Therefore, the applicant shall have the following facilities, except that, depending upon climatic conditions, the Virginia Department of Wildlife Resources may require only one of the facilities described below:

(1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptor(s) housed in the facility. If more than one raptor is to be kept in the mew, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mew shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(2) Outdoor facilities (weathering areas) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6.5 feet high need not be covered or roofed. The enclosed area shall be large enough to insure the bird(s) cannot strike the fence when flying from perch to perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

Equipment

Equipment must be appropriate to both the raptor and the stresses & needs of the sport of falconry to assure safety & comfort of the bird. Therefore, the applicant shall have the following equipment at the time of inspection:

- (1) A bath pan appropriate to the size of the raptor
- (2) An accurate weighing scale with a standing surface or perch appropriate to the needs of the raptor
- (3) Anklets, jesses, swivel, leash, and appropriate bewits for attaching bells and/or transmitters or other tracking devices (**note: all hybrid birds** shall be required to wear **two** functional transmitters while being flown)
- (4) A falconer's glove appropriate to the size of the raptor to be flown

ILLUSTRATIONS

Figure 1:

Open faced mews with screen perch. A hawk and falcon are shown weathering with appropriate perches and bath pans

Figure 2:

Predator-proof totally enclosed weathering area

Figure 3:

Equipment Samples

- A. Sampo™ style ball-bearing swivel (most often used for fishing)
- B. Method of attaching jesses (both traditional and Aylmeri – see Fig. 5 A – styles) to leash
Note: size of swivel is greatly exaggerated here to show attachment
- C. Bell
- D. Bewit, for attaching a bell (or transmitter) on a raptor's tarsus
- E. Method of attaching the bell to the raptor's tarsus with a bewit (the pointed tips of the bewit may be cut off after attachment)

Figure 4:

More Equipment Samples

- A. Aylmeri jess; method of making the button/knot at the end (either Aylmeri jess or leash)
- B. Aylmeri bracelet, cuff, or anklet; grommet through holes secures anklet on bird's tarsus
- C. Aylmeri jess in place through anklet's grommet
- D. Screen perch and method of tethering a raptor to the screen perch. Knot and ends of leash slip into the space between the double layer of heavy cloth, such as canvas
- E. Falcon tied to the block perch. The leash is held in the swivel by its button/knot and the free end (not shown) is tied to the ring of the perch
- F. Lure

Figure 5:

Outdoor perches

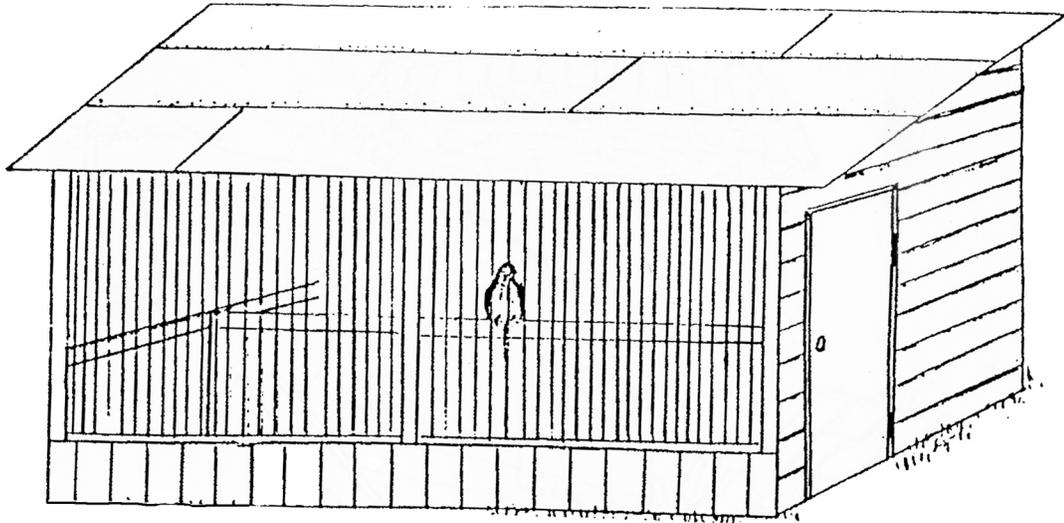
Left: Ring perch and Right: Block perch

Figure 6:

Indoor perches

Left: Round perch and Right: Shelf perch

Figure 1
Open-faced mews with screen perch



Ring perch (hawk) and bath pan



Block perch (falcon) and bath pan

Figure 2
Predator-proof totally enclosed weathering area

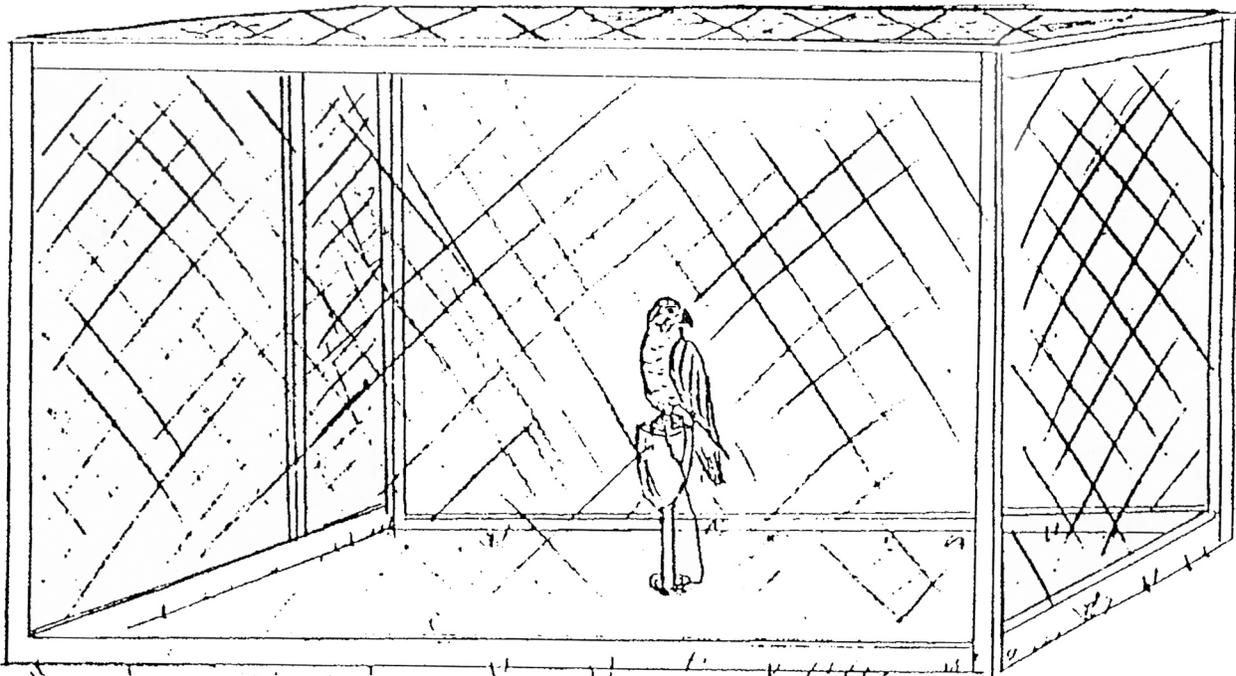
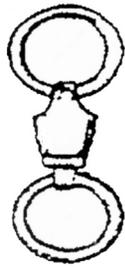
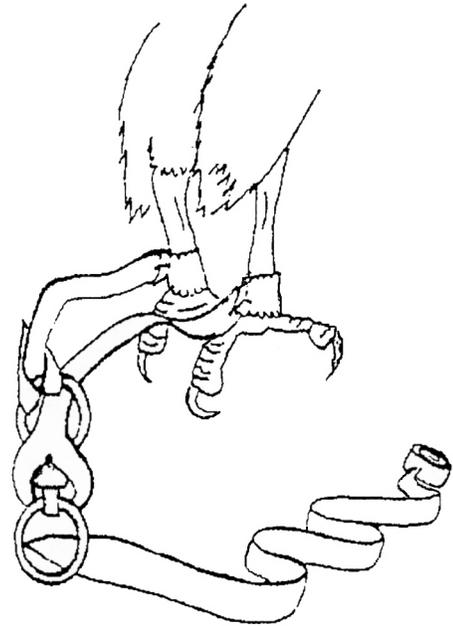


Figure 3
Equipment Samples



A – Sampo™ style ball-bearing swivel



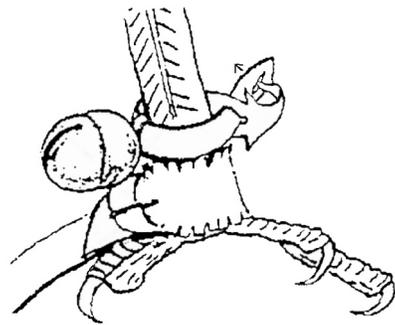
B – Method of attaching jesses to swivel and swivel to leash



C – Bell

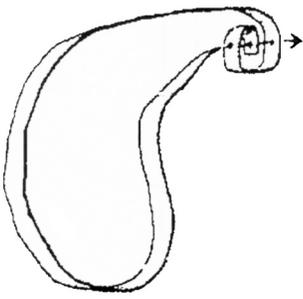


D – Bewit



E – Bell attached with bewit

Figure 4
More Equipment



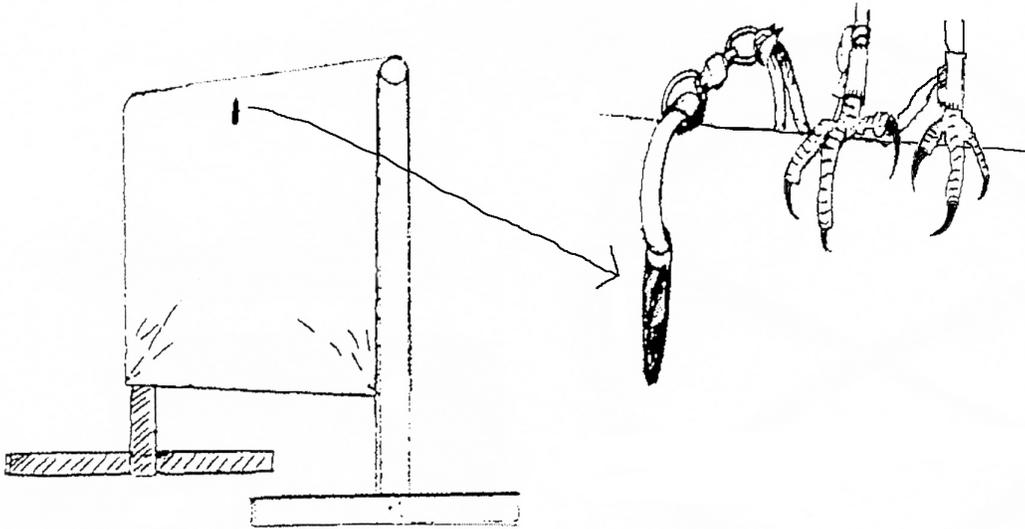
A – Aylmeri jess;
how to make button



B – Aylmeri bracelet or cuff;
grommet through holes secures
anklet on bird's leg



C – Aylmeri jess in place
through cuff grommet



D – Screen perch and the method of tethering a bird to the screen perch

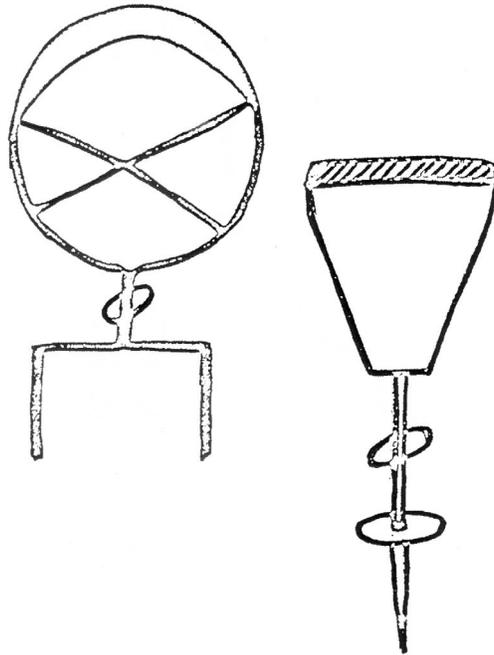


E – Falcon tied to a block perch



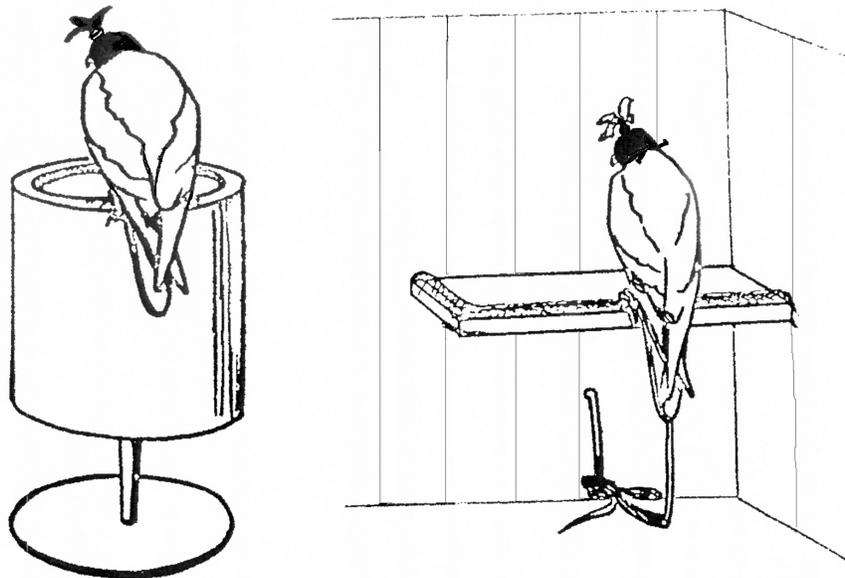
F – Lure

Figure 5
Outdoor Perches



Left: Ring perch – steel ring with rope or cushioned perching surface at top and crossed elastic bands to prevent bird from going through the ring. Right: Block perch, often made out of wood. Spikes on both allow lawn mounting

Figure 6
Indoor Perches



Left: Round perch
Right: Shelf perch

FALCONRY/RAPTOR BIBLIOGRAPHY, SOURCES & SITES

Recommended reading (those with * are especially recommended for beginners)

Fox, Nick. 1995. *Understanding the Bird of Prey*

American Falconry Magazine www.americanfalconry.com

Bent, A.C. 1961. *Life Histories of North American Birds of Prey* Vols. I & II.

*Calif. Hawking Club. 1995. *Apprentice Study Guide* www.calhawkingclub.org

Chichester, A. Lee. 2003. *Falcons and Foxes in the UK: The Making of a Hunter*

Clark, W.S. and B.K. Wheeler. 1987. *A Photographic Guide to N. American Raptors*

Coulson, Jennifer & Tom. 2012. *The Harris's Hawk Revolution*

Kimsey, Brian and J. Hodge. 1992. *Falconry Equipment*

McElroy, Harry. 1996. *Desert Hawking With A Little Help From My Friends*

*McGranaghan, Liam J. 1996. *The Red-Tailed Hawk: A Complete Guide to Training and Hunting North America's Most Versatile Game Hawk*

*Mullenix, Matthew. 1996. *American Kestrels in Modern Falconry*

Mullenix, Matthew, 2005. *In Season: A Louisiana Falconer's Journal*

*Oakes, William C. 1993. *The Falconer's Apprentice: A Guide to Training the Passage Red-Tailed Hawk*

Peterson Field Guide to Hawks (#35)

Stevens, R. 1970. *Observations on Modern Falconry*

Woodford, M.H. 1966. *A Manual of Falconry*

Brewer, Gary L. 1995. *Buteos and Bushytails* PO Box 761, Chandler, TX 75785

Beebe, F.L. and H.M. Webster. 1994 and earlier. *North American Falconry and Hunting Hawks*

Sources:

Northwoods Limited

800-446-5080

www.northwoodsfalconry.com

Amazon.com & Barnes&Noble.com (search under "falconry")

Western Sporting

730 Crook Street, Sheridan, WY 82801

sales@westernsporting.com

1 (888) FLY-HAWK

www.westernsporting.com

Buteo Books

3130 Laurel Road, Shipman, VA 22971

800-722-2460, 434-263-8671

www.buteobooks.com

Mike's Falconry Supplies

<http://www.mikesfalconry.com>

U.S. CLUBS/ORGANIZATIONS (most recently updated 2014)

Virginia Falconers' Association (VFA) <http://vafalconry.swva.net>

North American Falconers Association (NAFA) <http://www.n-a-f-a.com>

North Carolina Falconers Guild (NCFG) <http://www.ncfalconersguild.org>

Pennsylvania Falconry & Hawk Trust <http://www.pfht.org>

Ohio Falconry Association <http://ohiofalconry.org>

California Hawking Club <http://www.calhawkingclub.org>

University of Minnesota Raptor Center <http://www.raptor.cvm.umn.edu>

INTERNATIONAL FALCONRY

British Falconers' Club <http://www.britishfalconersclub.co.uk>

Arabian Falconry <http://arabhunter.com>

German Falconry <http://www.falknereizubehoer-brings.de/>

PERSONAL PAGE GOOD FOR BEGINNERS

The Modern Apprentice <http://www.themodernapprentice.com>

FALCONRY FORUMS

hawk-l: <http://hawking.org>

Raptor Repertoire: <http://raptorrep.com>

Virginia Falconry on Yahoo: <http://groups.yahoo.com/group/virginiafalconry/>

North American Falconers Exchange: <http://www.nafex.net>

CODE OF VIRGINIA

§ 29.1-419. Taking, holding, etc., of falcons, hawks, eagles, and owls; use to hunt wild game.

Notwithstanding any other provision of law, the Director may:

1. Issue a Permit entitling the holder to possess raptors for the purpose of falconry, which includes but is not limited to taking, trapping, holding, transportation, carriage, shipment, and buying & selling of live raptors. The initial fee or the fee for nonconsecutive years for this permit shall be fifty dollars, and the permit shall entitle the holder to possess raptors. The fee for subsequent consecutive years shall be twenty dollars per year.

Abatement activities using raptors are allowed. The department reserves the right to issue a state abatement permit in addition to the required federal abatement permit.

2. Allow the following: When the training or chase begins on other lands, a permit holder may retrieve a trained raptor on prohibited lands. The use of vehicles to retrieve a trained raptor on prohibited lands shall be allowed only with the permission of the landowner or his agent. Any person who goes on prohibited lands to retrieve a trained raptor must identify himself when requested by the landowner or his agent.

3. Allow the use of telemetry on falconry raptors. It shall be a Class 1 misdemeanor for any person to remove such telemetry equipment with the intent to prevent or hinder the owner from locating the raptor.

§ 29.1-300.1. Certification of competence in hunter education.

A. Except as provided in subsection B of this section, no hunting license shall be issued to (i) a person who has never obtained a license to hunt in any state or country, or (ii) a person who is under the age of sixteen, unless such a person presents to the Board of Game and Inland Fisheries or one of its authorized license vendors, a certificate of completion in hunter education issued or authorized by the Board under the hunter education program, or proof that he holds the equivalent certificate obtained from an authorized agency or association of another state or country.

B. Although a resident under the age of twelve is not required to obtain a license to hunt, any person under the age of twelve, or an individual on his behalf, may purchase a Virginia hunting license or a junior lifetime hunting license pursuant to § 29.1-302.1, without completing a hunter education program as required in subsection A of this section, provided that no person under the age of twelve shall hunt unless accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license. The junior lifetime hunting license issued to an individual under the age of twelve shall become invalid on the individual's twelfth birthday and remain invalid until certification of competence in hunter education is shown as provided in this section. A lifetime license, indicating the completion of hunter education or an equivalent certificate, shall be reissued at no cost when such proof is provided.

The adult shall be responsible for such supervision. For the purposes of this section, "adult" means the parent or legal guardian of the person under age twelve, or such person over the age of eighteen designated by the parent or legal guardian.

"Accompanied and directly supervised" means that the adult is within sight of the person under the age of twelve.

C. This section shall not apply to persons while on horseback hunting foxes with hounds but without firearms.

(1987, c. 83, § 29-51.1; 1988, cc. 179, 384, 474; 1989, c. 204; 1996, cc. 118, 151; 1997, c. 247.)

VIRGINIA ADMINISTRATIVE CODE

4VAC15-250-10. Falconry; adoption of federal standards, regulations, and definitions.

As used in this chapter:

“Raptor” means any bird of the order Falconiformes or the order Strigiformes, including hybrids thereof.

The board hereby adopts the federal definitions, regulations, and standards pertaining to falconry as contained in 50 CFR 21.3 (definitions; effective July 8, 1983, and as amended June 17, 1999; August 10, 2006; February 28, 2007; August 20, 2007; October 8, 2008; January 7, 2010; and the refinement of the definition of “hybrid” adopted Nov. 1, 2013) and 50 CFR 21.29 (falconry standards and falconry permitting; effective October 8, 2008, and as amended December 8, 2009; January 7, 2010; and January 21, 2010). Pursuant to § 29.1-103.12 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to these federal definitions, regulations, and standards in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Statutory Authority

§§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 § 1, eff. July 1, 1985; amended, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-20. Permit Conditions

- A. An applicant for a permit to practice falconry pursuant to § 29.1-419 of the Code of Virginia shall submit to the department a completed application form, provided by the department and approved by the United States Fish and Wildlife Service (USFWS), including all required information indicated on such form.
- B. A permit shall not be issued before applicant has answered correctly at least 80% of the questions on a supervised examination provided by the department and approved by the USFWS.
- C. A permit shall not be issued or renewed unless applicant has adequate facilities and equipment which shall have been inspected and certified by a representative of the department as meeting federal standards set forth in 50 CFR 21.29.
- D. A person who is a nonresident of the Commonwealth may engage in falconry in Virginia provided he possess a valid Virginia nonresident hunting license and satisfactory evidence that such person legally possesses the raptor and a valid falconry permit issued by his state, tribe, or territory of residence. Such practitioners must nonetheless comply with all applicable hunting and falconry regulations and conditions of Virginia’s Falconry Permit.

Statutory Authority

§§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia

Historical Notes

Derived from VR325-02-23 § 1, eff. July 1, 1985; amended, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-30 (Classes of permits) (Repealed)

Historical Notes

Derived from VR325-02-23 § 3, eff. July 1, 1985; amended, Virginia Register Volume 17, Issue 6, eff. January 1, 2011; repealed, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-40 (Transportation and temporary holding) (Repealed)

Historical Notes

Derived from VR325-02-23 § 4, eff. October 1, 1976; repealed, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-50 (Game: Falconry. Marking) (Repealed)

Historical Notes

Derived from VR325-02-23 § 5, eff. July 1, 1985; amended, Virginia Register Volume 13, Issue 18, eff. July 1, 1997; repealed, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-60 Taking of raptors by nonresidents.

A permit may be issued to a nonresident general or master falconer for the purpose of taking a raptor in Virginia, provided that his resident state, tribe, or territory issues nonresident falconry permits or licenses, or otherwise provides for the taking of raptors by nonresidents. A nonresident applicant shall submit a copy of his valid falconry permit and a copy of his valid import permit from his resident state, tribe, or territory.

Statutory Authority

§§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia

Historical Notes

Derived from VR325-02-23 § 1, eff. July 1, 1985; amended, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-70 (Game: Falconry. Possession of raptors) (Repealed)

Historical Notes

Derived from VR325-02-23 § 7, eff. October 1, 1976; amended, Virginia Register Volume 13, Issue 18, eff. July 1, 1997; repealed, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-80 Season for hunting with raptors.

It shall be lawful to hunt nonmigratory game birds and game animals with raptors from October 1 through March 31, both dates inclusive.

Statutory Authority

§§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia

Historical Notes

Derived from VR325-02-23 § 1, eff. July 1, 1985; amended, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-90 Sunday hunting.

It shall be lawful to hunt nonmigratory game birds and game animals with raptors on Sunday.

Statutory Authority

§§ 29.1-501, and 29.1-502 of the Code of Virginia

Historical Notes

Derived from VR325-02-23 § 9, eff. July 1, 1985.

4VAC15-250-100 (Out of season, wrong species or gender, kills by raptors) (Repealed)

Historical Notes

Derived from VR325-02-23 § 10, eff. July 1, 1985; repealed, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

4VAC15-250-100 (Game: Falconry. Reports by permit holders; inspections) (Repealed)

Historical Notes

Derived from VR325-02-23 § 11, eff. October 1, 1976; amended, Virginia Register Volume 13, Issue 18, eff. July 1, 1997; repealed, Virginia Register Volume 27, Issue 10, eff. January 1, 2011.

Note: A *Permit to Exhibit Wild Animals In Virginia* is **not** required for a falconer to utilize a bird held under his/her valid falconry permit for noncommercial, conservation education purposes, except eagles.

SPECIAL PROVISION

Golden Eagle Falconry: Any Master Falconer who wishes to possess and eagle shall apply for and receive approval from the Department before possessing any eagle for use in falconry. The permitted falconer shall submit the following documentation to the Department before a request for an eagle may be considered: i. Proof that the permitted falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) or goshawks (*Accipiter gentilis*); ii. Information regarding the raptor species, to include the type and duration of the activity, in which the experience was gained; and iii. Written statements of reference from two (2) persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, or goshawks. Each written statement shall contain a concise history of the author's experience with large raptors and an assessment of the applicant's ability to care for and fly an eagle.

**FEDERAL REGULATIONS (Effective January 1, 2012) Title
50: Wildlife and Fisheries
Part 21 – Migratory Bird Permits Subpart
C – Specific Permit Provisions
§ 21.29 Falconry standards and falconry permitting.**

The requirement for using the USFWS Electronic Database has been removed from these permit conditions because the USFWS has failed to provide support for this database and it has been “out of service” since July, 2016.

(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) *Report Forms.* The 3-186A is the form required for reporting take, transfers, and loss of falconry birds.

You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>.

A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov.

(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, 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 Virginia, you may practice falconry as permitted in these regulations if you have a permit from your State.

For information about the status of the falconry regulations in other States, tribes, or territories, please review § 21.29 b 10, found online and updated at

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title50/50cfr21_main_02.tpl

(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 (including captive-bred raptors) be transferred to falconers in other jurisdictions, transferred to captive propagation programs, permanently released to the wild (if 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) *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.

(2) *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 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 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*).

- (F) 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*), white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), golden eagle (*Aquila chrysaetos*).
 - (G) You do not need to capture a wild raptor yourself; it can be transferred to you by another falconry permittee.
 - (H) You may not possess a raptor taken from the wild as a nestling.
 - (I) You may not possess a bird that is imprinted on humans.
 - (J) 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 at 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)(2)(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.

(3) *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.

(4) *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.

(5) *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 US 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)(2) 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.

(6) *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 USFWS 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 band number) on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov.** 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 USFWS nonreusable band from your State, tribe, or territory. You must submit the required information immediately upon rebanding the raptor on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .** 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 USFWS 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 on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**
 - (B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**
- (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' 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.

(7) *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).

(8) *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 (mews) or outdoors (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 allow them to maintain healthy feathers.
 - (3) An eyass raptor may be kept in any suitable container or enclosure until it is capable of flight.
 - (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 bird(s) cannot strike the enclosure when flying from perch to 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 a 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 area 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 disturbances.
- (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 raptor(s) 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 raptor(s) 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 raptor(s) 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) *Inspections.* 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.
- (iii) 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 on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov.** You must do this at your first opportunity to do so, but not 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.
- (3) *Other restrictions on taking raptors from the wild for falconry.*
- (i) 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.
 - (ii) 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 with your trapping plans to lawenforcement@fws.gov, or please see the detailed listing of regional offices responsible for the various states in the table at the end of this packet.
 - (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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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 Band 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.
- (viii) 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)(2)(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.
- (ix) 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 on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .** not 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 on a 3-186A form within 10 days. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**
- (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 FWS Regional Law enforcement office (see table of contact information at the end of this packet) within 10 days of the theft of the bird.
- (iii) You must keep copies of all 3-186A form 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 on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**
- (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.
- (8) *Flying a hybrid raptor in falconry.* When flown free, a hybrid raptor must have attached **at least two** functioning radio transmitters to help you 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 on a 3-186A form within 10 days. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**
- (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 on a 3-186A form within 10 days. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**

(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 Fish and Wildlife Service office serving 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 the 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.

(6) *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 on a 3-186A form. **You can access a fillable.pdf of this form at <https://www.fws.gov/forms/3-186a.pdf>. A .pdf reader will be required in order to use this form. This form should be sent electronically to Collectionpermits@dwr.virginia.gov .**

(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 releasable raptors to the wild or return them to the rehabilitator for release with the 180-day timeframe in which the rehabilitator is authorized to possess the birds, 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 molt(s).*

- (i) For imping (replacing a damaged feather with a molted feather), you may possess tail feathers and primary and secondary wing 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 US, 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 (see address below).
- (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: US 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.

(14) *Visitors practicing falconry in the US.*

- (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 US 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 US 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 permit(s) to bring a raptor into the US 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 US 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 US dies or is lost while in this country, the visitor must document the loss before leaving the US 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 US or to return home with it (see 50 CFR 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]).
- (iii) Unless you have the necessary permit(s) to permanently export a raptor from the US, you must bring any raptor you take out of the country for falconry back to the US 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 US 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 for 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 behaviors, 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

- (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, 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 provided by 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 Falconer* 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 Falconer* 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 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.

[73 FR 59465, Oct. 8, 2008, as amended at 74 FR 64640, Dec. 8, 2009;
75 FR 931, Jan. 7, 2010; 75 FR 3395, Jan. 21, 2010; 75 FR 81141, Dec. 27, 2010; 76 FR 71912, Nov. 21, 2011]

Golden eagle trapping activities: Regional Federal Law Enforcement offices:

If you plan to trap a golden eagle in	You must notify
California, Idaho, Nevada, Oregon, or Washington	USFWS Special Agent in Charge – Law Enforcement 911 NE 11 th Ave. Portland, OR 97232-6125 503-231-6125; fax 503-231-6197
Arizona, New Mexico, Oklahoma, or Texas	USFWS Special Agent in Charge – Law Enforcement PO Box 329 Albuquerque, NM 87103 505-248-7889; fax 505-248-7899
Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, or Wisconsin	USFWS Special Agent in Charge – Law Enforcement PO Box 45 Federal Building Ft. Snelling, MN 55111-0045 612-713-5320; fax 612-713-5283
Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, or Tennessee	USFWS Special Agent in Charge – Law Enforcement PO Box 49226 Atlanta, GA 30359 404-679-7057; fax 404-679-7065
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, or West Virginia	USFWS Special Agent in Charge – Law Enforcement PO Box 659 Hadley, MA 01035-0659 413-253-8274; fax 413-253-8459
Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, or Wyoming	USFWS Special Agent in Charge – Law Enforcement PO Box 25486 Denver Federal Center (60130) Denver, CO 80225-0486 303-236-7540; fax 303-236-7901
Alaska	USFWS Special Agent in Charge – Law Enforcement 1011 E. Tudor Rd Suite 155 Anchorage, AK 99503-6199 907-786-3311; fax 907-786-3313