



REVISED FEDERAL FALCONRY REGULATIONS QUESTIONS AND ANSWERS

The U.S. Fish and Wildlife Service finalized changes to the Federal regulations governing falconry on October 8, 2008 (*Federal Register* Volume 73, pages 59448-59477). The questions and answers below summarize some of the changes. For more information on these and other changes, refer to the final rule at www.fws.gov/migratorybirds. All falconers are encouraged to review the new regulations carefully.

1. When do these regulations go into effect? The final rule which includes the new falconry regulations becomes effective on November 7, 2008. It will allow States (including territories) or Tribes to adopt their own regulations that meet the standards in the final rule. However, the new regulations do not take effect for falconers until their State or Tribe adopts its own regulations that meet the standards in the final rule. We do not expect the new regulations to be in effect in any State or Tribe before January 1, 2010.

2. Are State and Federal falconry permits still required? Yes. Until a State or Tribe adopts its own regulations that meet the standards in the final rule, the old regulations still apply to falconry and falconers must continue to obtain both Federal and State permits or joint Federal/State permits depending on the current process in place.

3. What is the process for States or Tribes to adopt the new falconry regulations? States and Tribes must certify to the Service Director that their regulations comply with the Federal requirements and the Service must approve the certification. After the Service approves the certification, the Federal permit requirement will be eliminated for falconers residing in those States, or on those Tribal lands, beginning January 1 of the following year.

4. How will falconers know when their State or Tribe is approved by the Service? Upon approval of a State or Tribal certification, we will publish a notice in the *Federal Register*. In addition, the Service or your State will notify current falconers.

5. How long do the States and Tribes have to adopt the Federal standards? State or Tribal laws and regulations governing falconry must meet the standards in the Federal regulations by January 1, 2014, at which time the Federal permit program will be discontinued. Falconry will not be permitted in any State or by a Tribe that is not certified until the State or Tribe becomes certified.

6. Can State or Tribal regulations vary from the new Federal standards? Yes. State and Tribal regulations may be more restrictive but they cannot be less restrictive than the new Federal standards.

7. Will permit fees be refunded if the Federal permit requirement is eliminated before the permit expires? No. The permit fee offsets the cost of processing your application and administering your reports and other records.

8. Will falconers still have to submit paper Migratory Bird Acquisition and Disposition Reports (Form 3-186A) to their Regional permitting office? Yes. You must continue to send paper 3-186As to your Service permit issuing office until the Federal permit has been eliminated for your State. After that, you will report acquisition, transfer, or loss of raptors electronically if your State or Tribe allows you to do so. Some States or Tribes may continue to require paper 3-186As, from which the State will enter the information into the electronic system.

9. Will the Federal government retain a role in falconry? Yes. Although we are eliminating the Federal permit, the Service will continue to have oversight responsibility for falconry. We also will have enforcement authority over most aspects of falconry and will continue to compile and evaluate information on all reported takes of raptors from the wild for use in falconry. Under the new regulations, inspection of falconry records, facilities and birds will be the responsibility of the States and Tribes.

10. How will States and Tribes keep track of falconers who move to and from their State/Tribe? The Service will administer a national falconry database for State and Tribal use. Any State or Tribe that administers falconry will be able to access the database to see where a falconer has moved or to check on the falconer's permit prior to moving to the State or Tribal lands.

11. Are there changes to the banding requirements for wild-caught raptors? Yes. The new regulations will eliminate the requirement to band golden eagles taken from the wild but will also add a banding requirement for all

goshawks. Peregrine falcons, Harris’s hawks, and gyrfalcons must still be banded. You may microchip these species with an ISO-compliant microchip in lieu of a band.

12. Are there any changes relating to golden eagles? Yes. We will no longer require Federal permitting of Master Falconers for possession of golden eagles. Golden eagles will be treated similarly to other raptors. The requirements for trapping depredated golden eagles have not changed and can be found at 50 CFR 22.23.

13. What are the changes to the requirements for the different falconry classes?

Issue	Old ¹ Regulations	New ² Regulations that take effect when States or Tribes receive certification
Apprentice		
Age	14	12 (If 12-17, parent or guardian must cosign application and be responsible for your activities)
Possession limit	1	1
Species	Kestrel, red-tailed hawk, red-shouldered hawk; in Alaska, goshawk	Strigiformes and falconiformes, <u>except</u> bald, white-tailed, and golden eagles; Steller’s sea-eagle; American swallow-tailed kite; Swainson’s and ferruginous hawks; prairie and peregrine falcons; northern harrier; flammulated, burrowing, and short-eared owl.
Source	Wild-caught	Wild-caught or captive-bred
Take from the wild	May not obtain more than 1 raptor for replacement during any 12-month period	Up to 2 annually
Duration before upgrade	At least 2 years	At least 2 years (including at least 4 months each year)
General		
Age	18	16 (If 16 or 17, parent or guardian must cosign application and be responsible for your activities)
Possession limit	2	3
Species	All except eagles	All except eagles
Source	Wild or Captive-bred	Wild or Captive-bred
Take from the wild	Up to 2 annually	Up to 2 annually
Duration before upgrade	At least 5 years	At least 5 years
Master		
Possession limit	3	5 wild raptors, 3 of which may be Golden Eagles. Unlimited captive-bred raptors (excluding eagles) if used for falconry.
Species	All species; golden eagle with 22.24 authorization	All species, including golden eagles
Take from the wild	Up to 2 annually	Up to 2 annually

¹ Federal falconry regulations prior to those published August 8, 2008.

² Federal falconry regulations published on August 8, 2008.

14. What are some of the other changes that go into effect once a State or Tribe is certified?

- Possession of facilities for housing raptors will not be a prerequisite for obtaining a permit. However, you must have your facilities inspected by your State or Tribe before you may obtain a raptor for use in falconry.
- We will remove the 180-day-per-year limit on take of raptors from the wild. Raptors may be taken for falconry during periods specified by the States or Tribes.
- A hybrid raptor flown for falconry must have two separate attached radio transmitters that will allow you to locate it. Intentional permanent release of hybrids to the wild is prohibited.
- Falconers will be responsible for treatment and rehabilitation costs of falconry raptors injured in trapping.
- Captive-bred and wild-caught raptors may be temporarily hatched to the wild.
- General and Master falconers may use suitable raptors in raptor propagation if they have a raptor propagation permit. The raptors do not need to be transferred from the falconer’s falconry permit if they are used temporarily in propagation.
- You may transfer most raptors species captured from the wild under a falconry permit to a propagation permit only after they have been used in falconry for at least 2 years. Previously, raptors taken for falconry could be immediately transferred to a raptor propagation permit.
- General and Master Falconers may use suitable raptors they possess in conservation education programs without an additional special purpose education permit, provided the birds are primarily used for hunting.

(10/8/2008)