

## Agenda Item Summary

### BACKGROUND

In Oregon, falconry regulations were first adopted in 1977; revised and updated in 1990 and 2002. All activities regarding possession of raptors are also governed by federal regulation under the Migratory Bird Treaty Act. Threatened and endangered species are precluded from take from the wild. However, the removal of the American peregrine falcon from protection under the Oregon Endangered Species Act ORS 496.171 et seq. in April 2007, has allowed the department to pursue the consideration of taking peregrine falcons for falconry purposes. This action has been requested by the Oregon Falconers' Association (OFA). Take for falconry has been permitted by the U.S. Fish and Wildlife Service since 2004 ((Federal Register: March 10, 2004 (Volume 69, Number 47); and Federal Register: March 10, 2004 (Volume 69, Number 47); and Final Revised Environmental Assessment, Management Plan and Implementation Guidance for the Take of American Peregrine Falcons in the Contiguous United States and Alaska for Use in Falconry) and updated in 2007. Currently four other western states permit the take of nestling peregrine falcons: Arizona, Colorado, Utah and Washington. The federal regulations allow up to a maximum take of 5 percent of the nestlings in the 12 western states. USFWS in their Final Environmental Assessment (2007) stated that this "would not seriously affect the population and would likely not even be observable due the proportion of nonbreeding adults in the population." The department reviewed suggestions made by OFA, considered options and resolved differences that arose. The department recommendations are based mainly upon these discussions with OFA and the Audubon Society of Portland. The department is also working on permit guidelines for taking nestlings from the wild. The department is working with OSU, the Audubon Society, OFA, U.S. Fish and Wildlife Service and the Peregrine Working Group for Oregon on future monitoring of peregrine nest sites and productivity of young in the wild.

### PUBLIC INVOLVEMENT

The department met and worked extensively with the Oregon Falconers Association and the Audubon Society of Portland to address issues and concerns relating to the "take" of peregrine falcons for falconry purposes.

### ISSUE 1

#### WHETHER TO ADOPT THE PROPOSED RULES

### ANALYSIS

The proposed rules will allow "master" falconers, by permit, the limited taking of nestling "eyas" peregrine falcons (no more than one nestling each). The total number of nestlings taken in Oregon in any year must not exceed 5 percent of the state's annual productivity, as required by the U.S. Fish and Wildlife Service (Environmental Assessment, March 2004). A sample of nest sites will be monitored across the state and productivity

determined by the department in consultation with partners. Nestlings will be taken following the department's permit guidelines, which are in development. At least one nestling must remain in the nest after take - except in exceptional circumstances (e.g. management decision on man-made structures such as bridges). Take also has to be reported in writing to ODFW and USFWS which includes various metrics required by the permit.

The proposed rules also include a revised definition of "falconry"; responsibility for costs to be borne by the falconers for any treatment or rehabilitation of birds injured in trapping efforts; and also deals with several other housekeeping issues.

**OPTIONS**

1. Adopt the rules as proposed
2. Adopt the rules in some amended form
3. Not adopt any rules on this subject

**STAFF  
RECOMMENDATION**

1. Option 1

<b>DRAFT MOTION</b>	I move to amend the Falconry rules, Oregon Administrative Rule 635-055, as presented by staff in Attachment 4.
<b>EFFECTIVE DATE</b>	Upon filing.