

**DIVISION 055**

**FALCONRY LICENSES, PERMITS AND REQUIREMENTS**

**635-055-0000 Definition of Terms**

For the purpose of these rules, the following definitions apply:

- (1) "Captive bred" means any raptor, including eggs, hatched in captivity resulting from parents that mated in captivity, or are the progeny of artificial insemination.
- (2) "Falconry" [~~means the sport of taking quarry by means of a trained raptor.~~] **is caring for and training raptors for pursuit of game, and the sport of hunting wild game with raptors.**
- (3) "Indigenous raptor", for purposes of falconry, means golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*, and great horned owl (*Bubo virginianus*),
- (4) "Passage" means first year raptors capable of flight.
- (5) "Raptor" means any species or hybrid of the families Strigidae, Falconidae and Accipitridae.
- (6) "Raptors at hack" means the intentional release of a raptor as a training technique, with the expectation of recapture after a period of time.
- (7) "Take", for the purposes of these rules, means to trap, capture, or attempt to trap or capture a raptor from the wild for the purpose of falconry.

Statutory Authority: ORS Ch. 496

Stats Implemented: ORS Ch. 496

**635-055-0020 Qualifications**

- (1) All licensed Oregon falconers shall be residents of Oregon. A resident shall have a permanent residence and falconry facilities in Oregon; however, there is no time minimum before a person

can claim residency for falconry purposes. Any person falconry hunting in Oregon with a resident hunting license must satisfy the residency requirements as detailed in OAR 635-052, 635-053, 635-054 and 635-065.

(2) All falconers shall demonstrate knowledge of the care of raptors, practice of falconry, and wildlife laws and regulations pertaining to hunting and falconry by receiving a score of 80 percent or higher on a written examination approved by the U.S. Fish and Wildlife Service or by showing documented falconry experience from another state having a federally approved falconry program before receiving their first Oregon Falconry Permit. Any applicant who fails to pass an examination may take another examination no earlier than 30 days from the date of the prior examination.

(3) All falconers shall possess adequate facilities and equipment to care for raptors under their care.

(4) An applicant for a falconry license shall be one of the following:

(a) "Apprentice Falconer":

(A) Be at least fourteen 14 years of age;

(B) Be sponsored by a "Master Falconer" or, a "General Falconer" with at least three years experience. The sponsor shall supervise and guide the Apprentice Falconer on care, capture, and training of raptors and shall submit a written recommendation to the Department when the Apprentice is qualified to become a General Falconer.

(b) "General Falconer":

(A) Be at least eighteen (18) years of age;

(B) Have at least two years experience as [a] an "Apprentice Falconer" or documented equivalent falconry experience from a state having a federally approved falconry program.

(c) "Master Falconer":

(A) Have five years experience as a "General Falconer" or documented equivalent falconry experience from a state having a federally approved falconry program.

(5) Persons with an expired falconry license may renew:

the license as a General or Master Falconer if they can provide verified or verifiable documentation of the last level attained.

Persons with no documentation of past falconry experience shall re-test at the apprentice level.

(6) Persons moving to Oregon from foreign countries must demonstrate knowledge of the care of raptors, practice of falconry, and wildlife laws and regulations pertaining to hunting and falconry by receiving a score of 80 percent or higher on a written examination. Foreign applicants must provide written documentation from their government of past falconry experience which details their experience level to be licensed at the General or Master levels. Persons with no documentation of past falconry experience shall re-test at the apprentice level.

Statutory Authority: ORS Ch. 496

Stats Implemented: ORS Ch. 496

### **635-055-0030 Limitations on Species Captured and/or Held**

(1) The following restrictions are placed on the number of raptors that may be captured in Oregon and/or held for falconry, including non-indigenous species:

(a) Apprentice Falconer - may possess only one raptor, and may obtain only one replacement during any capture season. The raptor shall be an American kestrel, or Red-tailed hawk, captured from the wild under the direct supervision and accompanied by the Apprentice's sponsor.

Apprentice falconers shall not take nestling raptors.

(b) General Falconer - may possess not more than two raptors, including captive bred raptors, but may obtain two replacement raptors from the wild in Oregon during a capture season. A General Falconer may capture and/or possess red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk, goshawk, prairie falcon, merlin, peregrine falcon or great horned owl. A General Falconer may obtain any number of captive bred raptors so long as the number of raptors held does not exceed two. A General falconer may possess any legally acquired non-indigenous raptor

and legally acquired wild captured indigenous raptors.

(c) Master Falconer - may possess not more than three raptors and may obtain two replacement raptors from the wild in Oregon during a capture season. A Master Falconer may capture and/or possess great horned owl, red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk, goshawk, prairie falcon, merlin, gyrfalcon, peregrine falcon or golden eagle. A Master Falconer may obtain any number of captive bred raptors so long as the number of raptors held does not exceed three. A Master falconer may possess any legally acquired non-indigenous raptor and legally acquired wild captured indigenous raptors.

(2) Young raptors of the year shall be taken (unless otherwise noted) on weekends only from the third Saturday in May through the third Sunday in October, and then daily through the last day of February of the following year. This period comprises the "capture season".

(3) Nestlings may only be taken from nests containing two or more nestlings.

(4) Any adult raptor inadvertently taken must be immediately released.

(5) Only the following raptor species and number of each shall be taken in the state during the capture season unless otherwise specified:

(A) Red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk and great horned owl - unlimited and statewide except that owls may be taken as nestlings only.

(B) Goshawk - unlimited and statewide except that no nestling goshawks may be taken in the area north of the Umpqua River and west of Interstate 5. Passage goshawks may be taken statewide.

(C) Prairie falcon – unlimited and statewide except that Wasco, Gilliam, Umatilla, Morrow, Sherman, Jackson and Josephine counties are closed to take of prairie falcons.

(D) Merlin – unlimited and statewide except no nestling merlins may be taken.

(E) Gyrfalcon – only 3 gyrfalcons may be captured during a capture season. Gyrfalcons may be captured statewide. Gyrfalcon capture permits are issued to Master Falconers only and an individual falconer may not capture more than one gyrfalcon per capture season. All gyrfalcon capture permit holders will be notified when the quota has been reached. No take of gyrfalcons is

authorized for non-resident falconers.

(6) Golden eagle –unlimited, capture authorized for counties east of the crest of the Cascade Mountain range only. Golden eagles may be captured, imported and/or used for falconry only in accordance with Federal falconry standards as detailed in 50 CFR § 22.24.

**(7) Peregrine falcons maybe taken statewide. By January 1 of each year, the Commission will establish allowable take of peregrine falcons, not to exceed five percent of the estimated annual productivity of young peregrine falcons in Oregon, as required by U.S. Fish and Wildlife Service in its Environmental Assessment for the Take of Nestling Peregrine Falcons (Federal Register March 10, 2004, Volume 69, Number 47, page 11455).**

[(7)](8) The possession of legally acquired non-indigenous raptors listed as a migratory bird in 50 CFR §10.13 is allowed. Only indigenous raptor species, raptors listed in 50 CFR §10.13 and raptors classified as non-controlled or controlled in the Oregon Wildlife Integrity Rules (OAR 635-056) are allowed. The possession for falconry purposes of hybrid raptors of species listed in 50 CFR §10 are allowed.

Statutory Authority: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

### **635-055-0035 Capture and Transportation of Raptors**

A **raptor** capture permit is required prior to capturing or attempting to capture any raptor. A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for a red-tailed hawk, Cooper's hawk, sharp-shinned hawk, prairie falcon, great horned owl, golden eagle or American kestrel only. All non-resident applications must include copies of current state and federal falconry permits. All applicants for golden eagle capture must include a copy of the federal authorization to take golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits will be issued on a first come first served basis.

(1) An application fee of \$10 will be charged for each capture permit allowing the capture of one raptor per permit.

(2) **Except for take of nestling (eyas) peregrine falcons, the Department will** issue capture permits ~~[will be issued]~~ in the order applications are received. **The permit process will begin** ~~[starting April 15]~~ **January 1st** of each year, ~~[by the Department to]~~ **and applicants must** hold ~~[ers of]~~ a valid Oregon falconry license. The category of species shall be listed on the permit (e.g. “golden eagle”, “gyrfalcon”, **“eyas peregrine falcon”**, or “other raptor”) and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing; the permit is not transferable.

**(3) Capture permits for nestling peregrine falcons may be submitted to the department beginning January 1<sup>st</sup> of each year, and available capture permits will be allocated on a first come, first served basis. The Department will cease to issue permits as soon as the five percent quota has been met. Of the number of permits available for issuance annually, the Department will make one such permit available to nonresidents. Each permit will include conditions crafted by the Department on a case by case basis to address the particular proposal to capture peregrine falcons. Such conditions may include, but are not limited to, requirements to protect the safety of falconers and other humans during capture of peregrine falcons. The following general conditions apply to all peregrine falcon capture permits:**

**(a) Young falcons may be removed from their eyries only between 15 and 26 days of age. At least one nestling must be left in each eyrie prior to fledging.**

**(b) Take of passage peregrine falcons (those falcons passing through Oregon, not nesting in Oregon) is unlawful.**

**(c) Each falconer who takes a peregrine falcon from the wild must report the sex and precise capture location to the Department and the U.S. Fish and Wildlife Service within 5**

**days after. If the falconer later determines that the sex of any peregrine falcon taken was reported incorrectly, then the falconer must submit a corrected report as soon as possible after discovering the error.**

**(d) Falconers must band each peregrine falcon taken with a band provided by the Department.**

**(e) After a captured falcon reaches 30 days of age, the falconer must pluck breast feathers from the falcon and submit them to the U.S. Fish and Wildlife Service, along with a written record of the precise location of where the bird was taken from in the wild. The address for submission is U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, Virginia 22203-1610.**

**(4) [(3)]** Upon taking the raptor authorized, the permittee shall immediately validate the permit by recording the date, species, sex, county, and capture method and signing his/her name in the space provided. At the time of capture, the permittee shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within ~~[seven]~~ **five business** days of capture, the permittee shall take the bird to a Department office to have the permit certified.

**5 [(4)]** Lost, raptors at hack, or captive bred raptors may be retrapped at anytime without a capture permit. All other raptors captured shall be immediately released.

**6 [(5)]** Exportation of wild caught raptors -- No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state.

**(7) [(6)]** An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.

**(8) Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts.**

Statutory Authority: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

**635-055-0075 Disposition of [~~Accidently~~] Accidentally Killed Wildlife**

Any licensed falconer, whose raptor [~~accidently~~] accidentally kills wildlife during closed season, or of the wrong species or sex, shall promptly turn in the wildlife to the Department, or Oregon State Police.

Statutory Authority: ORS Ch. 496

Stats Implemented: ORS Ch. 496

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