

Oregon Falconry Rules - Authorizing the take of peregrine falcons.

February 8, 2008

Background

The sport of falconry, which is authorized by Oregon statute, permits the Commission by rule to issue falconry licenses unless otherwise prescribed by law. In Oregon, falconry regulations were first adopted in 1977; revised and updated in both 1990 and 2002. All activities regarding possession of raptors are also governed by federal regulation under the Migratory Bird Treaty Act. Eleven indigenous species are currently permitted to be taken for falconry purposes. Species that are listed as either threatened or endangered are precluded from "take" from the wild. 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 possibility of taking peregrine falcons (that nest in Oregon) 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 March 2004, at the discretion of each State (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 that 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. This is to ensure that no more than 5 percent of any cohort is harvested in a given year. 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 concurs with this view.

Falconry Rule Amendment

The proposed amendments to this rule address limited take of peregrine falcons for falconry purposes. The department received and reviewed rule proposals that were provided by OFA. The department has met with OFA and the Audubon Society of Portland and discussed these proposals. The draft rules that are presented here are based upon those discussions. As agreed, the department, OFA and Audubon are also working on permit guidelines for taking nestlings from the wild, which will be provided by the department along with the raptor capture permits. The department is also 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.

In addition to adding provisions for the taking of peregrine falcons, the proposed rule also adds a new definition and makes one other correction. The rule does not address permit fee changes at this time, which will be addressed in a separate process.

Usage

Taking peregrine falcons from the wild for falconry will be permitted only by "master" falconers who apply and are successful in receiving a raptor capture permit from the department for taking peregrine falcons. Permits will be issued in the order received by the department and will not exceed the maximum number of young birds allowed in the current season. Permit guidelines will provide permitted falconers with certain conditions required by the USFWS and the department as well as other practical guidance.