

**Oregon Falconry Rules - Authorizing the take of peregrine falcon.
December 2009**

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 February and December 2008. All activities regarding possession of raptors are also governed by federal regulation under the Migratory Bird Treaty Act. 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 permit the take of peregrine falcons (that nest in Oregon) for falconry purposes. "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 and 2008. The "take" of peregrine falcons for falconry was first authorized by the Commission in 2008. The governing federal regulations allow up to a maximum take of five percent of the nestlings in the 12 western states. This is to ensure that no more than five percent of any cohort is harvested in a given year.

Falconry Rule Amendment

The proposed amendments to this rule address the establishment of allowable take of no more than seven peregrine falcons to be taken for falconry purposes in 2010 by permitted master falconers. The rule also makes permanent a temporary rule (May 2009) which authorizes the take of post-fledgling first-year peregrine falcons (away from the nest) through August 31st each season. This is authorized by USFWS in their "Final Environmental Assessment and Management Plan" dated August 2008.

Following alleged unlawful activity of five falconers who were charged and await court action, language is incorporated in these rules to clarify the authority of the department to suspend and/or revoke licenses and permits during the course of any legal proceeding and in the event of any wildlife conviction.

The department has met with the Oregon Falconers Association (OFA) and the Audubon Society of Portland and discussed these proposals. The draft rules that are presented here are based upon those discussions.

The U.S. Fish and Wildlife Service (Monitoring Plan for the American Peregrine Falcon" (2003)), designated 2009 as a national comprehensive survey year for breeding peregrine falcons. In Oregon, the department has been working closely with Oregon State University, the Audubon Society, OFA, U.S. Fish and Wildlife Service and the Peregrine Working Group for Oregon to complete monitoring of peregrine nest sites to record nest site occupancy and productivity of young in the wild. This survey effort involving 80

biologists and volunteers is the most complete survey effort since 2006 and provides the best picture of peregrine recovery in the state.

Usage

Possession of peregrine falcons taken from the wild will be permitted only by "master" falconers who apply for and are successful in receiving a raptor capture permit from the department for a peregrine falcon. Permits will be issued as in 2009 by way of a lottery draw and will not exceed the maximum number (seven) of young birds allowed in the 2010 season. Nestling peregrine falcon "take" will be allowed only by persons authorized by the department during nest-site management activities on man-made structures (e.g. bridges and buildings). Any nestlings taken may be made available to master falconers who possess an unfilled peregrine capture permit for the current capture season. The proposed rule also makes permanent a temporary rule (May 2009) which authorizes the take of post-fledgling first-year peregrine falcons (away from the nest) by master falconers only - through August 31 of each season. This "take" was authorized by USFWS in their "Final Environmental Assessment and Management Plan" dated August 2008.

In 2009,10 applications were received by qualified falconers and seven permits were issued. Five permits were returned (four as a result of alleged unlawful action at a nest site location in Curry County, one from the non-resident permit holder) and two permit-holders were not successful.

These amended rules along with permit conditions and other necessary guidelines will provide permitted falconers with a framework required by both the USFWS and the department for taking peregrine falcons for falconry in 2010.