

**DIVISION 55  
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" 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) "Management or operational activities" means activities on nest-site structures (bridges or buildings) that are operational or maintenance actions to the structure deemed necessary by the structure owners or managers. These activities do not include nest entries for the purposes of banding birds for scientific purposes.**

(4) **(5)** "Passage" means first year migrant raptors capable of flight.

(5) **(6)** "Post-fledgling" means a young first-year bird capable of flight which has recently flown from its nest.

(6)**(7)** "Raptor" means any species or hybrid of the families Strigidae, Falconidae and Accipitridae.

(7)**(8)** "Raptors at hack" means the intentional release of a raptor as a training technique, with the expectation of recapture after a period of time.

(8)**(9)** "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.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 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 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 e.g. by permit) 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) Any adult raptor inadvertently taken must be immediately released.

(4) Only the following raptor species and number of each ~~shall~~ **may** 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.

(5) 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 Sec. 22.24.

(6) Peregrine falcons maybe taken statewide. [~~By January 1 of each year, t~~] 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) 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 Sec. 10 are allowed.

Stat. Auth.: 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, peregrine 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, except for capture permits for peregrine falcons, will be issued on a first come first served basis.

(1) A nonrefundable application fee of \$15.00 (plus a \$2.00 license agent fee) will be charged for each capture permit allowing the capture of one raptor per permit.

(2) Except for take of peregrine falcons, the Department will issue capture permits in the order applications are received. The permit process will begin January 1st of each year, and applicants must hold a valid Oregon falconry license. The category of species shall be listed on the permit (e.g. "golden eagle", "gyrfalcon", "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 except for peregrine falcon nestlings; the permit is not transferable.

(3) Capture permit applications for peregrine falcons may be submitted to the Department beginning January 1st and received no later than March 1st of each year. The Department will issue peregrine falcon capture permits by way of a lottery draw pursuant to OAR 635-055-0037.

**(4) If a permit holder violates any of the following rules, the Department will invalidate his or her peregrine capture permit.**

(a) The first four (4) resident peregrine capture permit applications drawn from the lottery who have indicated on their application form their wish to take a nestling peregrine falcon, will be authorized to take a nestling from a natural nest site, or take a post fledgling bird (pursuant to 635-055-0035 (5) (b)). Resident permit holders who are authorized to take a nestling from a natural site must notify the ODFW Falconry Program in writing the names and locations (by providing a clearly marked hardcopy map with sufficient labels and information to determine location; a Public Land Survey System which includes Township, Range, Section, Quarter Section, and Quarter; or a coordinate pair (latitude/longitude, or UTM/Meters) derived from a GPS unit indicating brand and model) of the nest sites they have selected for potential nestling take within two weeks of receiving their raptor capture permit from the department. Resident master falconer permit-holders may instead accept a nestling peregrine falcon taken by persons authorized by the department from man-made structures. This will only occur in circumstances where nestlings need to be removed from a nest during management or operational activities to nest-site structures. In the event that nestlings become available from structures, resident permits will be given preference over nonresidents in the sequence drawn in the lottery.

(b)The remaining two (2) successful resident applicants may accept a young peregrine falcon taken by persons authorized by the department from man-made structures. This will only occur in circumstances where nestlings need to be removed from a nest during management or operational activities to nest-site structures, or take a post-fledgling bird (pursuant to 635-055-0035 (5) (b)).

(c) Of the number of permits available for issuance annually, the Department will make one such permit available to nonresidents. The nonresident permit holder may accept a nestling peregrine falcon taken by persons authorized by the department from man-made structures. This will only occur in circumstances where nestlings need to be removed from a nest during management or operational activities to nest-site structures; or the permit holder may take a post-fledgling bird (pursuant to 635-055-0035 (5) (b)).

(5) 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, and ~~shall~~ **will** specify where the permit-holder may capture peregrine falcons. The following general conditions apply to all peregrine falcon capture permits:

~~[(A) Nestling (eyas) peregrine falcons may not be removed from the nest by falconers. **EXCEPTION:** nestling peregrine falcons may be removed from nests on man-made structures (e.g. bridges or buildings) by persons authorized by the department during nest site management activities. Such nestlings may be made available to master falconers who possess an unfilled peregrine capture permit for the current capture season.]~~

**(a) Young falcons may be removed from their eyries (nests) from May 15th to June 30th daily and only when between 15 and 24 days of age. At least one nestling must be left in each eyrie prior to fledging.**

**(A) Prior to any nest entry, permit-holders must monitor each potential nest site to assess the presence and occupancy of nesting peregrine falcons and determine the presence and chronology of nestlings in the selected nest(s) (following established protocol U.S. Fish and Wildlife Service, 2003. Monitoring Plan for the American Peregrine Falcon, A species recovered under the Endangered Species Act. U.S. Fish and Wildlife Service, Divisions of Endangered Species and Migratory Birds and State Programs, Pacific Region, Portland, OR. 53 pp.) The permit-holder must identify the site location (by providing a clearly marked map with sufficient labels and information to determine location; a Public Land Survey System which includes Township, Range, Section, Quarter Section, and Quarter; or a coordinate pair (latitude/longitude, or UTM/Meters) derived from a GPS unit indicating brand and model); the number of young in the nest and approximate ages of the nestlings on a form provided by the Department; and nest monitoring documentation collected to date at the specific nest site proposed for entry. This information must be reported in writing to the ODFW Falconry Program at least seven (7) days prior to attempting any nest entry.**

**(B) Permit-holders must contact in writing or by phone the appropriate ODFW biologist in the District or Watershed in which the nest(s) are located at least seven (7) days prior to proposed nest entry. Where nests are located on federal land, permit holders must also contact U.S. Forest Service or Bureau of Land Management biologists before entering nest sites. State and federal biologists may accompany permit-holders during take activities.**

**(C) Permittee must be present when the nestling is being removed from the eyrie.**

~~(B)~~**(b)** A post-fledgling peregrine falcon may be taken (trapped) by a permitted master falconer after the falcon flies from its nest through August 31st.

~~(i)~~**(A)** Trapping attempts will be permitted only at locations approved by the Department.

~~(ii)~~**(B)** Permittee must be present at all times whenever a trap is in operation while attempting to take a post-fledgling peregrine falcon.

~~(b)~~**(C)** A permit holder must notify the Department's Falconry Program at the Salem headquarters office prior to the proposed dates of any peregrine falcon capture attempts. Proposed capture locations must be disclosed to the Department program staff prior to attempting to capture a post-fledgling peregrine falcon.

(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 following capture **(by providing a clearly marked map with sufficient labels and information to determine location; a Public Land Survey System which includes Township, Range, Section, Quarter Section, and Quarter; or a coordinate pair (latitude/longitude, or UTM/Meters) derived from a GPS unit indicating brand and model).** 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)~~**(6)** 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 five business days of capture, the permittee shall take the bird to a Department office to have the permit certified.

~~(5)~~**(7)** Lost, raptors at hack, or captive bred raptors may be re-trapped at anytime without a capture permit. All other raptors captured shall be immediately released.

~~(6)~~**(8)** 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)~~**(9)** An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.

~~(8)~~**(10)** Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts.