

DIVISION 55

FALCONRY LICENSES, PERMITS AND REQUIREMENTS

635-055-0002

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.

(3) "Indigenous raptor", for purposes of falconry, means golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipter striatus*), Cooper's hawk (*Accipter cooperii*), northern goshawk (*Accipter gentilis*), red-tailed hawk (*Buteo jamaicensis*), **Red-shouldered hawk (*Buteo lineatus*)**, 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.

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

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

(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.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

635-055-0030

Limitations on Species Captured and/or Held

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

(2) Only the following raptor species and number of each 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 great horned owls may be taken as nestlings only.

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

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

5 (d) Merlin -- unlimited and statewide except no nestling merlins may be taken.

6 (e) Gyrfalcon -- only **three (3)** gyrfalcons may be captured during a capture season. Gyrfalcons may
7 be captured statewide. Gyrfalcon capture permits are issued to Master Falconers only and an individual
8 falconer may not capture more than one gyrfalcon per capture season. All gyrfalcon capture permit
9 holders will be notified when the quota has been reached. No take of gyrfalcons is authorized for non-
10 resident falconers.

11 (3) Golden eagle -- unlimited, capture authorized for counties east of the crest of the Cascade
12 Mountain range only. Golden eagle capture permits are issued to Master Falconers only. Golden eagles
13 may be captured, imported and/or used for falconry only in accordance with Federal falconry standards
14 as detailed in 50 CFR§22.24.

15 (4) Peregrine falcons maybe taken statewide. Peregrine falcon capture permits are issued to Master
16 Falconers only. The Commission will establish allowable take of peregrine falcons, not to exceed five
17 percent of the estimated annual productivity of young peregrine falcons in Oregon, as required by U.S.
18 Fish and Wildlife Service in its Environmental Assessment for the Take of Nestling Peregrine Falcons
19 (Federal Register March 10, 2004, Volume 69, Number 47, page 11455).

20 **(5) Red-shouldered hawk -- only three (3) may be captured during a capture season. Red-**
21 **shouldered hawk may be captured statewide, except no nestlings may be taken.**

22 (5) (6) The possession of legally acquired non-indigenous raptors listed as a migratory bird in 50
23 CFR§10.13 is allowed. Only indigenous raptor species, raptors listed in 50 CFR§10.13 and raptors
24 classified as non-controlled or controlled in the Oregon Wildlife Integrity Rules (OAR 635-056) are
25 allowed. The possession for falconry purposes of hybrid raptors of species listed in 50 CFR§10 are
26 allowed.

27 Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

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

29
30
31
32

1 **635-055-0037**

2 **Peregrine Falcon Capture Permit**

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

6 (2) The Department will not accept a permit application from any person who:

7 (a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal
8 abuse laws;

9 (b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take
10 of wildlife;

11 (c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or

12 (d) Has had his or her hunting or fishing license suspended for a wildlife violation.

13 (3) A \$15.00 application fee (plus a \$2.00 license agent fee) must be submitted with the application.
14 Application fees are nonrefundable, whether or not an applicant is successful in the drawing.

15 (4) Peregrine capture permit applications (including fees) must be submitted to the Department's
16 Salem headquarters office no later than March 1 each year.

17 (a) If hand delivered, an application must be received at Department headquarters office (~~3406 Cherry~~
18 ~~Ave, NE, Salem, OR, 97303~~ **4034 Fairview Industrial Drive, SE, Salem, OR, 97302-1142**) by 5:00
19 p.m. on March 1

20 (b) If sent via postal mail, an application must be postmarked no later than March 1.

21 (5) If an applicant violates any of the following restrictions, the Department will remove his or her
22 application from the drawing.

23 (a) An applicant may submit only one peregrine capture permit application per capture season.

24 (b) An applicant must submit a completed application containing name, license number, address, and
25 phone number.

26 (6) The Department will conduct the lottery to award peregrine falcon capture permits by drawing
27 names of eligible entrants at random. To participate in the lottery, a person must:

28 (a) If an Oregon resident possess a current Master Falconers license as per OAR 635-055-0002; or

29 (b) If a nonresident possess a Master Falconers license from a state having a federally approved
30 falconry program.

31 (7)(a) During each year's lottery, the Department will draw ~~six~~ **nine** Oregon resident applications and
32 two alternates, plus one non-resident application and a non-resident alternate.

1 (b) The Department will notify successful applicants and alternates by mail. If the applicant does not
2 reply in writing (mail, fax, or email) within 10 calendar days, the applicant will be disqualified and the
3 Department will offer the permit to the next alternate. If neither alternate replies in the required time, the
4 permit will not be issued. **If no qualified nonresident applies for or accepts a peregrine falcon take**
5 **permit, the permit will be allocated to a qualified resident applicant drawn next in sequence in the**
6 **lottery draw.**

7 (8) If a permit holder violates any of these following rules **or permit conditions**, the Department will
8 invalidate his or her peregrine capture permit. Taking of a peregrine falcon without a valid permit is a
9 violation of these rules and is therefore an unlawful taking.

10 (a) **Up to ten permits will be made available annually by the department to eligible master**
11 **falconers; nine such permits will be issued to resident falconers in good standing.** The first four (4)
12 resident peregrine capture permit applications drawn in the lottery (indicating on the application form a
13 wish to take a nestling peregrine falcon) will be authorized to take a nestling from a natural nest site, or to
14 take a post fledgling bird (pursuant to 635-055-0035 (5)(b)). Resident permit holders who are authorized
15 to take a nestling from a natural site must provide the Department Falconry Program in writing with a
16 clearly marked hardcopy map with sufficient labels and information to determine location (Public Land
17 Survey System data which includes Township, Range, Section, Quarter Section, and Quarter or a
18 coordinate pair [latitude/longitude, or UTM/Meters] derived from a GPS unit indicating datum, brand and
19 model) of the nest sites they have selected for potential nestling take. Such information must be received
20 by the Department within two weeks after receipt of a raptor capture permit. Resident master falconer
21 permit holders may instead accept a nestling peregrine falcon taken by persons (authorized by the
22 Department) from man-made structures (but only where nestlings need to be removed from a nest during
23 management or operational activities on the structures). In the event that nestlings become available from
24 structures, resident permits will be given preference over nonresidents in the lottery.

25 (b) ~~The remaining two (2)~~ Successful resident applicants may **also** accept a young peregrine falcon
26 taken by persons (authorized by the Department) from man-made structures (but only where nestlings
27 need to be removed from a nest during management or operational activities on the structures).
28 Alternatively, the permit holder may take a post-fledgling bird (pursuant to 635-055-0035 (5) (b)).

29 (c) Of the number of permits available for issuance annually, the Department will make one such
30 permit available to **a** nonresidents. The nonresident permit holder may **only** accept a nestling peregrine
31 falcon taken by persons (authorized by the Department) from man-made structures (but only where

1 nestlings need to be removed from a nest during management or operational activities on the structures).
2 Alternatively, the permit holder may take a post-fledgling bird (pursuant to 635-055-0035 (5) (b)).

3 (9) Each permit will include conditions crafted by the Department on a case by case basis to address
4 the capture proposal **and include conditions considered appropriate by the Department.** ~~Such~~
5 ~~conditions may include, but are not limited to, requirements to protect the safety of falconers and other~~
6 ~~humans during capture of peregrine falcons, and will specify where the permit holder may capture~~
7 ~~peregrine falcons.~~ The following general conditions apply to all peregrine falcon capture permits:

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

11 (A) Prior to entering any nest, a permit holder must monitor each potential nest site to assess the
12 presence and occupancy of nesting peregrine falcons and determine the chronology of nestlings in the
13 selected nest(s) by following a protocol provided by the Department. Using a form provided by the
14 Department, ~~the permit holder must notify the Department of the site location (by providing a clearly~~
15 ~~marked map with sufficient labels and information to determine location using either Public Land Survey~~
16 ~~System data which includes Township, Range, Section, Quarter Section, and Quarter or a coordinate pair~~
17 ~~[latitude/longitude, or UTM/Meters] derived from a GPS unit indicating datum, brand and model); the~~
18 ~~names of the property owners; the number of young in the nest and approximate ages of the nestlings;~~
19 ~~and nest monitoring documentation collected to date at the specific nest site proposed for entry. The~~
20 ~~permit holder must provide this information to the Department Falconry Program at least seven (7) days~~
21 ~~prior to attempting any nest entry.~~

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

27 (C) The permit holder must be present when the nestling is being removed from the eyrie.

28 (b) A post-fledgling peregrine falcon may be taken (trapped) by a permitted master falconer during
29 the time period between when the falcon first flies from its nest through August 31st.

30 (A) ~~Trapping may be attempted only at locations approved by the Department.~~

31 (B A) The permit holder must be present at all times whenever a trap is in operation while attempting
32 to take a post-fledgling peregrine falcon.

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

5 (c) Each permit holder who takes a peregrine falcon from the wild must report the sex and precise
6 capture location to the Department ~~and the U.S. Fish and Wildlife Service~~ within 5 days following
7 capture by providing a clearly marked map with sufficient labels and information to determine location
8 ~~using Public Land Survey System data which includes Township, Range, Section, Quarter Section, and~~
9 ~~Quarter or a coordinate pair (latitude/longitude, or UTM/Meters) derived from a GPS unit indicating~~
10 ~~datum, brand and model.~~ If the falconer later determines that the sex of any peregrine falcon taken was
11 reported incorrectly, then the falconer must submit a corrected report as soon as possible after
12 discovering the error.

13 (d) Permit holders must band each peregrine falcon taken with a band provided by the Department.

14 (e) After a captured falcon reaches 30 days of age, the permit holder must pluck breast feathers from
15 the falcon and submit them to the Department along with the a written record of the precise location of
16 where the bird was taken from in the wild.

17 (10) Upon taking the raptor authorized, the permit holder must immediately validate the permit by
18 recording the date, species, sex, county, and capture method and signing his or her name in the space
19 provided. At the time of capture, the permit holder must affix the permanent plastic band, issued with the
20 permit, to one leg of the bird. Within five business days of capture, the permit holder must take the bird
21 to a Department office to have the permit certified.

22 (11) Peregrine falcon capture permits are not transferable.

23 Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

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